

CALL TO ORDER:

Mayor Jim Rundborg called the Regular City Council Meeting to order at 7:00 p.m. He led the Pledge of Allegiance.

ROLL CALL:

Council Members Present: Sue Erickson, Dave Hunsaker, Ray Knick, Jim Lancaster, Tony Stoker, and Sheryl Strouse
Council Members Excused: None

STAFF:

Lisa Grysen, Larry Jerue, Dan Matson, Chris Olson, and Denice Smith

AUDIENCE:

Jennifer Balcom, Paul Perpich, Kevin Feuka and Brian Zeeb

APPROVAL OF AGENDA:

Motion by Knick, seconded by Erickson, and carried by unanimous vote of the Council that **the agenda be approved with the following changes:**

Move Old Business #1: Oakwood Drive – Acceptance of Street to Old Business #2

Add: Old Business #1: Review Letter Regarding the Oaks 2 Subdivision.

SPECIAL AGENDA ITEMS:

1. District Library Update: Jennifer Balcom (Library Director) and Paul Perpich (City's representative to the District Library Board) were present to give the Council a "State of the Library" Report. Ms. Blacom has just completed her first year with the DeWitt Library and reported that 2009 was a successful year. She offered the following comments:

- New library facility is on hold until the economy improves. In the meantime, they are making repairs and improvements to the existing building to accommodate staff and customers as much as possible.
- They service about 7,000 people per month.
- They are now offering downloadable audio books
- State Aid funding will be reduced (about 40%) in 2010 and 2011 may see a complete elimination of State Aid funding. The Library Board is looking at ways to reduce costs (i.e. they have reduced operational hours by 5-7 hours per week). There will be a millage renewal request on the August 2010 ballot. Millage/tax dollars and penal fines are their primary source of revenue. DeWitt City and DeWitt Township levy millage while the remaining townships (Olive, Riley, Watertown, and Bath) contribute to the library via penal fines.
- They are working on a 3-5 year Strategic Plan and it will be made available to the voters. The target date for completion is May of 2010.
- Last month, the Library Board passed a resolution changing the name from DeWitt Public Library to DeWitt District Library. They felt this change better reflected the customer base. The new name was prompted by a decision to change their logo and refresh their website.

APPROVAL OF MINUTES:

Dan Matson (City Attorney) commented on the reason for going into Closed Session during the December 29 Council Meeting. He stated that there have been appellate decisions in Michigan regarding the Open Meetings Act that impose severe penalties on the legislative body (i.e. the Council) if they accept an oral opinion from their attorney during closed session. The opinion

must be in writing. If not in writing, someone could challenge the fact that there was a closed session and that could negate everything that took place as a result of that.

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council that **the minutes for the December 21, 2009 Regular City Council Meeting be approved as presented and the minutes from the December 29, 2009 Special Council Meeting be approved with the following change:**

Page 2, second to last paragraph, to delete the sentence: “Therefore, there would be no harm to existing homeowners in striking this provision.”

PUBLIC COMMENTS:

None.

CITY ADMINISTRATOR’S REPORT:

Chris Olson (City Administrator) reported on the following:

- **Property closing for 409/411 Bridge Street** – The City closed on this property on December 23. There are two electric stoves. They could be utilized at City Hall and DPS. It is likely that each location will need to have 220/240 volt electrical connections installed. There are also two refrigerators at the property. DARA (or during any city-affiliated events) may find it useful to have a refrigerator at the Sports Park and McGuire Park. Riverside Park has a refrigerator in its utility room. These would only be available to those with keys to the utility rooms.
- **Arthur Newman** (former fire chief and former postmaster for DeWitt) passed away on December 30. His funeral service and burial was January 4.
- **Code Enforcement matters** – The property at 107 S. Bridge has gone through the entire property maintenance enforcement notice process. The City has not received any response from the property owner since September. The owner could make an appeal to the Construction Board of Appeals which would add time. After meeting with Bert Gale (Building Official) and Dan Skorich (Assistant City Attorney), the City is opting to utilize the nuisance process to seek a judge’s signature on a demolition order. The property owner has been sent a 30-day notice. In another active code enforcement issue, the court has been provided with information that Mr. Thorsen has not complied with Judge Wells’ order going back to October. He will be fined \$500 plus the City has requested reimbursement for legal and building official costs of \$863.
- **The Oaks Subdivision – Phase 2:** There will be a meeting next Tuesday at 9:00 a.m. with the Drain Commissioner in preparation for when the drainage system is turned over to the County and to ensure the City’s standards for maintenance are being met.

OLD BUSINESS:

1. **Review Letter Regarding the Oaks 2 Subdivision:** Councilman Lancaster reviewed a proposed letter to Charles Guyselman (attorney for the developer of the Oaks Subdivision Phase 2) which summarized the City’s expectations and a punch list of items to be completed by specified dates.

Kevin Feuka (C2AE) suggested the letter restate that the developer is in default of the Municipal Improvements Agreement (MIA) and that the warranties will still be in place and in full affect.

Consumers Energy is researching the street lights issue (the City amended its street lighting contract in August 2007 authorizing 10 new street lights within Phase 2). Some of these street lights have not been installed yet.

After review, the Council agreed to authorize the City Administrator to send the letter, as amended, to Mr. Guyselman with copies to be sent to the Mayor, Council, and residents of the Oaks Subdivision Phase 2.

2. Oakwood Drive Street Acceptance: This item will be discussed at the first Council Meeting in February.

NEW BUSINESS:

1. Approval of Annual Cabaret Licenses for Relli's and Prairie Creek Golf Course: The City has received the required fee and completed application from Relli's and Prairie Creek Golf Course for the renewal of their annual cabaret licenses. According to Chapter 6, Article II, of the City Code, an annual cabaret license is required at any place where entertainment or dancing privileges are afforded patrons at least six times per year. Annual cabaret licenses expire on February 1st of each year.

The City's Police Department has reviewed the application and has recommended approval of both license renewals.

Motion by Erickson, seconded by Strouse and carried by unanimous vote of the Council that

BE IT RESOLVED to approve the request from Relli's (202 East Main Street) and Prairie Creek Golf Course Inc (800 E Webb) for renewal of their annual cabaret licenses (expires February 1, 2011).

COUNCIL/STAFF REPORTS:

The following items were discussed:

- Chief Jerue provided an update on Police Department activities.
- DARA will meet Thursday. Bath Township has expressed an interest in renewing discussions about joining DARA.
- Kevin Feuka (C2AE) reported the City's Stormwater Management is in compliance
- Tree Commission needs a new Chair Person. Current projects include addressing the necessary removal of ash trees, Arbor Day activities, and Tree City USA status.
- A number of committee assignments expire in January. A notice will be placed in the *DeWitt/Bath Review* seeking volunteers to serve on City committees.

ADJOURNMENT:

Motion by Knick, seconded by Stoker and carried by unanimous vote of the Council that **this meeting be adjourned at 8:18 p.m.**

Respectfully submitted,

Denice Smith
City Clerk

James Rundborg
Mayor