

DOWAGIAC CITY COUNCIL MEETING

Monday March 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: Councilmember Lori A. Hunt

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

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

Approved unanimously.

PROCLAMATION

1. Proclamation declaring the last day in April as "Arbor Day".

Mayor Lyons read the proclamation and it is to be forwarded to the Dogwood Tree City USA Committee.

PRESENTATION

1. Presentation by Deputy Police Chief Steve Grinnwald regarding Cass County Missing Child Response Team.

City Manager Anderson gave brief comments followed by a power point presentation. Deputy Chief Grinnwald answered questions from Council. Team member Tiffany Graves introduced "Nellie", the four-legged member of Cass County's new Missing Child Response Team.

COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Adam Mensinger with Senator John Proos' office.

COMMUNICATIONS

Councilmember Burling moved to approve communications 1-6 as a whole and seconded by Councilmember Laylin.

1. Arbor Day Celebration, April 27, 2013
2. National Day of Prayer, May 2, 2013

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3. Borgess-Lee Memorial Hospital Flower Basket Sale, May 10-12, 2013
4. Dowagiac Union High School Principal Commencement Parking/Blocking of Street, June 2, 2013
5. Mill Pond Improvement Association Fishing Tournament, June 22, 2013
6. Niles Shockers Baseball Club, April 8, 2013 to the end of July 2013

Communication 1-6 approved unanimously.

CITY MANAGER REPORT

1. 2013 Spring Clean-Up Bid Award

From the City Manager:

2013 SPRING CLEANUP BID

Attached is a summary of bids received for providing pickup and disposal services as part of the 2013 Spring Clean-Up Program. As indicated in the bid summary below, we received two bids:

BIDDER	LABOR & EQUIPMENT HOURLY RATE (40 hrs. assumed)	DISPOSAL CHARGE (per Ton) (50 tons assumed)	20 CYD Container (per load) (2 containers assumed)	TOTAL
Michiana Recycling & Disposal Services Niles, MI	\$7,200.00	\$1,750.00	\$ 660.00	\$9,610.00
Reliable Disposal Stevensville, MI	\$7,200.00	\$1,600.00	\$660.00	\$9,460.00

Based on clean-up program data from the last five years, the total cost to the City for this year's service is expected to be approximately \$9,460.00. This year's program is scheduled for the week of April 22-26. A memo from DPS Director Jim Bradford summarizing the bids is attached for your information.

RECOMMENDATION

I recommend that City Council authorize a contract with Reliable Disposal of Stevensville, Michigan for the 2013 Spring Cleanup in accordance with the bid submitted on March 19, 2013.

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Councilmember Dodd moved and Councilmember Gross seconded that the recommendation of the City Manager be approved.

Approved unanimously.

RESOLUTIONS

1. 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 #13 for the period ending 3/21/13:

Invoices:	549,296.17
Payroll:	<u>170,944.60</u>
Total:	\$720,240.77

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
\$549,296.17	\$170,944.60	\$720,240.77

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)

ORDINANCES

1. Second 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

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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.

Moved by Councilmember Laylin and seconded by Councilmember Dodd for adoption at the March 11, 2013 meeting is now presented to the Council for a second reading and vote.

ADOPTED on a roll call vote.

Ayes: Five (5)

Nays: None (0)

Absent: One (1) Hunt

Abstain: None (0)

RESOLUTIONS, Continued (CLOSED SESSION)

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

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

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)

Nays: None (0)

Absent: One (1) Hunt

Abstain: None (0)

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TIME 7:34 P.M.

LATER

Upon motion by Councilmember Laylin and seconded by Councilmember Dodd, the Dowagiac City Council adjourned at 8:01 p.m.

Donald D. Lyons, Mayor

James E. Snow, City Clerk