

## DOWAGIAC CITY COUNCIL MEETING

Monday, October 12, 2015

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A regular meeting of the Dowagiac City Council was called to order by Mayor Pro-Tem Laylin at 7:00 p.m.

Mayor Pro-Tem Laylin led the Pledge of Allegiance to the flag.

PRESENT: Mayor Pro-Tem Leon D. Laylin; Councilmembers Charles K. Burling, James B. Dodd, Lori A. Hunt, Danielle E. Lucas, Bob B. Schuur and City Clerk Jane P. Wilson.

ABSENT: Mayor Don Lyons

STAFF: Kevin P. Anderson, City Manager

Councilmember Dodd moved and Councilmember Burling seconded that the minutes of the September 28, 2015 meeting be approved.

Approved unanimously.

### COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Thurman Chennault, Dowagiac resident, spoke regarding election inspector matters.

### PRESENTATION

1. Dowagiac Union School Superintendent, Paul Hartsig, will provide City Council with information regarding the school improvements proposed on the 11/3 ballot.

### COMMUNICATIONS –

1. Borgess Lee-Memorial Tree of Love

Motion by Burling, seconded by Lucas, to approve the event.

Approved unanimously.

### RESOLUTIONS -

1. Resolution to authorize the execution of a Declaration of Notice for Russom Park property per Michigan Natural Resources Trust Fund grant requirements.

Councilmember Schuur offered and moved to approve the following resolution; seconded by Councilmember Hunt.

WHEREAS, the City of Dowagiac received grant funding through the Michigan Natural Resources Trust Fund for the development of Russom Park, and;

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WHEREAS, as a condition of the grant by the DNR, the City has agreed and declares to impose certain restrictions on the developed portion of the property, and;

WHEREAS, the developed portion of the project area property is described as:

Commencing at a point 0° 51' 43" West 1,710.72 feet from the West 1/4 Corner of Section 36, Township 5 South, Range 16 West; thence North 0° 51' 43" West to the Northwest Corner of said Section 36; thence East 1,468.4 feet; thence South 24° 16' 40" East 440.25 feet; thence West 250.0 feet; thence South to a point which is North 89° 29' 1" East of the point of beginning; thence South 89° 29' 1" West to the point of beginning accepting therefrom the West 11 Acres thereof.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac hereby declares that the portion of the property identified as the project area is and shall be held, transferred, sold, conveyed, leased, occupied, and used subject to the obligation herein set forth, all of which shall run with the land.

BE IT FURTHER RESOLVED, that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt and approve the attached Declaration and Notice.

BE IT FURTHER RESOLVED, that Mayor Pro-Tem Leon Laylin and City Clerk Jane Wilson are authorized to sign the Declaration and Notice.

APPROVED unanimously.

2. Resolution to authorize special assessments for blight and property maintenance pursuant to Chapter 18 of City Ordinances.

Councilmember Schuur offered and moved to approve the following resolution; seconded by Councilmember Burling.

**WHEREAS**, Chapter 66, Section 66.19 of the Dowagiac City Code, "Single Lot Assessments-Generally," provides that the City of Dowagiac is authorized to levy a special assessment against single premises for expenses which are chargeable against such premises under the provisions of the Dowagiac City Code; and

**WHEREAS**, the Dowagiac City Council, upon due consideration and deliberation, determined for the preservation of the public peace, health and safety of the city that certain deteriorating property condition(s) existed on private properties described in Appendix A, attached hereto and incorporated herein by reference, and that the abatement by the City of such deteriorating property condition(s) was necessary by virtue of non-compliance with the provisions of Chapter 18 of the Dowagiac City

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Code; and

**WHEREAS**, this expense is chargeable against such premises and the owner thereof under the provisions of the Charter, the Code and the law of the State of Michigan and is not of the class required to be prorated among several lots and parcels of land in a special assessment district; and

**WHEREAS**, an account of labor, material, and services for which such expenses incurred has been billed to the property owner by the City Building Official, as provided in Chapter 66 of the Dowagiac City Code; and

**WHEREAS**, this bill had not been paid; and

**WHEREAS**, the City Manager has directed the City Assessor to prepare a special assessment roll covering all such charges which have not been paid; and

**WHEREAS**, said roll has been filed with the City Clerk and is now being presented to the Council for confirmation and levy; and

**WHEREAS**, said special assessment roll is attached hereto and made a part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Dowagiac City Council hereby confirms the attached special assessment roll for the parcels more fully described in Appendix A attached hereto and incorporated herein by reference and directs the City Administration to levy said assessments against the individual properties therein set forth.

APPROVED unanimously.

3. Resolution to authorize special assessments for past due utility payments that do not comply with Chapter 82, Section 24 of City Ordinances.

Councilmember Hunt offered and moved to approve the following resolution; seconded by Councilmember Burling.

**WHEREAS**, Chapter 82, Section 82.24 (c) of the Dowagiac City Code, "UTILITIES", provides that the City of Dowagiac is authorized to place as a lien on the premises to which electric, water and/or sewer service is provided for delinquent utilities for six (6) months or more; and,

**WHEREAS**, delinquent utilities with such lien are charged on the next property tax bill for the premises; and,

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**WHEREAS**, the Dowagiac City Council upon review of the various single premises described in Appendix A attached hereto and incorporated herein by reference, determined by virtue of non-compliance with the provisions of Chapter 82, Section 82-24 (c) of the Dowagiac City Code.

**WHEREAS**, the City Manager has directed the City Assessor to prepare a special assessment roll covering all such charges which have not been paid; and

**WHEREAS**, said roll has been filed with the City Clerk and is now being presented to the Council for confirmation and levy; and

**WHEREAS**, said special assessment roll is attached hereto and made a part of this resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby confirm the attached special assessment roll for the parcels more fully described in Appendix A attached hereto and incorporated herein by reference and directs the City Administration to levy said assessments against the individual properties therein set forth.

APPROVED unanimously.

4. Resolution to authorize the purchase of in-car computers for police vehicles from Tel-Rad in the amount of \$28,916.32.

Councilmember Burling offered and moved to approve the following resolution; seconded by Councilmember Lucas.

**WHEREAS**, in-car computers will serve to improve the service of the City of Dowagiac's Police Department brings to the community, and;

**WHEREAS**, grant funds have been secured that will reduce the cost to the citizens of Dowagiac, and;

**WHEREAS**, the City has solicited and received competitive bids for the in-car computers.

**WHEREAS**, the low bidder, Tel-Rad, has sufficient experience to perform the tasks specified in the bid documents.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by affirmative vote of its City Council, hereby approves and accepts the proposal from Tel-Rad for purchase and installation of an in-car computer system for police vehicles, and;

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BE IT FURTHER RESOLVED that the City Council directs the City Manager to be authorized as the signatory for execution of the same.

APPROVED unanimously.

5. 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 payroll #01 for the periods ending 9/27/15:

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

<u>BILLS</u>	<u>PAYROLL</u>	<u>TOTAL</u>
\$274,866.19	\$125,556.43	\$400,422.62

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: None (0)

Abstain: None (0)

6. Resolution to authorize a lease with May, Oberfell, Lorber for office space in the James E. Snow Professional Office Building.

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

WHEREAS, the City of Dowagiac owns the professional office building known as the Jame E. Snow Professional Building located at the corner of Front and Main Street in Downtown Dowagiac, and;

WHEREAS, the law firm of May, Oberfell, Lorber needs office space to expand their services to the greater Dowagiac area, and:

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WHEREAS, terms have been negotiated for space in the first floor of the James E. Snow Professional Building,

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby approve the terms of a building lease with May, Oberfell, Lorber, subject to final review and approval by the City Manager and City Attorney, and;

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to complete lease negotiations and act as signatory for the execution of a lease once the document review is complete.

APPROVED unanimously.

ADJOURNMENT –

Upon motion by Councilmember Dodd and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 7:45 PM

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Leon Laylin, Mayor Pro-Tem

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Jane P. Wilson, City Clerk