

## DOWAGIAC CITY COUNCIL MEETING

Monday November 25, 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: Lori A. Hunt.

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

Councilmember Dodd moved and Councilmember Laylin seconded that the minutes of the November 11, 2013 meeting be approved.

Approved unanimously.

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

Leon and Shirley Laylin presented a picture to the City of Dowagiac. Mayor Lyons accepted the picture on behalf of the citizens of the City.

### APPOINTMENTS

1. Swearing in of elected City official: Don Lyons, Mayor

City Clerk James E. Snow gave the oath of office to Donald D. Lyons as Mayor of the City of Dowagiac.

2. Russom Park Committee- Recommended by Mayor and offered by Mayor Pro-Tem to change one of the appointments from Kevin Anderson to the City Manager or his designee.

Councilmember Laylin moved and Councilmember Schuur seconded to make this change to the Russom Park Committee.

Approved unanimously.

3. Board of Review- Recommended by Mayor and offered by Mayor Pro-Tem: Re-appoint JoAnn Ausra for a term expiring December 2016.

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

Approved unanimously.

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4. Construction Board of Appeals- Recommended by Mayor and offered by Mayor Pro-Tem:  
Appoint Guy Evans to the unexpired term of December 2015
5. Local Officers Compensation Commission- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Jonathan Korzun for a term expiring December 2018.
6. Museum Advisory Committee- Recommended by Mayor and offered by Mayor Pro-Tem:  
Appoint Andrea (Andy) Jackson to fill the unexpired term of July 2016.

Councilmember Dodd moved and Councilmember Gross seconded to approve the Mayor's appointments.

Approved unanimously.

### RESOLUTIONS-

1. Resolution authorizing the SAW grant agreement.
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City of Dowagiac  
County of Cass

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the Council of the City of Dowagiac  
County of Cass, State of Michigan, (the "Municipality") held on  
November 11, 2013.

PRESENT: Members: Burling, Dodd, Gross, Laylin and Schuur

ABSENT: Members: Hunt

Member Laylin offered and moved the adoption of the following resolution,  
seconded by Member Gross.

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (select one or more)  
 establish an asset management plan,  establish a stormwater management plan,  establish a plan for wastewater/stormwater,  establish a design of wastewater/stormwater,  pursue innovative technology, or  initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$993,000 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

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WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. City Manager (title of the designee's position), a position currently held by Kevin Anderson (name of the designee), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.
5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

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

NAYS: Members: One (1) Hunt

2. Resolution authorizing an airport manager contract with Oscar Azevedo.

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

**WHEREAS**, the City of Dowagiac, as owner of the Cass County Memorial Airport, is responsible for the effective operation and management thereof; and

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**WHEREAS**, the City has in the past maintained a contractual relationship for the provision of airport management services; and

**WHEREAS**, upon expiration of the current airport manager's contract in April of 2014, the City wishes to enter into an airport management agreement with Mr. Oscar Azevedo of Dowagiac, Michigan.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by affirmative vote of its city Council, does hereby approve of and enter into a contract with Mr. Oscar Azevedo for the airport management services according to the terms and conditions of the contract as attached herewith and by reference made a part hereof; and

**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 authorizing a USDA revolving loan fund.

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

**WHEREAS**, the City of Dowagiac has received funding from the USDA to establish a Revolving Loan Fund (RLF) to promote economic development activities within the City of Dowagiac; and

**WHEREAS**, Forrest Fin, LLC is developing a movie theater in the City's downtown; and

**WHEREAS**, the City has determined that this project qualifies for the RLF and wishes to encourage said development.

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager of the City of Dowagiac shall be authorized to execute a loan agreement within the terms specified in the USDA Revolving Loan Fund in an amount of \$65,000.

ADOPTED unanimously.

4. Resolution to accept artifact donations into the Dowagiac History Museum.

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

**WHEREAS**, it is important that the Dowagiac Area History Museum not be a static collection of exhibits; and

**WHEREAS**, expansion of the collection is important to a continual understanding of a rich and vital history of this area; and

**WHEREAS**, it is important to vet all requests to assure a quality, long-term collection; and

**WHEREAS**, the Dowagiac Area History Museum Director and the Museum Advisory Committee has prepared a list of recommended artifacts for the City to include in its collection.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does concur with the recommendations of the Museum Director and the Museum Advisory Committee and does hereby accept the attached list of artifact donations to the Dowagiac Area History Museum collection.

ADOPTED unanimously.

5. Resolution authorizing cancellation of the December 23, 2013 City Council meeting.

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

**WHEREAS**, the regularly scheduled December 23, 2013 City Council meeting falls during the Christmas holiday; and

**WHEREAS**, the Mayor and City Council desire to cancel the December 23, 2013 City Council meeting; and

**WHEREAS**, cancellation of the December 23, 2013 City Council meeting will not have an adverse effect on the conduct of City business.

**NOW, THEREFORE, BE IT RESOLVED** that the Dowagiac City Council hereby cancels the regularly scheduled City Council meeting of Monday, December 23, 2013.

ADOPTED unanimously.

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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 payroll #4 for the period ending 11/21/13:

Invoices: 776,051.76  
Payroll: 133,864.00  
Total: \$909,915.76

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

Invoices	Payroll	Total
\$776,051.76	\$133,864.00	\$909,915.76

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)

Upon motion by Councilmember Laylin and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 7:26 p.m.

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Donald D. Lyons, Mayor

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James E. Snow, City Clerk