

DOWAGIAC CITY COUNCIL MEETING

Monday July 8, 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 Dodd seconded that the minutes of the June 24, 2013 meeting be approved.

Approved unanimously.

COMMUNICATIONS

1. Summer in the City Festival, July 25-27, 2013

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

Approved unanimously.

CITY MANAGER REPORT

1. Agreement for Assessing Services – Contract Renewal

From the City Manager:

ASSESSOR AGREEMENT RENEWAL

The attached agreement is a renewal of the current contract with Edward VanderVries for assessment services. The contract is for full assessing services and allows the City to meet their full property assessment regulations of state law. Terms of the agreement are as follows:

- *Term.* The term for the agreement is three years.
- *Cost.* The fee for assessment services will be as follows:

Year 1 – June 2013 through August 2013 - \$1,975 per month.

Year 1 – September 2013 through May 2014 - \$1,775 per month.

Year 2 – June 2014 through May 2015 - \$1,775 per month.

Year 3 – June 2015 through May 2016 - \$1,775 per month.

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- *Office Hours.* Scheduled office hours will be 8:30 a.m.-12:30 p.m. the 2nd and 4th Tuesday of each month. A new assistant will hold office hours and field hours to be established in September, 4-8 days per month.
- *Opt Out.* The opt out provision of 90 days written notice is unchanged.

The balance of the terms of the previous agreement remains the same.

RECOMMENDATION

I recommend that City Council authorize execution of the Agreement for Assessment Services to begin on June 1, 2013 and conclude May 30, 2016.

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

ADOPTED unanimously.

RESOLUTIONS

1. Resolution to authorize budget amendments for FY 2012-13 through the period June 30, 2013.

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

WHEREAS, the City administration has reviewed the attached budgets for the 2012-13 fiscal year and the actual revenues and expenditures through June 30, 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.

ADOPTED unanimously.

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2. Resolution to authorize the sale of City-owned property at 423 Maple Street.

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

WHEREAS, at the June 10, 2013 City Council meeting by way of an adopted resolution introducing same, the Dowagiac City Council approved of a final-form resolution authorizing the conveyance of City-owned, real property in accordance with the provisions of Section 14.9 of the City Charter, and the specifications outlined in the City Council Policy enacted on June 21, 1993, and;

WHEREAS, having now remained on file for public inspection with the Office of the City Clerk for in-excess-of the minimum twenty-one (21) day period required by the City Charter, the City of Dowagiac wishes to formally convey and sell the parcel of surplus real property legally described in Exhibit "A", commonly known as 423 Maple Street in the City of Dowagiac, according to the recorded plat thereof, and more commonly referred to as Parcel Code No. 14-160-100-195-00, to Mr. Bruce Boatright, Sr., for the total sale price of one hundred dollars (\$100.00) plus any and all closing costs and/or attorney fees.

NOW, THEREFORE, BE IT RESOLVED that the Dowagiac City Council, by the affirmative roll call vote of five or more of its City Council Members, does hereby adopt and approve the sale and conveyance of City-owned real property legally described in Exhibit "A", commonly known as 423 Maple Street in the City of Dowagiac, according to the recorded plat thereof, and more commonly referred to as Parcel Code No. 14-160-100-195-00, to Mr. Bruce Boatright, Sr., for the total sale price of one hundred dollars (\$100.00) plus any and all closing costs and/or attorney fees.

BE IT FURTHER RESOLVED that the said conveyance shall be accomplished by means of the transfer of a Quit-claim Deed, as prepared by the City Attorney, signed by the Mayor and Clerk respectively of the City of Dowagiac, and executed within thirty (30) days following adoption of this resolution.

ADOPTED on a roll call vote.

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

Nays: None (0)

Absent: One (1) Hunt

Abstain: None (0)

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3. Resolution to approve the Planning Commission's recommendation for a special land use permit at 56081 M-51 South for a car wash facility.

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

WHEREAS, Mr. Chuck Wimberley has submitted an application for a Special Land Use Permit for establishing a car wash at 56081 M-51 South; and

WHEREAS, pursuant to the compiled Dowagiac City Zoning Ordinance, the Planning Commission has held a hearing to solicit public comment on the request; and

WHEREAS, upon review of the facts and circumstances presented, the Planning Commission formally adopted a resolution recommending approval of such request, with one condition.

NOW, THEREFORE, BE IT RESOLVED that the City of Dowagiac, by affirmative vote of its City Council, does hereby approve and grant the issuance of a Special Land Use Permit to Mr. Chuck Wimberley for the establishment of a car wash at 56081 M-51 South, Dowagiac, MI 49047.

ADOPTED unanimously.

4. 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 Gross.

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 #20 for the period ending 7/3/13:

Invoices: 132,610.98
Payroll: 165,696.96
Total: \$298,307.94

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
\$132,610.98	\$165,696.96	\$298,307.94

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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 Schuur, and seconded by Councilmember Laylin, the Dowagiac City Council adjourned at 7:20 p.m.

Donald D. Lyons, Mayor

James E. Snow, City Clerk