

## DOWAGIAC CITY COUNCIL MEETING

Monday, October 26, 2015

A regular meeting of the Dowagiac City Council was called to order by Mayor 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, Lori A. Hunt, Danielle E. Lucas, Bob B. Schuur and City Clerk Jane P. Wilson.

ABSENT: None

STAFF: City Manager Kevin P. Anderson

Councilmember Dodd moved and Councilmember Laylin seconded that the minutes of the October 12, 2015 meeting be approved.

Approved unanimously.

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

Aaron Miller spoke about legislative proposals concerning road funding and "Dark Stores."

Leon Anderson, Chair of the LOCC, asked whether action had been taken on the Council's recommendations, which were tabled for further discussion at the September 28, 2015 meeting.

### COMMENTS FROM THE AUDIENCE (AGENDA)

Diane Barrett-Curtis asked about the City's purchase and proposed use of recently acquired property, such as the property located at 204 Commercial Street.

### RESOLUTIONS

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

WHEREAS, utility customers have requested the ability to receive bills via e-mail and/or make payments by eft, and;

WHEREAS, the Utilities Department of the City of Dowagiac is successfully e-mailing utility bills and receiving payments and;

WHEREAS, City Council wants to encourage the use of e-mail billing and eft payments in regards to utility customers.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac does hereby authorize the City Manager to offer a \$5.00 e-mail billing credit and/or a \$5.00 eft payment credit to each utility customer who signs up for e-billing system or eft payment no later than Memorial Day 2016. The credit will be limited to one e-mail billing credit and one eft payment credit per account.

APPROVED unanimously.

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

WHEREAS, Article III of the Dowagiac Code of Ordinances sets forth the duties of the City Manager, and;

WHEREAS, the City Manager shall see that all laws, ordinances, rules and regulations adopted by the City Council and provisions of the Code are properly enforced, and;

WHEREAS, the City Manager is authorized to adopt such administrative regulations in addition to, but not inconsistent with, the Charter and City Code, as he shall deem necessary and proper to provide for the adequate functioning of all departments, and;

WHEREAS, such regulations shall comprise the administrative personnel manual, and;

WHEREAS, the City Manager from time to time shall review said manual and recommend necessary changes.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt the changes to the Administrative Personnel Manual as attached hereto effective immediately.

APPROVED unanimously.

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

WHEREAS, the City has actively pursued the ongoing redevelopment and economic vitality of downtown, and;

WHEREAS, it is in the long-term best interest of the City and the downtown to acquire properties for future development as they become available and as the City has resources available, and;

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WHEREAS, the City negotiated purchase price is consistent with the sales price of other similar properties in downtown, and;

WHEREAS, the City Manager has negotiated a purchase agreement, subject to City Council approval, of \$105,000 for purchase of the property located at 204 Commercial Street that would accommodate said development.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize the City Manager to execute the purchase of said property.

ADOPTED unanimously.

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

WHEREAS, the City has actively pursued the ongoing redevelopment and economic vitality of downtown, and;

WHEREAS, it is in the long-term best interest of the City and the downtown to acquire properties for future development as they become available and as the City has resources available, and;

WHEREAS, the City negotiated purchase price is consistent with the sales price of other similar properties in downtown, and;

WHEREAS, the City Manager has negotiated a purchase agreement, subject to City Council approval, of \$105,000 for purchase of the property located at 204 Commercial Street that would accommodate said development.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby authorize the City Manager to execute the purchase of said property.

ADOPTED unanimously.

5. Council member Laylin, supported by Council member Dodd, moved the adoption of the following resolution:

WHEREAS, in 2009, the City of Dowagiac established the Dowagiac Business Park as a site condominium project by Master Deed; and

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WHEREAS, the City, as developer of the Dowagiac Business Park, constructed Woodhouse Drive and Industrial Drive as private roadways to serve the Dowagiac Business Park; and

WHEREAS, the City, as developer of the Dowagiac Business Park, constructed a sanitary sewer system, a storm sewer collection system, a potable water distribution system, an electrical distribution system, a telephone wiring system, and a cable television/fiber optic wiring system, along with related appurtenances, to serve the Dowagiac Business Park; and

WHEREAS, the City, as developer, has conveyed title to Woodhouse Drive and Industrial Drive, along with corresponding rights-of-ways, as depicted on the Condominium Subdivision Plan, as amended, attached to the Master Deed of Dowagiac Business Park, as amended, to the City of Dowagiac for incorporation into the City's public street system; and

WHEREAS, the City, as developer, has conveyed title to all components of the sanitary sewer system, storm sewer collection system, potable water distribution system, electrical distribution system, telephone wiring system, and cable television/fiber optic wiring system, along with related appurtenances, that serve the Dowagiac Business Park (the "Business Park Utilities"), to the City of Dowagiac for incorporation into the City's public utility systems; and

WHEREAS, the City of Dowagiac wishes to accept Woodhouse Drive and Industrial Drive as public infrastructure; and

WHEREAS, the City of Dowagiac wishes to accept the Business Park Utilities as public utilities; and

WHEREAS, the streets and utilities described above have been constructed in compliance with the ordinances and regulations of the City of Dowagiac and have been inspected and approved by the City's Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the center lines of Woodhouse Drive and Industrial Drive are depicted on the Condominium Subdivision Plan, as amended, attached to the Master Deed of Dowagiac Business Park, as amended.
2. That Woodhouse Drive and Industrial Drive are located within City of Dowagiac public rights-of-way, are under the control and supervision of the City of Dowagiac Department of Public Works, and shall be maintained, including, but not limited to, snow removal, repaired, replaced, operated, expanded and improved by the City of Dowagiac.
3. That Woodhouse Drive and Industrial Drive are public streets dedicated to public street and highway purposes.
4. That Woodhouse Drive and Industrial Drive are accepted into the City of Dowagiac local street system and the City Engineer is directed to designate and delineate said roadways on the official maps and records of the City.

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5. That the City of Dowagiac police and fire departments shall provide police, fire and emergency services to the Dowagiac Business Park in a similar manner, and at the same priority, as other areas within their respective jurisdictions.
6. That the Business Park Utilities are located within City of Dowagiac public rights-of-way, are under the control and supervision of the City of Dowagiac Department of Public Works, and shall be maintained, repaired, replaced, operated, expanded and improved by the City of Dowagiac.
7. That the Business Park Utilities are public utilities dedicated to public utility purposes.
8. That the Business Park Utilities are accepted into the City of Dowagiac public utility systems.

YEAS: Council members: Laylin, Burling, Dodd, Lucas, Hunt, Schuur

NAYS: Council members: None

ABSTAIN: Council members: None

ABSENT: Council members: None

**RESOLUTION DECLARED ADOPTED.**

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

**WHEREAS,** Dowagiac City Code, Article V – Electric Provisions and Rates, Section 82-262: Application for Service, allows for the provision of both separate and/or special agreements between the City and an electric customer, and;

**WHEREAS,** City administration wishes to establish a Utility Extension Agreement to outline the conditions and terms under which a separate and/or special agreement is granted, and;

**WHEREAS,** Creative Foam Corporation has requested additional electric capacity be supplied to their facility located at 55210 Rudy Road, Dowagiac, Michigan to accommodate additional manufacturing equipment, necessitating the creation and approval of such agreement, and;

**WHEREAS,** the agreement between the City and Creative Foam Corporation provides for the application of construction cost credits for additional electric usage over a two (2) year period to off-set the City's expense for installation of utilities, and;

**WHEREAS,** at the end of the two (2) year period Creative Foam will be billed for remaining costs of improvements, if any, and;

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**WHEREAS**, the attached agreement, which satisfies the requirements of Dowagiac City Code, and which has been approved by Creative Foam Corporation, is hereby recommended for approval.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt and approve the Utility Extension Agreement with Creative Foam Corporation, as attached herewith and by reference made a part hereof, for extension of additional electric capacity at their facility located at 55210 Rudy Road, Dowagiac, Michigan and in complete compliance with the requirements of Dowagiac City Code.

**BE IT FURTHER RESOLVED** that the City Manager be authorized and directed to act as signatory for the execution of same.

Adopted unanimously.

7. Councilmember Burling offered and moved the adoption of the following resolution; seconded by Councilmember Lucas.

**WHEREAS**, a strong, quality educational system is important to the overall economic and social fabric of communities, and;

**WHEREAS**, The Dowagiac Union School District has been transparent in their efforts to study options for improving aging buildings and communicate their findings with the community, and;

**WHEREAS**, the City of Dowagiac City Council has reviewed in detail Dowagiac Union School District's millage election proposals and find that the proposed improvements are necessary to creating the best possible educational opportunities for the children of the community, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac hereby encourage all citizens to exercise their right to vote in the November 3, 2015 general election and support critical improvements to the Dowagiac Union School District facilities.

Adopted unanimously.

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8. 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 Burling.

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 #2 for the periods ending 10/11/15:

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 #2 for the period ending 10/11/15:

<u>BILLS</u>	<u>PAYROLL</u>	<u>TOTAL</u>
\$772,448.99	\$120,327.45	\$892,757.44

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

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: None (0)

Abstain: None (0)

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

**WHEREAS**, the Michigan Open Meetings Law, Public Act 267 of the Public Acts of 1976 as amended, provides that public bodies may meet in closed session for the purpose to discuss litigation; and

**WHEREAS**, the Mayor and City Council desire to meet with the City Manager to discuss the aforementioned items.

**NOW, THEREFORE, BE IT RESOLVED** the City Council will hereby adjourn to closed session to discuss litigation.

Adopted unanimously.

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ADJOURNMENT

Upon motion by Councilmember Dodd and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 7:50 PM.

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Donald D. Lyons, Mayor

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Jane P. Wilson, City Clerk