

## DOWAGIAC CITY COUNCIL MEETING

Monday May 13, 2013

A regular meeting of the Dowagiac City Council was called to order by Mayor Pro-Tem Leon D. Laylin at 6:00 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, Randall G. Gross, Sr. and Bob B. Schuur.

ABSENT: Mayor Donald D. Lyons and Councilmember Lori A. Hunt

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

Councilmember Dodd moved and Councilmember Burling seconded that the minutes of the April 22, 2013 meeting be approved.

Approved unanimously.

With no objections from Council, Mayor Pro-Tem Laylin declared that the appointments would be taken as a whole.

### COMMUNICATIONS

1. Buddy Poppy Sales, May 16-25, 2013

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

Approved unanimously.

### APPOINTMENTS

1. Airport Board- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Thomas Ashley for a term expiring May 2018.
2. Building Authority- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Mark Westrate for a term expiring May 2019.
3. Cemetery Board- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Bob Schuur for a term expiring May 2017.
4. Design Review Committee- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Curt Rohdy for a term expiring May 2017.  
Re-appoint John Vylonis for a term expiring May 2017.
5. Park & Recreation Board- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Tom Burling for a term expiring May 2018.

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6. Planning Commission- Recommended by Mayor and offered by Mayor Pro-Tem:  
Re-appoint Dave Daniels for a term expiring May 2016.

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

Approved unanimously.

RESOLUTIONS

1. Resolution to adjust the census urban boundaries.

MICHIGAN DEPARTMENT OF TRANSPORTATION

**STATEMENT OF AGREEMENT  
FOR  
ADJUSTED CENSUS URBAN BOUNDARY  
ESTABLISHMENT AND REVISION**

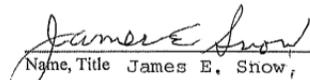
Section 101(a) amended of Title 23, United States Codes, states that the boundary locations for urban and urbanized areas shall be fixed by responsible state and local officials in cooperation with each other.

The undersigned hereby certify that these provisions have been complied with in establishing

the adjusted census urban boundary locations for the City of Dowagiac, Michigan  
Urban/Urbanized Area.

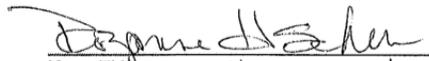
Moved: Schuur    Seconded: Gross

ADOPTED unanimously.

  
Name, Title James E. Snow, City Clerk

14 MAY 2013  
Date

City of Dowagiac  
Agency

  
Name, Title transit coordinator

May 14, 2013  
Date

Dowagiac Dial-A-Ride Transit  
Agency

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2. Resolution to authorize the Mayor and City Clerk to enter into agreements for improvements at Russom Park.

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

**WHEREAS**, the City of Dowagiac and Silver Creek Township have engaged in a cooperative effort to expand and improve the recreation and community park facilities at Russom park; and

**WHEREAS**, both the City and Silver Creek have applied for and received significant grant funds through the Michigan Natural Resource Trust Fund to make improvements at Russom Park; and

**WHEREAS**, competitive bids have been received and reviewed by both staff and the Michigan Department of Natural Resources; and

**WHEREAS**, the Russom Park Committee has reviewed and recommended the attached contract with Lounsbury Excavating of Paw Paw, Michigan in the amount of \$310,620.00.

**NOW, THEREFORE, BE IT RESOLVED** that City Council does hereby authorize the Mayor and Clerk to execute agreements with Lounsbury Excavating for improvements to Russom Park.

ADOPTED unanimously.

3. Resolution to authorize a gaming license for the Lee Memorial Foundation.

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Resolution #3  
May 13, 2013

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(K)(I))

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 D. Laylin on May 13, 2013

DATE

at 6:00 pm a.m./p.m. the following resolution was offered:

TIME

Moved by Burling and supported by Gross

that the request from Lee Memorial Foundation 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: Five

Yeas: \_\_\_\_\_

Nays: None

Nays: \_\_\_\_\_

Absent: One

Absent: \_\_\_\_\_

Approved unanimously, James E. Snow, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_

TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

REGULAR OR SPECIAL

meeting held on \_\_\_\_\_

DATE

SIGNED: \_\_\_\_\_

TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

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

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4. Resolution to reschedule the May 27, 2013 City Council Meeting to May 28, 2013 due to the Memorial Day Holiday.

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

**WHEREAS**, the regularly scheduled City Council meeting for Monday, May 27, 2013 falls during the Memorial Day holiday; and

**WHEREAS**, in an effort to eliminate a conflict for the public and elected officials because City offices are closed on May 27<sup>th</sup>, the Mayor and Council desire to reschedule the May 27<sup>th</sup> meeting to Tuesday, May 28<sup>th</sup> at 7:00 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 27, 2013 City Council meeting to Tuesday, May 28, 2013 at 7:00 p.m.

ADOPTED unanimously.

5. Resolution to set a public hearing for May 28, 2013 at 7:00 p.m. to review proposed FY 2013-14 budget.

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

**WHEREAS**, the Dowagiac City Charter requires that a complete itemized budget proposal must be presented to the City Council; and

**WHEREAS**, City Council has begun a review of the proposed budget so that action can be taken on a budget pursuant to City Charter requirements; and

**WHEREAS**, prior to adoption of a budget the public is to be notified of a public hearing regarding the proposed budget.

**NOW, THEREFORE, BE IT RESOLVED** that the Dowagiac City Council acknowledges that the tentative budget for the fiscal year ending September 30, 2014 has been received for further review by the City Council.

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**BE IT FURTHER RESOLVED** that the City Clerk be instructed to place on display copies of this proposed budget and to publish notice of a public hearing thereon at least six (6) days in advance of the May 28, 2013 City Council Meeting.

ADOPTED unanimously.

6. Resolution authorizing the City Manager to enter into a Revolving Loan Fund agreement with James Kramer to aid in the purchase of Woodfire Restaurant.

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

**WHEREAS**, the City of Dowagiac has developed a Revolving Loan Fund (RLF) to assist in economic development projects; and

**WHEREAS**, the City of Dowagiac determines that it is in the best interest of the community to facilitate a sale of the Woodfire Restaurant property; and

**WHEREAS**, Mr. Jerry Kramer has demonstrated experience in operating restaurants and has received a bank commitment contingent upon a commitment from the City of Dowagiac's RLF; and

**NOW, THEREFORE, BE IT RESOLVED** the City Council authorizes the City Manager and City Attorney to develop documents and close a loan to Jerry Kramer with the following terms and conditions:

- Evidence of a bank commitment to finance.
- The loan will be for \$75,000.
- The rate of interest will be the same rate as charged by the bank.
- The repayment schedule will be based on a 10-year amortization schedule with a balloon payment in 5 years (60 months).
- The City loan will be in the second position on the real estate.

ADOPTED unanimously.

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

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

**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 #16 for the period ending 5/9/13:

Invoices: 498,627.34  
Payroll: 116,057.07  
Total: \$614,684.41

**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>
\$498,627.34	\$116,057.07	\$614,684.41

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 Dodd, and seconded by Councilmember Schuur, the Dowagiac City Council adjourned at 6:25 p.m.

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Leon D. Laylin, Mayor Pro-Tem

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James E. Snow, City Clerk