

## DOWAGIAC CITY COUNCIL MEETING

Monday January 14, 2013

A regular meeting of the Dowagiac City Council was called to order by Mayor Donald D. Lyons at 7:00 p.m.

Mayor Lyons led the Pledge of Allegiance to the flag.

PRESENT: Mayor Donald D. Lyons; Mayor Pro-Tem Leon D. Laylin; Councilmembers Charles K. Burling, James B. Dodd, Randall G. Gross, Sr., Lori A. Hunt and Bob B. Schuur.

STAFF: City Manager Kevin P. Anderson and City Clerk James E. Snow.

Councilmember Laylin moved and Councilmember Burling seconded that the minutes of the December 10, 2012 meeting be approved.

Approved unanimously.

### PRESENTATION

1. Mayoral Presentation to Miss Dowagiac Erica Greenwood.

Mayor Lyons presented to Miss Dowagiac, Erica Greenwood, the key to the City and other Dowagiac gifts.

### COMMUNICATIONS

1. Martin Luther King, Jr. Day Celebration, January 20, 2013

Councilmember Laylin moved and seconded by Councilmember Hunt to approve the request.

Approved unanimously.

2. Ice Time Festival, February 2, 2013

Councilmember Schuur moved and seconded by Councilmember Gross to approve the request.

Approved unanimously.

### APPOINTMENT

1. Dart- Recommended by Mayor and offered by Mayor Pro-Tem: Appoint EJ Jerz to fill Walter Kabara's unexpired term of May 2014.

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Councilmember Schuur moved and Councilmember Dodd seconded to approve the Mayor's appointment.

Approved unanimously.

RESOLUTIONS

1. Resolution authorizing an Intergovernmental Agreement of a Local Revenue Sharing Board.

Councilmember Laylin offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

**WHEREAS**, the Amended Compact between the Pokagon Band of Potawatomi Indians and the State of Michigan provides that the local units of government that are in the immediate vicinity or are otherwise directly affected by the casino may form a Local revenue Sharing Board (LRSB); and

**WHEREAS**, participation in the LRSB will serve the interests of the citizens of the City of Dowagiac; and

**WHEREAS**, terms and conditions of an intergovernmental agreement have been negotiated and are attached to this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Dowagiac does hereby approve the attached agreement and authorize the Mayor and City Clerk to sign said agreement.

ADOPTED unanimously.

2. Resolution to appoint the Mayor as primary member to Local Revenue Sharing Board and the City Manager as the alternate member.

Councilmember Laylin offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

**WHEREAS**, the Amended Compact between the Pokagon Band of Potawatomi Indians and the State of Michigan provides that the local units of government that are in the immediate vicinity or are otherwise directly affected by the casino may form a Local Revenue Sharing Board; and

**WHEREAS**, it is necessary that an appointment to the Local Revenue Sharing Board be made by resolution of the respective bodies of the parties to the Interlocal Agreement that are entitled to a seat on the Local Revenue Sharing Board; and

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**WHEREAS**, the parties to the Interlocal Agreement are entitled to make appointments to the Local Revenue Sharing Board including an alternate to serve in the absence of the primary appointee.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that pursuant to Paragraph 3B of the Interlocal Agreement and the Compact, the City of Dowagiac appoints the Mayor of the City of Dowagiac to serve as the primary member of the Local Revenue Sharing Board whose term shall be coterminous with his term on the Dowagiac City Council.

**BE IT FURTHER RESOLVED** that pursuant to Paragraph 3B of the Interlocal Agreement and the Compact, the City of Dowagiac hereby appoints the City Manager of the City of Dowagiac as the alternate to act and serve on the Local Revenue Sharing Board in the absence of the Mayor.

ADOPTED unanimously.

3. Resolution to set a public hearing for Monday, January 28, 2013 at 7:00 p.m. for consideration of declaring 515 S. Front Street a public nuisance property.

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Gross.

**WHEREAS**, the City Council has received and considered a report from the City's Building Official relating to the following-described property and premises within the City of Dowagiac, County of Cass, State of Michigan:

**515 S. Front Street**

**Tax #14-160-100-459-00**

**Described as follows: LOT 5, EX COM AT NELY COR, NWLY ON NELY LINE TO NWLY COR, SWLY ON NWLY LINE 21 FT, SELY PARALLEL WITH NELY LINE TO SELY LINE, NELY ON SELY LINE 21 FT TO PL OF BEG. ALSO EX COM AT SELY COR, NWLY ON SWLY LINE TO SWLY COR, NELY ON NWLY LINE 13 FT, SELY PARALLEL WITH SWLY LINE TO SELY LINE, SWLY ON SELY LINE 13 FT TO PL OF BEG. JUSTUS GAGE'S ADD CITY OF DOWAGIAC.**

**WHEREAS**, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 38; Article II, Sections 38-41, 38-42, 38-43 and 38-45, justifying abatement by the City

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pursuant to the powers granted in Chapter 12 of the City Charter and procedures set forth in Chapter 38 of the Code of Ordinances of the City of Dowagiac; and

**WHEREAS**, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 38 of said Code for the purpose of ascertaining and determining for itself whether such condition(s) exist.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Dowagiac will conduct a public hearing and investigation on January 28, 2013 at 7:00 p.m. in the City Council Chambers, Dowagiac City Hall, for the purposes and according to the procedures referred to above; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to:

1. Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation.
2. Cause a notice to be published in the *Dowagiac Daily News* at least ten (10) days in advance of said hearing. Then notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 38, Sections 38-41, 38-42, 38-43 and 38-45.
3. Provide for the recording of such hearings.

ADOPTED unanimously.

4. Resolution to set a public hearing for Monday, January 28, 2013 at 7:00 p.m. for consideration of declaring 228 E. High Street a public nuisance property.

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Gross.

**WHEREAS**, the City Council has received and considered a report from the City's Building Official relating to the following-described property and premises within the City of Dowagiac, County of Cass, State of Michigan:

**228 E. High Street  
Tax #14-160-100-234-00**

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**Described as follows: COM 209.7 FT N & 34.17 FT N 75 DEG W FRM W 1/4 POST SEC 6, T6S,R15W, AT CEN DOW CRK & W LINE CASS AVE, TH N 75 DEG W IN CEN CRK 138.23 FT, TH N 17 DEG 57' E 277.4 FT TO SLY LINE HIGH ST, TH S 60 DEG 31' E ON SD SLY LINE 58 FT TO W LINE CASS AVE, TH S ON W LINE CASS AVE 271.5 FT TO PL OF BEG. UNPLATTED POKAGON SEC 1 CITY OF DOWAGIAC.**

**WHEREAS**, it appears to the City Council that the condition of the property described above may constitute a nuisance as defined by Chapter 38; Article II, Sections 38-41, 38-42, 38-43 and 38-45, justifying abatement by the City pursuant to the powers granted in Chapter 12 of the City Charter and procedures set forth in Chapter 38 of the Code of Ordinances of the City of Dowagiac; and

**WHEREAS**, the City Council believes it is warranted in conducting a public hearing and investigation pursuant to such provisions of Chapter 38 of said Code for the purpose of ascertaining and determining for itself whether such condition(s) exist.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Dowagiac will conduct a public hearing and investigation on January 28, 2013 at 7:00 p.m. in the City Council Chambers, Dowagiac City Hall, for the purposes and according to the procedures referred to above; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to:

1. Notify, by certified mail directed to the last known address, persons known to have an interest in the property described above and all property owners thereof according to the most recent City Assessor's records, at least ten (10) days in advance of the date herein set for such hearing and investigation.
2. Cause a notice to be published in the *Dowagiac Daily News* at least ten (10) days in advance of said hearing. Then notice herein required shall include time and place of said hearing and legal description and address of the property involved, and specify in what respects said property may constitute a nuisance within the meaning of Chapter 38, Sections 38-41, 38-42, 38-43 and 38-45.
3. Provide for the recording of such hearings.

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ADOPTED unanimously.

5. Resolution authorizing budget amendments for FY 2012-13 through the period December 31, 2012.

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

**WHEREAS**, the City administration has reviewed the attached budgets for the 2012-13 fiscal year and the actual revenues and expenditures through December 31, 2012; and

**WHEREAS**, the City administration recommends revision of the attached budgets in accordance with the latest projections available; and

**WHEREAS**, the attached report for these funds indicates the current budget and the recommended budget revisions.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt the attached, recommended revised budgets.

ADOPTED unanimously.

6. Resolution to authorize and direct the City Treasurer to pay the following bills and payroll due:

Councilmember Schuur offered and moved the adoption of the following resolution; seconded by Councilmember Dodd.

**WHEREAS**, the following information has been reviewed by the City Manager and City Treasurer and is being presented to City Council with a recommendation to approve invoices and payrolls #6, #7 and #8 for the period ending 1/10/13:

Invoices:	1,072,046.09
Payroll #6:	121,762.92
Payroll #7:	167,471.20
Payroll #8:	136,291.92
Total:	<u>\$1,497,572.13</u>

**BE IT RESOLVED** that the City Manager and City Treasurer are hereby authorized and directed to pay the following bills and payroll due:

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<u>Invoices</u>	<u>Payroll</u>	<u>Total</u>
\$1,072,046.09	\$425,526.04	\$1,497,572.13

ADOPTED on a roll call vote

Ayes: Six (6) Burling, Dodd, Gross, Hunt, Laylin and Schuur

Nays: None (0)

Absent: None (0)

Abstain: None (0)

Upon motion by Councilmember Laylin, and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 7:18 p.m.

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Donald D. Lyons, Mayor

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James E. Snow, City Clerk