

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 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 James B. Dodd, Randall G. Gross, Sr., Lori A. Hunt and Bob B. Schuur.

ABSENT: Councilmember Charles K. Burling.

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

Councilmember Laylin moved and Councilmember Gross seconded that the minutes of the May 28, 2013 meeting be approved.

Approved unanimously.

COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Ron Leatz, 402 Main Street, Dowagiac, MI 49047

COMMUNICATIONS

1. Outdoor Library Event in Conjunction with Summer in the City Festival, July 27, 2013

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

Approved unanimously.

2. Dowagiac Black Family Celebration, August 31, 2013

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

Approved unanimously.

RESOLUTIONS

1. Resolution authorizing an interlocal agreement between Cass County Transit and the City of Dowagiac.

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

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 2013

Page Two

WHEREAS, Cass County Transportation Authority (CCTA) has been designated as a public transportation provider within the state of Michigan, under the authority of PA 51 of 1951; and

WHEREAS, the City of Dowagiac Dial-A-Ride Transit (DART) is also designated as a public transportation provider within the State of Michigan, under the authority of PA 51 of 1951, as amended; and

WHEREAS, the CCTA and City of Dowagiac DART desire to offer more efficient transportation services that enable increased travel beyond and across jurisdictional and service boundaries in order to meet the public's transportation needs; and

WHEREAS, the CCTA and City of Dowagiac DART have identified administrative, operational and capital efficiencies that can be achieved through a joint services agreement; and

WHEREAS, a proposed Interlocal Agreement between Cass County Transportation Authority and The City of Dowagiac, as attached, is presented for consideration by City Council, subject to finalization and completion as may be recommended by staff and legal counsel at a future date.

NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council, by affirmative vote of its City Council, hereby approve the proposed Interlocal Agreement between the Cass County Transportation Authority and City of Dowagiac.

ADOPTED unanimously.

2. Resolution authorizing an amendment to the interlocal agreement pertaining to the Local Revenue Sharing Board for the casino.

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

WHEREAS, the City of Dowagiac is a party to an Interlocal Agreement pursuant to the Compact and the Urban Cooperation Act for the Four Winds Casino Dowagiac Gaming Facility; and

WHEREAS, the Local Revenue Sharing Board (LRSB) has recommended that it is in the best interest of all concerned to more particularly identify the LRSB designating the Pokagon Band as part of the Board.

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 2013

Page Three

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac does hereby agree to an amendment that changes the Local Revenue Sharing Board to read as follows:

The Local Revenue Sharing Board, which shall be called the “Pokagon Band-Dowagiac Area Local Revenue Sharing Board” (hereafter referred to as the “LRSB”), is established by this Agreement pursuant to the Urban Cooperation Act of 1967 and in accordance with the Compact.

ADOPTED unanimously.

3. Resolution to approve the Fiscal Year 2013-14 City Budget.

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

WHEREAS, the City Council of the City of Dowagiac has received a proposed budget from the City Administration for the fiscal year beginning October 1, 2013 and ending September 30, 2014; and

WHEREAS, in accordance with Public Act 42 of 1995 and Section 8.4 of the City Charter, the City of Dowagiac on May 28, 2013 held a public budget hearing concerning all City funds. During said hearing the property tax millage rates and proposed uses of the same were presented; and

WHEREAS, the City of Dowagiac is required to adopt a General Appropriations Act for the following funds in conformance with the Michigan Uniform Accounting and Budgeting Act (No. 621) of 1978:

- General
- Major Streets
- Local Streets
- Parks
- Sidewalk Replacement Program
- Solid Waste
- Industrial/Economic Development
- LDFA Project
- DDA TIF Project
- Streetscape Maintenance
- Rehabilitation Loan Payments
- MSHDA Rental Rehab
- Municipal Facilities/Improvements
- City Drug Forfeiture

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 2013

Page Four

- Depot
- M-51 South Commercial Development
- Capital Projects Fund
- Electric Utility
- Dial-A Ride Transportation (DART)
- Sewer Utility
- Water Utility
- Motor Pool/Equipment
- Computer Replacement
- Health/Drug Self Insurance
- Self Insurance - Liability
- Cemetery Trust
- Retiree Health Insurance
- Fire Insurance Escrow

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by the affirmative vote of its City Council, does hereby adopt the aforementioned budgets, which are contained in the budget document submitted to the City Council and placed on file with the City Clerk, for the year beginning October 1, 2013 and ending September 30, 2014.

BE IT FURTHER RESOLVED that there is hereby levied an Ad Valorem Property Tax as indicated below, based upon the Taxable Valuation of the City in conformance with the General Property Tax Act:

14.1521 Mills - General Fund Operations	
.5500 Mills - Dial-A-Ride (DART) Fund Operations	
<u>1.9750 Mills - Solid Waste Fund Operations</u>	
16.6771	TOTAL MILLAGE

BE IT FURTHER RESOLVED that the City Manager is hereby given the authority to make transfers between departments or funds of amounts up to \$15,000 without prior approval of the City Council to maintain a balanced budget in conformance with the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED that the City Treasurer's office is authorized to assess a 1% property tax administration fee to offset the costs incurred by the City for assessing property values and for the collecting and accounting of property taxes.

BE IT FURTHER RESOLVED that a late penalty fee of 4% of the City tax levy shall be added to those delinquent City taxes, which remain unpaid as of September 16, 2013.

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 2013

Page Five

BE IT FURTHER RESOLVED that all delinquent property taxes collected on or after September 16, 2013 shall have an additional 1% added per each month thereafter to the outstanding balance due.

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: One (1) Burling

Abstain: None (0)

4. Resolution of intent to sell City-owned property at 423 Maple Street.

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

WHEREAS, the City of Dowagiac wishes to convey and sell a parcel of real property owned by the City in accordance with the provisions of Section 14.9 of the City Charter; and

WHEREAS, to do so requires the formal approval of the final-form resolution authorizing such conveyance a minimum of twenty-one (21) days in advance of the final adoption of the said, final-form resolution.

NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council, by the affirmative vote of its City Council, does hereby adopt and introduce the attached, final-form resolution for the conveyance of City-owned real property in accordance with the provisions of Section 14.9 of the City Charter, and further directs the City Clerk to maintain on file for public review said same final-form resolution for a period of not-less-than twenty-one (21) days preceding the formal action by Council to approve the resolution as attached.

ADOPTED unanimously.

5. 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.

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 2013

Page Six

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 #18 for the period ending 6/6/13:

Invoices: 471,068.96
Payroll: 194,486.71
Total: \$665,555.67

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
\$471,068.96	\$194,486.71	\$665,555.67

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: One (1) Burling

Abstain: None (0)

6. Resolution to adjourn to a closed session to discuss 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.

DOWAGIAC CITY COUNCIL MEETING

Monday June 10, 2013

Page Seven

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

Nays: None (0)

Absent: One (1) Burling

Abstain: None (0)

TIME: 7:35 p.m.

LATER 7:50 p.m.

Upon motion by Councilmember Dodd, and seconded by Councilmember Hunt, the Dowagiac City Council adjourned at 7:50 p.m.

Donald D. Lyons, Mayor

James E. Snow, City Clerk