

## DOWAGIAC CITY COUNCIL MEETING

Monday, February 23, 2015

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 and Danielle E. Lucas.

ABSENT: Mayor Donald D. Lyons, Councilmembers Bob B. Schuur and Lori A. Hunt

STAFF: Kevin P. Anderson, City Manager; Rozanne H. Scherr, Assistant City Manager.

Councilmember Burling moved and Councilmember Dodd seconded that the minutes of the February 9, 2015 regular meeting be approved.

Approved unanimously.

### PUBLIC HEARING

1. A public hearing was held to receive input regarding a proposed application for funding through the Michigan State Housing Development Authority's Resource Fund for the development of apartments in the downtown.

City Manager Anderson gave a brief synopsis of MSHDA's Downtown Rental Rehab Program and introduced Marilyn Smith, housing consultant for the City.

Mayor Pro-Tem Laylin opened a public hearing at 7:01 p.m. for public comment.

Discussion included current occupancy of downtown apartments and clarification that program is limited to downtowns specifically.

Mayor Pro-Tem Laylin closed the public hearing at 7:05 p.m.

### APPOINTMENTS

1. Local Officers Compensation Commission – Recommended by Mayr, offered by Mayor Pro-Tem: Re-appoint Diane Barrett-Curtis for a term expiring May 2019.

Councilmember Dodd moved and Councilmember Burling seconded the appointment.

APPROVED unanimously.

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RESOLUTIONS

1. Resolution to authorize the preparation of the application for funding through the Michigan State Housing Development Authority's Housing Resource Fund.

**RESOLUTION  
DRR (Downtown Rental Rehabilitation)  
HOUSING RESOURCE FUND**

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

**WHEREAS:** the City of Dowagiac is interested in continuing its efforts to provide affordable rental housing opportunities for its low-to-moderate income residents; and

**WHEREAS:** the City of Dowagiac Council Members recommend that the City of Dowagiac support applications for DRR funds for rehabilitation of downtown commercial and rental buildings to promote the viability of the downtown district; and

**WHEREAS:** the City of Dowagiac Council Members are requesting the application not to exceed \$500,000;

**THEREFORE BE IT RESOLVED** that the City of Dowagiac Council Members authorize preparation of the application for funding through the Michigan State Housing Development Authority's Housing Resource Fund for funds not to exceed \$500,000.

ADOPTED unanimously.

2. Resolution to authorize the Michigan Department of Transportation recommended ADA Complaint Policy for DART.

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

**WHEREAS,** through the Michigan Department of Transportation, the City of Dowagiac receives financial assistance from the Federal Transit Administration for the operation of its Dial-A-Ride Transportation System; and

**WHEREAS,** under Federal Transit Administration guidelines all Federal financial recipients are required to comply with requirements in Title II and III of the American Disability Act of 1990; and

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**WHEREAS**, the American Disability Act of 1990 prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance; and

**WHEREAS**, the City of Dowagiac has written an ADA Complaint Policy that complies with provisions of the Federal Transit Administration regulations; and

**WHEREAS**, the Michigan Department of Transportation has reviewed the ADA Complaint Policy, determined it includes the required elements and needs to be adopted by the City Council.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by the affirmative vote of its City Council, does hereby accept the recommendation of the Michigan Department of Transportation to approve and adopt the ADA Complaint Policy as attached hereto.

ADOPTED unanimously.

3. Resolution to authorize the Local Officer's Compensation Commission recommendation regarding the compensation for the currently vacant position of City Clerk.

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

**WHEREAS**, the Local Officers' Compensation Commission (LOCC) of the City of Dowagiac, at its meeting on February 18, 2015 approved a salary and adjustment to the compensation for the vacant position of City Clerk; and

**WHEREAS**, it is the recommendation of the LOCC that the salary range for the vacant position of City Clerk be established consistent with pay grade 7 of the City of Dowagiac Non-Union Classification & Compensation System, and;

**WHEREAS**, it is the recommendation of the LOCC that the City Clerk be compensated at a rate of \$740.39 per bi-weekly pay period, and a meeting stipend of \$25, to a maximum of thirty (30) meetings annually, for city governing body meetings where attendance is required for the purpose of producing minutes; 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 the recommended salary compensation of the City Clerk, in conjunction with the requirements established by the Local Officers' Compensation Commission as approved on February 19, 2015. In accordance with said recommendation, the City Clerk will be compensated at a rate of \$740.39 per

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bi-weekly pay period, and a meeting stipend of \$25, to a maximum of thirty (30) meetings annually, for city governing body meetings where attendance is required for the purpose of producing minutes.

ADOPTED unanimously.

4. Resolution to authorize a contract with the Michigan Department of Transportation for airport terminal design study under the Block Grant Program.

Councilmember Burling offered and moved the adoption of the following Resolution, which was seconded by Councilmember Lucas.

WHEREAS, City Council it is cost effective to replace the existing terminal building at the airport; and

WHEREAS, federal and state funds are available to the City of Dowagiac for the purpose of Airport and Airway improvements,

WHEREAS, the City's application has been approved for a Michigan Department of Transportation contractor and Federal/State/Local Airport Project Block Grant through the Michigan Department of Transportation (MDOT).

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, hereby approves the agreement under the direction of the Michigan Department of Transportation; and,

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

ADOPTED unanimously.

5. Resolution to purchase, acquire and construct improvement to the sanitary sewer system and to publish Notice of Intent to Issue Revenue Bonds.

Minutes of a regular meeting of the City Council of the City of Dowagiac, Cass County, Michigan, held at the City Hall, 241 S. Front Street, Dowagiac, Michigan on February 23, 2015, at 7:00 p.m., local time.

PRESENT: Council Members Laylin, Burling, Dodd, Lucas

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ABSENT: Council Members Hunt, Schuur

Council Member Dodd and supported by Council Member Burling moved the adoption of the following resolution.

WHEREAS, the City Council deems it to be in the best interests of the City of Dowagiac (the "City") to design, purchase, acquire and construct certain improvements to the City's Sanitary Sewer System, including, but not limited to improvements to the wastewater treatment plant and related facilities and appurtenances, as well as all work necessary or incidental to these improvements (the "Improvements"), and to finance the Improvements by the issuance of bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94"); and

WHEREAS, pursuant to Section 33 of Act 94, it is necessary to publish a Notice of Intent to Issue Bonds for the Improvements; and

WHEREAS, the City may proceed with the Improvements prior to the issuance of the bonds; and

WHEREAS, the City may incur substantial capital expenditures for the Improvements prior to the issuance of the bonds, and desires to be reimbursed for such expenditures from the proceeds of the bonds.

NOW, THEREFORE, BE IT RESOLVED that:

The City Council determines to design, purchase, acquire, and construct the Improvements and to pay the cost through the issuance of one or more series of revenue bonds pursuant to Act 94 for the Improvements in an amount not to exceed \$2,500,000 (the "Bonds").

A Notice of Intent to issue the Bonds be published in accordance with Section 33 of Act 94, and the City Clerk is authorized and directed to publish the Notice of Intent to Issue Bonds in the *Dowagiac Daily News*, a newspaper of general circulation in the City, determined to be the newspaper reaching the largest number of persons to whom such Notice is directed, which Notice shall be substantially in the form on the attached Exhibit A, with such changes as may be approved by the City Clerk.

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The City may proceed to acquire and construct the Improvements using available funds of the City from the Sewer Fund, which is a fund for the Sanitary Sewer System of the City, and other funds of the City.

At such time as the City issues the Bonds for the long-term financing of the Improvements, the City shall be reimbursed for its expenditures for the Improvements out of the proceeds of the Bonds.

The maximum amount of capital expenditures for which the City will seek reimbursement is \$500,000.

This resolution and the expression of intent to seek reimbursement from future proceeds of the Bonds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

The firm of Dickinson Wright PLLC is hereby employed as bond counsel to the City to prepare the documents for the issuance of the Bonds for financing acquisition of the Improvements.

The firm of Robert W. Baird & Co. is hereby employed as financial advisor to the City for the issuance of the Bonds.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

YEAS: Council Members Four (4) Laylin, Burling, Dodd, Lucas

NAYS: Council Members None (0)

ABSTAIN: Council Members None (0)

RESOLUTION DECLARED ADOPTED.

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NOTICE OF INTENT TO ISSUE WATER SUPPLY AND SEWAGE DISPOSAL  
SYSTEM REVENUE BONDS TO THE ELECTORS OF THE CITY OF DOWAGIAC

PLEASE TAKE NOTICE that the City Council of the City of Dowagiac (the "City") intends to issue bonds, in one or more series, in an amount of not to exceed \$2,500,000 (the "Bonds").

The Bonds shall be issued to pay the cost to design, purchase, acquire and construct improvements to the City's Water Supply and Sewage Disposal System, including, but not limited to improvements to the wastewater treatment plant and related facilities and appurtenances, as well as all work necessary or incidental to these improvements, and to pay the costs of issuing the Bonds and capitalized interest, if any.

The Bonds of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law payable over not more than forty (40) years from the date of issuance of the Bonds. The Bonds shall be issued pursuant to Act 94, Public Acts of Michigan, 1933, as amended ("Act 94").

**SOURCE OF PAYMENT**

The principal of and interest on the Bonds shall be payable from the net revenues derived from the operation of the Water Supply and Sewage Disposal System. In addition, the Bonds may be secured by the full faith and credit of the City as limited by applicable charter, constitutional, and statutory limitations on the taxing power of the City.

**RIGHT OF REFERENDUM**

The Bonds will be issued without a vote of the electors approving such Bonds, unless, within 45 days from the date of publication of this Notice of Intent, a petition, signed by not less than 10% of the registered electors residing within the limits of the City shall have been filed with the City Clerk or other recording officer of the City requesting a referendum upon the question of the issuance of the Bonds. If such a petition is filed, the Bonds shall not be issued until approved by the vote of a majority of the electors residing within the City qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 33 of Act 94.

Robin Coffey, Treasurer/Deputy Clerk

6. Resolution for Charitable Gaming License requested by the Dogwood Fine Arts Festival.

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LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES  
(Required by MCL 432.103(K)(II))

At a Regular meeting of the Dowagiac City Council  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Pro-Tem Leon Laylin on 2-23-15  
DATE

at 7:00 a.m./p.m. the following resolution was offered:  
TIME

Moved by Councilmember Lucas and supported by Councilmember Dodd

that the request from Dogwood Fine Arts Festival of Dowagiac,  
NAME OF ORGANIZATION CITY

county of Cass, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval.  
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	<u>Four (4)</u>	Yeas:	<u>N/A</u>
Nays:	<u>None (0)</u>	Nays:	<u>N/A</u>
Absent:	<u>Two (2)</u>	Absent:	<u>N/A</u>

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City of Dowagiac at a regular meeting held on 2-23-15  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

Rozanne H. Scherr, Assistant City Manager  
PRINTED NAME AND TITLE

241 South Front Street, Dowagiac, Michigan 49047  
ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.  
BSL-CG-1153(R8/09)

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7. Resolution for Charitable Gaming License requested by the Dogwood Fine Arts Festival.



LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES (Required by MCL 432.103(K)(II))

At a Regular meeting of the Dowagiac City Council

called to order by Mayor Pro-Tem Leon Laylin on 2-23-15

at 7:00 a.m./p.m. the following resolution was offered:

Moved by Councilmember Lucas and supported by Councilmember Dodd

that the request from Positively Dance of Dowagiac

county of Cass, asking that they be recognized as a

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval.

Table with 2 columns: APPROVAL and DISAPPROVAL. Rows: Yeas (Four (4) vs N/A), Nays (None (0) vs N/A), Absent (Two (2) vs N/A).

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City of Dowagiac at a regular meeting held on 2-23-15

SIGNED: [Signature Line]

Rozanne H. Scherr, Assistant City Manager

241 South Front Street, Dowagiac, Michigan 49047

COMPLETION: Required. PENALTY: Possible denial of application. BSL-CG-1153(R6/09)

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8. Resolution to authorize and direct the City Treasurer to pay the following bills and payroll due:

Councilmember Burling 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 #11 for the period ending 2/19/15:

Invoices	\$717,232.62
Payroll #11	<u>\$186,817.99</u>
Total	\$904,050.61

**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>
\$717,232.62	\$186,817.99	\$904,050.61

ADOPTED on a roll call vote.

Ayes: Four (4) Burling, Dodd, Laylin, Lucas

Nays: None (0)

Absent: Two (2) Schuur, Hunt

Abstain: None (0)

COMMENTS FROM CITY OFFICIALS

ADJOURNMENT

Upon motion by Councilmember Dodd and seconded by Councilmember Laylin, the Dowagiac City Council adjourned at 7:27 PM.

\_\_\_\_\_  
Leon D. Laylin, Mayor Pro-Tem

\_\_\_\_\_  
Rozanne H. Scherr, Assistant City Manager