

DOWAGIAC CITY COUNCIL MEETING

Monday October 8, 2012

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

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.

ABSENT: None.

STAFF: City Clerk James E. Snow.

Councilmember Laylin moved and Councilmember Schuur seconded that the minutes of the September 24, 2012 meeting be approved.

Approved unanimously.

RESOLUTIONS

1. Resolution authorizing easements with the Pokagon Band of Potawatomi Indians for Dailey Road extension project.

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

WHEREAS, the Pokagon Band of Potawatomi Indians have completed construction of a water line that extends the City of Dowagiac's water system to serve a new development; and

WHEREAS, the City of Dowagiac and the Pokagon Band have negotiated a mutually acceptable easement agreement, a copy of which is attached.

NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council hereby authorizes the Mayor and City Clerk to execute the attached "Water Easement" agreement with the Pokagon Band of Potawatomi Indians on behalf of the City of Dowagiac.

ADOPTED unanimously.

2. Resolution to approve a three (3) year collective bargaining agreement with employees of the IBEW Local #876, for the period October 1, 2011 through October 1, 2014.

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

WHEREAS, through the process of collective bargaining, the City Administration and members of the International Brotherhood of Electric Workers, Local No. 876, representing unionized Department of Public Service workers, have agreed to terms for the adoption and implementation of a new three-year employment agreement covering the period of October 1, 2011 through September 30, 2014, and;

WHEREAS, the complete terms and conditions of the employment agreement as developed were formally ratified by vote of the full membership of the bargaining unit representing Public Service employees on September 28, 2012 and;

WHEREAS, the City Administration, having negotiated the terms and conditions of the employment agreement as set forth in the complete copy attached, does now recommend its formal adoption and approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby adopt and approve the three-year employment agreement covering unionized Department of Public Services employees, for the period October 1, 2011 through September 30, 2014, as attached hereto and by reference made a part hereof, including all the terms and conditions as provided therein.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Dowagiac be authorized and directed to act as signators for the execution of same.

ADOPTED unanimously.

3. Resolution to set a public hearing date for an IFT application from Creative Foam Corporation.

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

WHEREAS, Creative Foam Corporation has made formal application for an Industrial Facilities Exemption Certificate, pursuant to new equipment at its manufacturing facility at 55210 Rudy Road in the City of Dowagiac, and;

WHEREAS, pursuant to P.A. 198 (1974) as amended, a public hearing is to be conducted by the local governmental unit in which the application facility is located, and;

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WHEREAS, P.A. 198 requires that the Assessor for the City of Dowagiac and the legislative body of each unit levying ad valorem property taxes against the facility in question be notified of the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac does hereby schedule a public hearing to be conducted on October 22, 2012 at 7:00 p.m. in the City Council Chambers for the purpose of hearing public comment on the application filed by Creative Foam Corporation for an Industrial Facilities Exemption Certificate for new equipment at its manufacturing facility at 55210 Rudy Road in the City of Dowagiac.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to send notices, by certified mail, of said public hearing to the following:

1. Creative Foam Corporation
2. City Assessor, City of Dowagiac
3. The County Board of Commissioners, County of Cass
4. The Board of Education, Dowagiac Union Schools
5. The Board of Trustees, Southwestern Michigan College
6. The Board of Education, Lewis Cass Intermediate School District
7. Dowagiac District Library

ADOPTED unanimously.

4. Resolution to authorize Dowagiac Union Schools to place a sign for Patrick Hamilton School on City-owned property.

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

WHEREAS, the Dowagiac Union Schools have requested permission to relocate the sign for Patrick Hamilton Elementary school to property owned by the City of Dowagiac on M-62; and

WHEREAS, City staff has reviewed the request and have determined that the sign would not adversely affect future City use of the property; and

WHEREAS, the Dowagiac Union Schools have agreed to maintain the property on which the sign will be placed; and

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WHEREAS, this agreement would constitute a cooperative effort between governmental entities which will further aid the City's receipt of EVIP funds from the State of Michigan for another year.

NOW, THEREFORE, BE IT RESOLVED that City council does hereby approve the placement of a sign for Patrick Hamilton Elementary School on City-owned property on M-62.

ADOPTED on a voice vote.

Gross abstain.

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 #1 for the period ending 10/4/12:

Invoices: 192,730.69
Payroll: 122,236.93
Total: \$314,967.62

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>
\$192,730.69	\$122,236.93	\$314,967.62

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)

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

Donald D. Lyons, Mayor

James E. Snow, City Clerk