

## DOWAGIAC CITY COUNCIL MEETING

Monday August 26, 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., Lori A. Hunt and Bob B. Schuur.

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

Councilmember Laylin moved and Councilmember Dodd seconded that the minutes of the August 12, 2013 meeting be approved.

Approved unanimously.

### COMMENTS FROM THE AUDIENCE (NON-AGENDA) –

Corinne Callender, 106 Miller Street

### COMMUNICATIONS –

1. Halloween Parade, October 26, 2013

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

Approved unanimously.

### PUBLIC HEARING –

1. Public hearing for the purpose of receiving public comment on a 425 Agreement in Pokagon Township.

City Manager Anderson gave a brief overview of the process.

Mayor Lyons opened the public hearing at 7:05 p.m.

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

### APPOINTMENT –

1. Dowagiac District Library Board – Recommended by Mayor and offered by Mayor Pro-Tem: Re-appoint Teri Frantz for a term expiring September 2017.

## DOWAGIAC CITY COUNCIL MEETING

Monday August 26, 2013

Page Two

Councilmember Hunt moved and Councilmember Dodd seconded to approve the Mayor's appointment.

Approved unanimously.

### CITY MANAGER REPORT –

#### 1. Bid Award – Skid Loader

From the City Manager:

#### BID AWARD - SKID LOADER

The Department of Public Services has tested and competitively priced skid loaders. This is a very valuable piece of equipment for a wide variety of construction projects, brush removal and snow removal throughout the city. It is anticipated that significant labor and fuel savings can be achieved by adding this type of equipment to our fleet. A report from the Department of Public Services Director, James Bradford is attached for your review that recommends the purchase of a Case skid loader from Ausra Equipment & Supply for a total cost of \$50,750.

Funding for the project is proposed as follows:

- 1) The purchase will be made using fund balance from the Motor Pool Fund.
- 2) The Motor Pool Fund will be replenished as follows:
  - a) \$28,000 will be transferred from various 2012-13 DPS line items that are expected to come in under budget.
  - b) \$13,000 will be transferred from three DPS line items from FY 2013-14.
  - c) A used trailer will be purchased, which will reduce the total cost.

#### RECOMMENDATION

I recommend that City Council approve the purchase of the Case skid loader from Ausra Equipment & Supply, Inc. with the funding plan as outlined above.

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

ADOPTED unanimously.

### RESOLUTIONS –

1. Resolution to approve a contract agreement with Domestic And Sexual Abuse Services (DASAS).

DOWAGIAC CITY COUNCIL MEETING

Monday August 26, 2013

Page Three

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

**WHEREAS**, the Domestic And Sexual Abuse Services (DASAS) provides emergency services, outreach, and advocacy for victims of domestic violence and sexual assault in Cass County and St. Joseph County; and,

**WHEREAS**, the DASAS relies upon community funding to support its operations and efforts; and,

**WHEREAS**, the City Council of Dowagiac endorses and supports the mission and objectives of the DASAS.

**NOW, THEREFORE, BE IT RESOLVED** that the Dowagiac City Council, by the affirmative vote of its City Council, does hereby approve the attached contract with the Domestic And Sexual Abuse Services to provide funding equal to \$0.25 per resident, based on a population of 5,786 representing a total allocation of \$1,446.50.

**BE IT FURTHER RESOLVED**, the Dowagiac City Council directs the Mayor and the City Clerk to be the authorized signatory for execution of the same.

ADOPTED unanimously.

2. 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.

**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 #24 for the period ending 8/22/13:

Invoices: 731,160.03  
Payroll: 185,326.01  
Total: \$916,486.04

**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
\$731,160.03	\$185,326.01	\$916,486.04

DOWAGIAC CITY COUNCIL MEETING

Monday August 26, 2013

Page Four

Adopted on a roll call vote.

Ayes: Six (6) Burling, Dodd, Gross, Hunt, Laylin and Schuur

Nays: None (0)

Absent: None (0)

Abstain: None (0)

ORDINANCES –

1. First reading of an ordinance to amend Chapter 38, “Environment”, Nuisances, Division 7, Noise control, Section 38-112(a), be amended by its repeal and the adoption of a new Section 38-112(a).

AN ORDINANCE TO AMEND CHAPTER 38, “ENVIRONMENT”, ARTICLE II, NUISANCES, DIVISION 7, NOISE CONTROL, SECTION 39 112(a) OF THE DOWAGIAC CITY CODE.

THE CITY OF DOWAGIAC ORDAINS:

Section 1: That Chapter 38, “Environment”, Nuisances, Division 7, Noise Control, Section 38-112(a), be amended by its repeal and the adoption of a new Section 38-112(a) to read as follows:

Section 38-112(a): Any person convicted of a violation of any provision of section 38-111 shall be punished by a fine of not more than \$175.00 and costs of prosecution, or by imprisonment of not more than 90 days, or both. Each act or violation shall constitute a separate offense.

Section 2: This ordinance shall take full force and effect immediately upon its publication in a newspaper of general circulation within the City of Dowagiac.

Moved by: Dodd

Seconded by: Schuur

This being the first reading, the Ordinance will be brought before the Council for a second reading and vote at the regular meeting September 9,2013.

2. Second reading of an ordinance to approve an agreement between the City and First Housing Corporation for a payment in lieu of taxes (PILOT) for acquiring and renovating the property

DOWAGIAC CITY COUNCIL MEETING

Monday August 26, 2013

Page Five

known as Vineyard Place through the Michigan State Housing Development Authority (MSHDA).

AN ORDINANCE TO AMEND A TAX EXEMPTION ORDINANCE FOR A SERVICE CHARGE IN LIEU OF TAXES PURSUANT TO THE PROVISIONS OF ACT NO 364 OF THE PUBLIC ACTS OF MICHIGAN ON 1966 (MCL 125.1401, et. seq., MSA 116.114(1), et. seq., AS AMENDED). TITLE I COMMUNITY DEVELOPMENT, ARTICLE V MULTIPLE FAMILY DWELLING HOUSING TAX EXEMPTION.

THE CITY OF DOWAGIAC ORDAINS:

Subdivision III. Vineyard Place

Section 1: That Chapter 30, Community Development, Article III, "Housing Tax Exemption", Section 30-100.109 Duration, Section 30-100.111 Acknowledgement and Section 30-100.112 Effective date of the Dowagiac City Code be and is hereby amended by its repeal and the adoption of new Sections 30-100.109 Duration, Section 30-100.111 Effective date (Section 30-100.112 eliminated) to read as follows:

Section. 30-100.109. Duration.

This subdivision shall remain in effect and shall not terminate so long as the housing development remains subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Code of 1986, as amended; any Authority loan remains outstanding or unpaid or the Authority has any interest in the property, and provided that rehabilitation of the housing development commences within 15 months from the effective date of this subdivision.

SECTION. 30-100.111 Effective date.

This Ordinance shall take full force and effect immediately upon its publication in a newspaper of general circulation within the City of Dowagiac.

Section 2: That the Dowagiac City Clerk be and is hereby directed to forthwith cause publication as set forth in Section 30-100.111.

Moved by Councilmember Schuur and seconded by Councilmember Dodd for adoption at the August 12, 2013 meeting is now presented to the Council for a second reading and vote.

ADOPTED on a roll call vote.

Ayes: Six (6) Burling, Dodd, Gross, Hunt, Laylin and Schuur

DOWAGIAC CITY COUNCIL MEETING

Monday August 26, 2013

Page Six

Nays: None (0)

Absent: None (0)

Abstain: None (0)

CITY MANAGER REPORT ON QUESTIONS FROM COUNCIL FROM PREVIOUS MEETINGS –

Concerning funds for downtown rental rehabilitation, City Manager Anderson requested a public hearing at the next Council meeting for citizen input and to direct the City Clerk to publish the same. There were no objections.

Upon motion by Councilmember Schuur and seconded by Councilmember Laylin, the Dowagiac City Council adjourned at 7:18 p.m.

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Donald D. Lyons, Mayor

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James E. Snow, City Clerk