

DOWAGIAC CITY COUNCIL MEETING

Monday, July 12, 2010

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 and Junior W. Oliver.

ABSENT: Councilmembers Lori A. Hunt, Bob B. Schuur and City Attorney Mark A. Westrate.

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

Councilmember Laylin moved and Councilmember Burling seconded that the minutes of the June 28, 2010 meeting be approved.

Approved unanimously.

COMMENTS FROM THE AUDIENCE (NON-AGENDA)

Ronald Leatz, 402 Main Street

COMMUNICATION

1. Request from the Greater Dowagiac Chamber of Commerce to hold the 25<sup>th</sup> Annual Dowagiac "Summer in the City" Festival from Thursday, July 29<sup>th</sup> through Saturday, July 31<sup>st</sup>.

Councilmember Laylin moved and Council Dodd seconded to grant the request.

Approved unanimously.

APPOINTMENTS

Mayor Pro-Tem Laylin offered the following names as the Mayor's appointments to the following Boards:

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1. DART Local Advisory Board - Recommended by Mayor and offered by Mayor Pro-Tem: Appoint Donald Hallowell for an open-ended term.

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

Approved unanimously.

2. Parks & Recreation Board - Recommended by Mayor and offered by Mayor Pro-Tem: Appoint Ron Gunn for a term expiring May 2015.

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

Approved unanimously.

3. Police Advisory Board - Recommended by Mayor and offered by Mayor Pro-Tem: Re-appoint LeVance Henry for a term to expire August 2012.

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

Approved unanimously.

DISCUSSION

1. Motion to authorize submission of a ballot for election of MML Workers' Compensation Fund representation.

Councilmember Oliver moved and Councilmember Dodd seconded to re-elect the incumbent Trustees to the Board of Trustees of the MML Workers' Compensation Fund.

Approved unanimously.

CITY MANAGER REPORT

1. Demolition Bids for City-Owned Buildings

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Over the past several years the City has purchased a number of buildings in the downtown area for future development. Several of these buildings are of marginal use and it is more cost-effective for the City to remove these structures rather than rehabilitate and lease them in the interim period. These structures are located at 103 Main Street, 105 Main Street and 207 W. Division Street.

Bids have been received for the demolition of these properties from two companies, Merrill Excavating and Cross Excavating. The City has reviewed the bids and administration has agreed that Merrill Excavating has submitted the lowest bids for all three properties, which total \$10,900, as indicated in the bid tabulation below:

| <u>BIDDER</u>         | <u>103 Main</u> | <u>105 Main</u> | <u>207 W. Division</u> |
|-----------------------|-----------------|-----------------|------------------------|
| Merrill<br>Excavating | \$2,900         | \$3,600         | \$4,400                |
| Cross<br>Excavating   | \$3,844         | \$3,975         | \$4,670                |

Funding for the demolition will come from the Fund 265 Municipal Facilities/Improvements Fund. Demolition and site restoration are expected to be completed during this year's construction season.

RECOMMENDATION

I recommend that City Council award the demolition bids to Merrill Excavating.

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

ADOPTED unanimously.

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RESOLUTION #1

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

**WHEREAS**, the City of Dowagiac operates a local public transportation system, Dial-A-Ride Transportation (DART), and;

**WHEREAS**, DART provides an important service with over fifty percent (50%) of ridership being senior citizens and disabled individuals, and;

**WHEREAS**, the operations of DART are funded by a variety of sources, including, but not limited to rider fares, and;

**WHEREAS**, the costs associated with operating DART continue to increase and combined revenues have not kept pace with the increased costs of doing business, and;

**WHEREAS**, the DART Advisory Board has recommended an increase to various rider fares, as attached in Exhibit A, to support DART operations;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Dowagiac, by affirmative vote of its City Council hereby approves the following rider fares, as attached in Exhibit A, for Dial-A-Ride Transportation effective August 1, 2010.

Adopted unanimously.

RESOLUTION #2

**Surplus Property; 104½ Allen Street (\$500.00); Mr. Curth Smith**

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

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**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 the specifications outlined in the City Council Policy as enacted on June 21, 1993, 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 City of Dowagiac, 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.

RESOLUTION #3

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

**WHEREAS**, the following information has been reviewed by the City Manager and Finance Director and is being presented to City Council with a recommendation to approve invoices and payroll #20 for the period ending 7/7/10:

|           |                   |
|-----------|-------------------|
| Invoices: | 99,739.73         |
| Payroll:  | <u>128,188.02</u> |
| Total:    | \$227,927.75      |

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**BE IT RESOLVED** THAT THE Director of Finance is hereby authorized and directed to pay the following bills and payroll due:

| Invoices    | Payroll      | Total        |
|-------------|--------------|--------------|
| \$99,739.73 | \$128,188.02 | \$227,927.75 |

ADOPTED on a roll call vote.

Ayes: Four (4) Burling, Dodd, Laylin and Oliver

Nays: None (0)

Absent: Two (2) Hunt and Schuur

Abstain: None (0)

ORDINANCE #1

AN ORDINANCE TO AMEND CHAPTER 82 UTILITIES ARTICLE I. "IN GENERAL" SECTION 82-12 "COLLECTION", SUB-PARAGRAPH (b), OF THE DOWAGIAC CITY CODE BE AND IS HEREBY AMENDED BY ITS REPEAL AND THE ADOPTION OF A NEW SECTION 82-12 "COLLECTION", SUB-PARAGRAPH (b) OF THE DOWAGIAC CITY CODE.

Moved by Councilmember Hunt and seconded by Councilmember Laylin for the adoption at the June 14, 2010 meeting is now presented to the Council for a second reading and a vote.

ADOPTED on a roll call vote. Yeas, Four (4); Burling, Dodd, Laylin and Oliver; Nays, None (0); Absent, Two (2); Hunt and Schuur; Abstain, None (0).

Upon motion by Councilmember Laylin and seconded by Councilmember Burling, the Dowagiac City Council adjourned at 7:25 p.m.

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Donald D. Lyons, Mayor

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James E. Snow, City Clerk