

DOWAGIAC CITY COUNCIL MEETING

Monday April 22, 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 Gross seconded that the minutes of the April 8, 2013 meeting be approved.

Approved unanimously.

With no objection from Council, Mayor Lyons declared City Manager Report #1 be added to the agenda following Communications.

PROCLAMATION

1. Proclamation declaring Friday, May 10 through Saturday, May 19, 2013 as “Dogwood Fine Arts Festival” week.

Mayor Lyons read the proclamation and presented it to Councilmember Laylin to be forwarded to the Dogwood Fine Arts Festival.

COMMUNICATIONS

1. White Cane Drive, June 6-8, 2013

Councilmember Schuur moved and Councilmember Dodd seconded to grant the request.

Approved unanimously.

2. Citywide Carnival Celebration, August 17, 2013

Councilmember Schuur moved and Councilmember Dodd seconded to grant the request.

Approved unanimously.

From the City Manager:

1. LAWN MOWING BIDS

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This year the Department of Public Services has taken bids to contract out for lawn mowing services. Attached you will find bids from 10 vendors. The low bid is STC Design, LLC of Niles, MI in the amount of \$61,118.25 for 18 lawn mowings in the city. If there are fewer mowings than 18, the cost will go down. If there are more, the cost will be slightly higher.

The proposal is for one year only so we can fully compare the quality and cost of contracting for lawn mowing services to hiring staff, maintaining equipment and other associated costs for internally providing the same service.

RECOMMENDATION

I recommend that City Council authorize to contract with STC Design, LLC in the amount of \$61,118.25.

Councilmember Dodd moved and Councilmember Schuur seconded that the recommendation of the City Manager be adopted.

ADOPTED unanimously.

RESOLUTIONS

1. Resolution to authorize the transfer of property from Dowagiac Union Schools to the City of Dowagiac.

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

WHEREAS, the City of Dowagiac and the Dowagiac Union Schools (DUS) highly value opportunities to cooperate to improve the quality of life for the residents of Dowagiac; and

WHEREAS, with the closing and sale of McKinley Elementary School the adjacent playground property still owned by DUS has been closed to public use; and

WHEREAS, the attached map depicts the property owned by DUS; and

WHEREAS, the City of Dowagiac has interest in the continuance of the playground which would provide recreational opportunity for children in the nearby residential area; and

WHEREAS, the City of Dowagiac and Dowagiac Union Schools have negotiated terms and conditions for the transfer of the playground property to the City for use as a community playground.

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NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby adopt and approve the "Real Estate Purchase Agreement" 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.

2. Resolution to renew a lease agreement with Nancy Shufelt for the City-owned property known as Twistee's.

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

WHEREAS, the City of Dowagiac owns property at 225 South Front Street, and;

WHEREAS, the City and Nancy Shufelt have negotiated a lease agreement that provides for renewal of the lease of the property for operation of Twistee's that is hereby recommended for approval.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby adopt and approve a lease renewal agreement with Nancy Shufelt for use of space at 225 South Front Street, a copy of which is attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED that the Mayor be authorized and directed to execute said agreements on behalf of the City of Dowagiac.

ADOPTED unanimously.

3. Resolution to change the meeting time for the May 13th City Council meeting from 7:00 p.m. to 6:00 p.m. due to the Dogwood Fine Arts Festival event schedule.

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

WHEREAS, in the month of May there are local festivals that fall on regularly scheduled meeting days; and

WHEREAS, the regularly scheduled City Council meeting for May 13, 2013 falls during Dogwood Fine Arts Festival week of May 10-19; and

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WHEREAS, in an effort to eliminate a conflict for the public and elected officials who desire to attend the Dogwood Festival event on May 13th, the Mayor and Council desire to reschedule the May 13th meeting time from 7:00 p.m. to 6:00 p.m.; and

WHEREAS, the rescheduling of this 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 reschedules the Monday, May 13, 2013 City Council meeting from 7:00 p.m. to 6:00 p.m.

ADOPTED unanimously.

4. Resolution authorizing budget amendments for FY 2012-13 through the period March 31, 2013.

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

WHEREAS, the City administration has reviewed the attached budgets for the 2012-13 fiscal year and the actual revenues and expenditures through March 31, 2013; and

WHEREAS, the City administration recommends revision of the attached budgets in accordance with the latest projections available; and

WHEREAS, the attached report for these funds indicates the current budget and the recommended budget revisions.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt the attached, recommended revised budgets.

5. Resolution to declare May 11, 2013 as National Train Day.

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

WHEREAS, Amtrak provided statewide passenger rail travel to over ¾ million Michigan travelers in 2011; and

WHEREAS, for Dowagiac area residents, Amtrak represents the only major passenger transportation link to the rest of the country; and

WHEREAS, on May 10, 1869 the "golden spike" was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States; and

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WHEREAS, the City of Dowagiac embraces Amtrak's invitation to Discover the Rail WaySM; and

WHEREAS, we recognize and celebrate the pivotal role that a robust intercity passenger rail system can provide for better mobility for persons of all abilities.

NOW, THEREFORE, the City Council of the City of Dowagiac does hereby proclaim May 11, 2013, as *National Train Day*.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Michigan Association of Railroad Passengers, Amtrak, and the Michigan Environmental Council.

ADOPTED unanimously

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 #15 for the period ending 4/18/13:

Invoices: 588,428.99
Payroll: 169,302.07
Total: \$757,731.06

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
\$588,428.99	\$169,302.07	\$757,731.06

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)

RESOLUTIONS, Continued (CLOSED SESSION)

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7. Resolution to adjourn to a closed session to meet with the City Manager and City Attorney to discuss negotiations related to the purchase of real property.

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

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 consider the purchase or lease of real property up to the time an option to purchase or lease that property is obtained; and

WHEREAS, the Mayor and City Council desire to meet with the City Manager and the City Attorney to discuss the purchase of real property.

NOW, THEREFORE, BE IT RESOLVED the City Council will hereby adjourn to closed session to discuss the purchase of real property.

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)

TIME 7:22p.m.

LATER: 7:57p.m.

Upon motion by Councilmember Laylin and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 7:57 p.m.

Donald D. Lyons, Mayor

James E. Snow, City Clerk