

DOWAGIAC CITY COUNCIL MEETING

Tuesday May 28, 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, Randall G. Gross, Sr., Lori A. Hunt and Bob B. Schuur.

ABSENT: Councilmember James B. Dodd.

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

Councilmember Laylin moved and Councilmember Burling seconded that the minutes of the May 13, 2013 meeting be approved.

Approved unanimously.

PUBLIC HEARING

1. Public hearing to receive comment on the proposed Fiscal Year 2013-14 budget.

City Manager Anderson gave a brief synopsis of the proposed budget.

Mayor Lyons opened the public hearing at 7:05 p.m. There being no public comments, Mayor Lyons closed the public hearing at 7:05 p.m.

COMMUNICATIONS

1. Beckwith Park Summer Concert Series, May 30-August 22, 2013.

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

Approved unanimously.

2. Amusement Rides in Conjunction with the Summer in the City Festival, July 25-27, 2013.

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

Approved unanimously.

3. Beer Garden in Conjunction with the Summer in the City Festival, July 25-27, 2013.

Councilmember Burling moved and Councilmember Hunt seconded to grant the request.

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Approved unanimously.

APPOINTMENTS

1. DART- Recommended by Mayor and offered by Mayor Pro-Tem:
Appoint Wayne Comstock for a term expiring May 2018.

Councilmember Schuur moved and Councilmember Burling seconded to approve the Mayor's appointment.

Approved unanimously.

2. Design Review Committee- Recommended by Mayor and offered by Mayor Pro-Tem:
Re-appoint Lori Hunt for a term expiring May 2017.

Councilmember Schuur moved and Councilmember Burling seconded to approve the Mayor's appointment.

Approved unanimously.

RESOLUTIONS

1. Resolution authorizing an agreement with ACD.net to provide fiber network improvements and services.

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

WHEREAS, in 2005 the City of Dowagiac partnered with the Dowagiac School System to install fiber optic communication cables in many parts of the city; and

WHEREAS, the City has an opportunity to expand its use of fiber to address not only City governmental needs, but also to open up the fiber optic network to others; and

WHEREAS, ACD.net has partnered with the Merit Network to provide high speed fiber broadband connectivity throughout all of Michigan; and

WHEREAS, it is in the best interest of the City to enter into an agreement with ACD.net to expand the fiber optic network within the city.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac does hereby authorize the Mayor and City Clerk to enter into an agreement with ACD.net to provide expanded broadband services in the City of Dowagiac for the next five years.

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ADOPTED unanimously.

2. Resolution authorizing a Memorandum of Understanding to provide management services for the Cassopolis Area Utilities Authority sewer system.

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

WHEREAS, the Cassopolis Area Utilities Authority (CAUA) is responsible for the maintenance and operation of the sewer system in the service area surrounding the Village of Cassopolis; and

WHEREAS, the City of Dowagiac has worked with the CAUA to maintain a water system in that same service area; and

WHEREAS, the CAUA desires general management services so that they can provide professional quality services to their customers; and

WHEREAS, the City of Dowagiac has the available expertise to assist the CAUA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac does hereby authorize the attached Memorandum of Understanding outlining the terms of an agreement to provide general management services for the CAUA.

BE IT FURTHER RESOLVED that the City Manager and City Attorney are directed to prepare appropriate legal documents and agreements for City Council and CAUA action in June.

ADOPTED unanimously.

3. Resolution authorizing a Memorandum of Understanding with Eric Haas, A&E Properties, LLC, that allows for construction to begin immediately on 4.8 acres in the industrial park.

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

WHEREAS, Eric Haas, A&E Properties LLC, has made an offer to purchase 4.8+ acres in the City of Dowagiac industrial park that has been accepted by the City; and

WHEREAS, several technical items need to be addressed prior to closing on the property; and

WHEREAS, Eric Haas desires to begin construction as quickly as possible.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dowagiac does hereby authorize the attached Memorandum of Understanding (MOU) with Eric Haas, A&E Properties LLC.

BE IT FURTHER RESOLVED that the City Manager and City Attorney are authorized to prepare and execute any and all agreements necessary to fulfill the items stated in the MOU.

ADOPTED unanimously.

With no objections from Council, Mayor Lyons declared that resolutions four, five and six would be taken as a whole.

Councilmember Schuur offered and moved the adoption of the following resolutions four, five and six; seconded by Councilmember Laylin.

4. Resolution to confirm special assessment roll against properties remaining delinquent in the payment of code enforcement expenses (grass /weeds) incurred by the City.

WHEREAS, Chapter 66, Section 66.19 of the Dowagiac City Code, "Single Lot Assessments-Generally," provides that the City of Dowagiac is authorized to levy a special assessment against single premises for expenses which are chargeable against such premises under the provisions of the Dowagiac City Code; and

WHEREAS, the Dowagiac City Council, upon due consideration and deliberations, determined that certain noxious weeds and grasses were present upon the various single premises described in Appendix A attached hereto and incorporated herein by reference, and that the cutting of such noxious weeds and grasses by the City was necessary by virtue of non-compliance with the provisions of Chapter 86, Section 86.59 of the Dowagiac City Code; and

WHEREAS, the expense incurred with respect to each parcel of land entered upon in carrying out the provisions of said Chapter 86 have been kept, which charges, together with an amount equal to fifty percent (50%) thereof to cover costs of publication, overhead and other expenses, are chargeable against such single premises as provided in Chapter 66 of the Dowagiac City Code; and

WHEREAS, the City Manager has directed the City Assessor to prepare a special assessment roll covering all such charges which have not been paid, together with an additional amount equal to fifty percent (50%) thereof, to cover the cost of publication, overhead and other expenses; and

WHEREAS, said roll has been filed with the City Clerk and is now being presented to the Council for confirmation and levy; and

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WHEREAS, said special assessment roll is attached hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby confirm the attached special assessment roll for the parcels more fully described in Appendix A attached hereto and incorporated herein by reference and directs the City Administration to levy said assessments against the individual properties therein set forth.

5. Resolution to confirm special assessment roll against properties remaining delinquent in the payment of code enforcement expenses (blight /boarding /miscellaneous) incurred by the City.

WHEREAS, Chapter 66, Section 66.19 of the Dowagiac City Code, "Single Lot Assessments- Generally," provides that the City of Dowagiac is authorized to levy a special assessment against single premises for expenses which are chargeable against such premises under the provisions of the Dowagiac City Code; and

WHEREAS, the Dowagiac City Council, upon due consideration and deliberation, determined for the preservation of the public peace, health and safety of the city that certain deteriorating property condition(s) existed on private properties described in Appendix A, attached hereto and incorporated herein by reference, and that the abatement by the City of such deteriorating property condition(s) was necessary by virtue of non-compliance with the provisions of Chapter 18 of the Dowagiac City Code; and

WHEREAS, this expense is chargeable against such premises and the owner thereof under the provisions of the Charter, the Code and the law of the State of Michigan and is not of the class required to be prorated among several lots and parcels of land in a special assessment district; and

WHEREAS, an account of labor, material, and services for which such expenses incurred has been billed to the property owner by the City Building Official, as provided in Chapter 66 of the Dowagiac City Code; and

WHEREAS, this bill had not been paid; and

WHEREAS, the City Manager has directed the City Assessor to prepare a special assessment roll covering all such charges which have not been paid; and

WHEREAS, said roll has been filed with the City Clerk and is now being presented to the Council for confirmation and levy; and

WHEREAS, said special assessment roll is attached hereto and made a part of this resolution.

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NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council hereby confirms the attached special assessment roll for the parcels more fully described in Appendix A attached hereto and incorporated herein by reference and directs the City Administration to levy said assessments against the individual properties therein set forth.

6. Resolution to confirm special assessment roll against properties remaining delinquent in the payment of utility bills due to the City.

WHEREAS, Chapter 82, Section 82.24 (c) of the Dowagiac City Code, "UTILITIES", provides that the City of Dowagiac is authorized to place as a lien on the premises to which electric, water and/or sewer service is provided for delinquent utilities for six (6) months or more; and

WHEREAS, delinquent utilities with such lien are charged on the next property tax bill for the premises; and

WHEREAS, the Dowagiac City Council upon review of the various single premises described in Appendix A attached hereto and incorporated herein by reference, determined by virtue of non-compliance with the provisions of Chapter 82, Section 82-24 (c) of the Dowagiac City Code; and

WHEREAS, the City Manager has directed the City Assessor to prepare a special assessment roll covering all such charges which have not been paid; and

WHEREAS, said roll has been filed with the City Clerk and is now being presented to the Council for confirmation and levy; and

WHEREAS, said special assessment roll is attached hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby confirm the attached special assessment roll for the parcels more fully described in Appendix A attached hereto and incorporated herein by reference and directs the City Administration to levy said assessments against the individual properties therein set forth.

Resolutions four, five and six ADOPTED unanimously.

7. 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 Burling.

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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 #17 for the period ending 5/23/13:

Invoices: 208,849.57
Payroll: 123,639.11
Total: \$332,488.68

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>
\$208,849.57	\$123,639.11	\$332,488.68

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: One (1) Dodd

Abstain: None (0)

Upon motion by Councilmember Schuur, and seconded by Councilmember Laylin, the Dowagiac City Council adjourned at 7:40 p.m.

Donald D. Lyons, Mayor

James E. Snow, City Clerk