

DOWAGIAC CITY COUNCIL MEETING

Monday October 28, 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. and Bob B. Schuur.

ABSENT: Councilmember Lori A. Hunt.

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

Councilmember Laylin moved and Councilmember Dodd seconded that the minutes of the October 14, 2013 meeting be approved.

Approved unanimously.

PUBLIC HEARING –

1. Public hearing to receive public comments on the proposed Wastewater Treatment Plant Improvements Project.

City Manager Anderson gave a brief overview of the project. Jeff Pugh, FLEIS & VANDENBRINK ENGINEERING, INC., Grand Rapids, MI gave a power point presentation.

Mayor Lyons opened the public hearing at 7:29 pm. Mayor, Councilmembers and City Manager discussed with Mr. Pugh areas of concern for clarification.

Audience speaking: Junior Oliver, 416 Chestnut Street, Dowagiac, MI

Mayor closed the public hearing at 7:58 pm.

Clerk's Note: Karyn Schultz, stenographer, took and will transcribe dictation of the public hearing.

APPOINTMENTS

1. Cemetery Board- Recommended by Mayor and offered by Mayor Pro-Tem: Appoint Janice Hadley to fill an unexpired term of May 2014.

Councilmember Burling moved and Councilmember Gross seconded to approve the Mayor's appointment.

Approved unanimously.

RESOLUTIONS

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1. Resolution to adopt a final project plan for Wastewater system improvements and designating an authorized project representative.

A RESOLUTION ADOPTING A FINAL PROJECT PLAN FOR WASTEWATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE

WHEREAS, the City of Dowagiac (legal name of applicant) recognizes the need to make improvements to its existing wastewater treatment and collection system; and

WHEREAS, the City of Dowagiac (legal name of applicant) authorized Fleis & Vandenbrink Engineering, Inc. (name of consulting engineering firm) to prepare a Project Plan, which recommends the construction of improvements to the City of Dowagiac Wastewater Treatment Plant as specified in the SRF Project Plan Amendment 1; and

WHEREAS, said Project Plan was presented at a Public Hearing held on October 28, 2013 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Dowagiac (legal name of applicant) formally adopts said Project Plan and agrees to implement the selected alternative (Alternative No. ~~xxxxxxx~~ WWTP-C-2 and Alternative No. WWTP-D-3.

BE IT FURTHER RESOLVED, that the City Manager (title of the designee's position), a position currently held by Kevin P. Anderson (name of the designee), is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

Moved by Councilmember Gross, seconded by Councilmember Burling

Yeas: Five (5) Burling, Dodd, Gross, Laylin and Schuur

Nays: None (0)

Abstain: None (0)

Absent: One (1) Hunt

The Resolution was therefore declared adopted, James E. Snow, City Clerk
James E. Snow

I certify that the above Resolution was adopted by the City of Dowagiac (the governing body of the applicant) on November 28, 2013.

BY: _____
Name and Title (please print or type)

Signature Date

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2. Resolution to approve an intergovernmental agreement with the City of Buchanan to purchase and share use of a sewer camera van.

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

WHEREAS, the City of Dowagiac does not currently have the ability to visually inspect sewer lines in emergency situations; and

WHEREAS, the State of Michigan is placing greater requirements on sewer utilities to identify problem areas within sewer lines; and

WHEREAS, the City of Dowagiac sewer service could be improved by having access to a sewer camera vehicle with GPS capability; and

WHEREAS, the City of Buchanan has a need for a similar vehicle; and

WHEREAS, the close proximity of both communities and past successes of intergovernmental agreements between the communities creates the potential for a strong, positive working relationship that can improve the level of service to utility customers in both communities; and

WHEREAS, staff from each community has worked on an operational plan to share equally in the cost and time that the vehicle is available to the respective communities.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac does hereby authorize the Mayor and City Clerk to execute an intergovernmental agreement with the City of Buchanan for a camera truck to televise sewer lines.

ADOPTED unanimously.

3. Resolution to accept the Michigan Department of Transportation closure report for the former maintenance garage on 302 Wolf Street.

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

WHEREAS, underground storage tanks constructed and maintained at 101 Wolf Street by the Michigan Department of Transportation (MDOT) have been removed by MDOT; and

WHEREAS, remediation activities have occurred at 302 Wolf Street since 1991; and

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WHEREAS, it has been recommended by environmental engineers that, pursuant to state and federal environmental regulations, a restrictive covenant be placed on the property that prohibits the drilling of wells on site; and

WHEREAS, the proposed restrictive covenant will not impede the City's ability to use the property currently or in the future.

NOW, THEREFORE, BE IT RESOLVED that City Council does hereby authorize the placement of a restrictive covenant on the property located at 302 Wolf Street; and

BE IT FURTHER RESOLVED that the City attorney shall review the final document and approve all attachments prior to execution of a final agreement.

ADOPTED unanimously.

4. Resolution to set a fee for a PBT (Preliminary Breath Test) that is required for probation.

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

WHEREAS, there has been an increase in the number of court ordered preliminary breath tests (PBT) to track alcohol use of persons convicted of alcohol-related offenses; and

WHEREAS, the City of Dowagiac Police Department has administered over 100 PBTs through the first nine months of calendar year 2013; and

WHEREAS, there is a cost of both material and time to administer PBTs; and

WHEREAS, a review by the Dowagiac Public Safety Director indicates that most police departments in the state charge a fee for administering these tests.

NOW, THEREFORE, BE IT RESOLVED that City Council does hereby establish a fee of \$5.00 per court ordered PBT; and

BE IT FURTHER RESOLVED that if the court orders a daily test, the fee will be capped at \$15.00 per week per individual; and

BE IT FURTHER RESOLVED that the fee schedule will begin November 1, 2013.

ADOPTED unanimously.

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5. Resolution to amend the annual compensation of the elected position of City Clerk.

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

WHEREAS, the Local Officers' Compensation Commission (LOCC) of the City of Dowagiac, at its meeting on October 16, 2013 approved a salary range and adjustment to the compensation for the City Clerk; and

WHEREAS, it is the recommendation of the LOCC that the salary range for the City Clerk be adjusted consistent with the 1.5% increase in the non-union Classification and Compensation System effective October 1, 2013 and;

WHEREAS, it is the recommendation of the LOCC that the City Clerk have an annual compensation rate of \$49,102.29 and an annual compensation increase consistent with the average percentage increase of non-union employees effective October 1, 2014 ; and

WHEREAS, it is the determination of the City Council that it is appropriate to adjust the salary range and make salary adjustments as recommended by the LOCC.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby approve an amendment to the annual compensation of the City Clerk, in conjunction with the requirements established by the Local Officers' Compensation Commission as approved on October 16, 2013. In accordance with said recommendation, the City Clerk will be paid an annual compensation rate of \$49,102.29 and an annual compensation increase consistent with the average percentage increase of non-union employees effective October 1, 2014.

ADOPTED unanimously.

6. Resolution to amend the annual compensation of the elected position of City Treasurer.

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

WHEREAS, the Local Officers' Compensation Commission (LOCC) of the City of Dowagiac, at its meeting on October 16, 2013 approved an adjustment to the compensation for the City Treasurer; and

WHEREAS, it is the recommendation of the LOCC that the salary range for the City Treasurer be adjusted consistent with the 1.5% increase in the Classification and Compensation System effective October 1, 2013 and;

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WHEREAS, it is the recommendation of the LOCC that the City Treasurer have an annual compensation rate of \$40,251.08 effective 30 days following its filing with the city clerk and an annual compensation increase consistent with the average percentage increase of non-union employees effective October 1, 2014; and

WHEREAS, it is the determination of the City Council that it is appropriate to adjust the salary range and make salary adjustments as recommended by the LOCC.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby approve an amendment to the annual compensation paid to the City Treasurer, in conjunction with the requirements established by the Local Officers' Compensation Commission as approved on October 16, 2013. In accordance with said recommendation, the City Treasurer will be paid an annual compensation rate of \$40,251.08 effective 30 days following its filing with the city clerk and an annual compensation increase consistent with the average percentage increase of non-union employees effective October 1, 2014.

ADOPTED unanimously.

7. Resolution to amend the annual compensation of the elected positions of Mayor and City Council members.

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

WHEREAS, the Local Officers' Compensation Commission (LOCC) of the City of Dowagiac, at its meeting on October 16, 2013, approved adjustments to the compensation for the Mayor and City Council members; and

WHEREAS, it is the recommendation of the LOCC that the base pay for the Mayor and City Council members remain at the current annual amount of \$1,200 and \$800 per year; and

WHEREAS, it is also the recommendation of the LOCC that the Mayor and City Council members shall continue to receive additional compensation of \$25.00 for every regular meeting, special meeting and workshop attended, with an annual maximum increase from the current \$600 per year above base pay, to an annual maximum of \$800 per year above base pay; and

WHEREAS, it is the determination of the City Council that it is appropriate to make salary adjustments as recommended by the LOCC.

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NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby approve the amendment to the annual compensation paid to the holders of the positions of Mayor and City Council members, in conjunction with the requirements established by the Local Officers' Compensation Commission as approved on October 16, 2013. In accordance with said recommendation, the base pay for the Mayor and City Council members remain at \$1,200 and \$800 per year respectively and holders of said offices shall continue to receive additional compensation of \$25 for every regular meeting attended, not to exceed \$800 per year above base pay.

ADOPTED unanimously.

8. Resolution to authorize and direct the City Treasurer to pay the following gills 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 #1 for the period ending 10/10/13:

Invoices FY2012-13:	7,765.20
Invoices FY 2013-14:	206,313.22
Payroll:	<u>116,892.14</u>
Total:	330,970.56

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

<u>Invoices</u>	<u>Payroll</u>	<u>Total</u>
\$214,078.42	\$116,892.14	\$330,970.56

ADOPTED on a roll call vote.

Ayes: Five (5) Burling, Dodd, Gross, Laylin and Schuur

Nays: None (0)

Absent: One (1) Hunt

Abstain: None (0)

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Upon motion by Councilmember Laylin, and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 8:08 p.m.

Mayor Donald D. Lyons

James E. Snow, City Clerk