

DOWAGIAC CITY COUNCIL MEETING

Monday March 11, 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, Lori A. Hunt and Bob B. Schuur.

ABSENT: Councilmember Randall G. Gross, Sr.

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

Councilmember Laylin moved and Councilmember Burling seconded that the minutes of the February 25, 2013 meeting be approved with corrections-Appointment.

Approved unanimously.

COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Ron Leatz, 402 Main Street, Dowagiac, MI 49047
Junior Oliver, 416 Chestnut Street, Dowagiac, MI 49047

COMMUNICATION

1. Community-Wide Garage Sale, May 17-18, 2013

Councilmember Dodd moved and Councilmember Hunt seconded to approve the request.

Approved unanimously.

RESOLUTIONS

1. Resolution to approve the second amendment to the Elevated Water Storage Tank Space Lease for installation of cellular antennas on the water tank located at 917 Riverside Dr. Councilmember Laylin offered and moved the adoption of the following resolution; seconded by Councilmember Burling.

WHEREAS, AT&T wishes to improve coverage and expand services to their customers in and around the City of Dowagiac; and

WHEREAS, AT&T and the City has an antenna lease at the elevated storage tank on Riverside Drive, which has operated without incident for many years; and

WHEREAS, Dixon Engineering has reviewed and approved the proposed antenna installation and will serve as inspector of the installation; and

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WHEREAS, the additional lease funds will be used to support capital projects in the City of Dowagiac.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute the attached second amendment to the elevated storage tank lease.

ADOPTED unanimously.

2. Resolution to adopt membership rates, benefits and program admissions for the Dowagiac Area History Museum.

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

WHEREAS, the Finance Subcommittee of the Museum Advisory Committee has studied appropriate rates for memberships and benefits for members; and

WHEREAS, the Museum Advisory Committee has met and concurs with the Finance Subcommittee's recommendations.

NOW, THEREFORE, BE IT RESOLVED that the following rates as recommended by the Museum Advisory Committee be established for membership and program fees:

- General admission to the museum exhibits will be free of charge.
- A membership program will continue from the former Museum at
- Southwestern Michigan College with the rates defined in the table below:

Membership Level	Annual Membership Fee
Senior (60+)	\$15
Senior Couple/Dual	\$25
Individual	\$25
Couples/Dual	\$35
Children Under 18	Free
Sustaining Member	\$100
Patron	\$250
Benefactor	\$500

- The Museum will charge \$5.00 admission per adult non-member and \$2.00 per college student for lectures and other designated events. Children under

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18 years old will be admitted to lectures free of charge. Larger events and fundraising events may have other admission fees with discounts for members. The Museum Director will have the discretion to waive fees for students that attend programs as part of an assignment.

- Benefits of membership will include free admission to lectures and reduced rates for other events; subscription to the newsletter; and invitations to events and exclusive members-only events.

BE IT FURTHER RESOLVED that the resolution shall be effective upon the date of adoption.

ADOPTED unanimously.

3. 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 #12 for the period ending 3/7/13:

Invoices: 164,032.06
Payroll: 124,161.44
Total: \$288,193.50

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>
\$164,032.06	\$124,161.44	\$288,193.50

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: One (1) Gross

Abstain: None (0)

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ORDINANCE

1. First reading of an ordinance to amend Chapter 82, Article V, "Electric Provisions and Rates", Section 82-279, "electric rates of the Dowagiac City Code.

AN ORDINANCE TO AMEND CHAPTER 82 UTILITIES ARTICLE V "ELECTRIC AND ELECTRICAL RATES" SECTION 82-280 OF THE DOWAGIAC CITY CODE BE AND IS HEREBY AMENDED BY ITS REPEAL AND THE ADOPTION OF A NEW ARTICLE V "ELECTRIC AND ELECTRICAL RATES" SECTIONS 82-280 (09) AND (10) OF THE DOWAGIAC CITY CODE.

THE CITY OF DOWAGIAC ORDAINS:

Section 1: That Chapter 82, Utilities; Article V, "Electric and Electrical Rates", Section 82-280 of the Dowagiac City Code be and hereby is amended to read as follows:

ARTICLE V. ELECTRIC PROVISIONS AND RATES.

Sec. 82-280. Electric Rates

(09) ENERGY OPTIMIZATION RATE (EOP). Pursuant to requirements imposed by the State of Michigan and authorized by the Michigan Public Service Commission, the following energy optimization rates shall be in effect:

Residential meter	\$.002 per kwh
Secondary meter	\$15.66 per meter per month
Primary meter	\$474.02 per meter per month

(10) FUEL ADJUSTMENT CHARGE. Bills will be increased or decreased to offset fuel charge adjustments billed to the City by the supplier. Whenever the energy charge of the wholesale purchased power invoice to the City contains a fuel adjustment debit or credit per kwh, there shall be a corresponding increase or decrease per kwh for all kwh included in the customer's billing.

Section 2: This Ordinance shall take full force and effect immediately upon its publication in a newspaper of general circulation within the City of Dowagiac.

Moved by: Laylin

Seconded by: Dodd

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This being the first reading, the Ordinance will be brought before the Council for a second reading and vote at the regular meeting March 25, 2013.

RESOLUTIONS, Continued (CLOSED SESSION)

4. Resolution to adjourn to a closed session to discuss strategies to deal with potential litigation.

Councilmember Laylin 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 strategies for dealing with litigation; and

WHEREAS, the Mayor and City Council desire to meet with the City Manager and the City Attorney to discuss litigation.

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

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: One (1) Gross

Abstain: None (0)

TIME: 7:15 P.M.

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LATER

Upon motion by Councilmember Laylin and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 7:38 p.m.

Donald D. Lyons, Mayor

James E. Snow, City Clerk