

CALL TO ORDER:

Mayor Jim Rundborg called the Regular City Council Meeting to order at 7:02 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, and Chris Olson

AUDIENCE:

Bob Smith, Charles Guyselman, and Bob Showers

APPROVAL OF AGENDA:

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

SPECIAL AGENDA ITEM 3: Presentation of Planning Commission's 2010 Report.

SPECIAL AGENDA ITEMS:

1. Request for Permission to Solicit-Knights of Columbus: The City has received a request from the Knights of Columbus for permission to solicit downtown as part of their annual Tootsie Roll Drive on March 26 through March 28, 2010 (Friday through Sunday). This is an annual request from the Knights of Columbus as part of their fundraising efforts. As in the past, the Knights will need to comply with Section 62-35 of the City Code entitled charitable solicitations in roadway which establishes certain safety parameters that need to be followed.

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

BE IT RESOLVED to grant the request from the DeWitt Knights of Columbus for permission to solicit donations at the downtown four corners on March 26 through March 28, 2010 (Friday-Sunday) as part of its annual Tootsie Roll Program upon compliance with Section 62-35 of the City Code.

2. DeWitt Area Emergency Services Authority-Fiscal Year 2010-11 Budget: The Joint Emergency Services Authority (City of DeWitt and the Townships of Olive and Riley) requires the Emergency Services Board to submit a proposed budget to the governing bodies of the three municipalities by March 1st of each year. The agreement further states that upon receipt of the draft budget, the City and Townships may recommend adjustments to their Board representatives but shall not amend, reject, or approve the submitted budget.

Gail Watkins (Chairman for DAESA) was present to review the proposed Fiscal Year 2010-11 budget with the Council. A four-step formula (SEV, population, number of households, and number of runs) is used to calculate each jurisdiction's share of the budget.

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

BE IT RESOLVED that the DeWitt Area Emergency Services Authority (DAESA) Board has prepared and presented their proposed Fiscal Year 2010-11 budget to the City Council and, after reviewing the proposed budget, the City Council concurs with DAESA's proposed budget as presented.

3. Planning Commission Annual Report: Section 2-122 of the City Code requires the Planning Commission to file an annual report of the activities with the City Council outlining projects, proposals and requests that the Planning Commission considered throughout the calendar year. As in the past, 2009 proved to be a busy year for the Planning Commission.

Bob Smith (Chairman of the Planning Commission) was present to review their report and answer any questions.

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

BE IT RESOLVED to receive and place on file the 2009 Planning Commission Annual Report.

APPROVAL OF MINUTES:

Motion by Knick, seconded by Strouse and carried by unanimous vote of the Council that **the minutes for the January 19, 2010 Regular City Council Meeting be approved as presented.**

Let the record show that Council Members Erickson and Stoker abstained since they were not present at that meeting.

PUBLIC COMMENTS:

Bob Showers (County Commissioner) updated the Council on County activities including Bingham Township's financial difficulties and how the County might be able to assist them.

Gail Watkins (City Assessor) discussed the 2010 property values (taxable and assessed) and the inflation rate multiplier for 2010. Assessed value changes are computed using local information while taxable value changes are solely a function of the State and apply to property state-wide. The taxable value is adjusted annually by the inflation rate (not to exceed 5%) as computed by the State Tax Commission.

CITY ADMINISTRATOR'S REPORT:

Chris Olson (City Administrator) reviewed with Council his written report as follows:

Property at 409/411 Bridge Street: Informal quotes for demolition have been received. Based on this information, it will be necessary to do a formal bid. Only one vendor submitted for fire burn preparation and the follow-up site cleaning work. This was some cost savings to the City. Most vendors preferred to demolish and haul in one operation rather than being on site twice.

Code Enforcement Matters: On January 25th, Judge Wells heard the next phase of the Thorsen case. Mr. Thorsen was ordered to perform the necessary work on a time frame and was ordered to reimburse the City the sum of \$863 for its enforcement costs. Judge Wells gave Mr. Thorsen until February 25 to secure the boiler pit. No fine was levied.

Regarding the 107 S. Bridge property, the City still has not heard from Mr. Nottage (owner of record). The city has provided Brenda Kowalczyk (holder of the land contract) with all communications that have gone to Mr. Nottage.

SCCMUA Grant: The state energy bureau announced that SCCMUA will receive the \$161,805 energy grant award to replace the declining boiler system at the sewer plant. SCCMUA extended their appreciation to the City for being the lead agency that allowed them to receive this grant.

Downtown Design Guidelines: At the last Council meeting, there was a question about possible duplication of effort relative to the recent downtown design guideline work. Design guidelines from the 2004 Beckett & Raeder market plan were discussed. It made observations relative to downtown buildings. However, specific guidelines for development and/or building rehabilitation were not done by Beckett & Raeder. That report listed this as a work task that should be done with a budget of \$25,000. LSL's work will be less than \$8,000. At the January 28th Planning Commission meeting, there were three DDA members and one councilmember in attendance for the downtown design presentation.

Lansing Board of Water & Light (LBWL): Effective March 1, water rates will be raised by 8.9%, LBWL is also announcing its 125th anniversary on February 16, and will be holding an open house to celebrate this milestone.

Parks and Recreation: The State has notified the City that the Joint Recreation Plan (2010-2014) has been approved by the State. The City is now eligible to apply for MDNRE recreation grants for the projects that are contained within that document. This will probably be a topic for discussion at the February 10 Parks/Recreation/Cemetery Commission meeting.

DARA/Bath Township: On January 26, Dave Hunsaker, Danielle Firth and Chris Olson attended a meeting of the committee that was designated to discuss the possibility of Bath Township joining DARA. It appears a formal merger and amendment to the DARA cooperative agreement will not occur, primarily due to community identity concerns in Bath Township. The group extensively discussed cooperative efforts to provide program information in a convenient and cooperative manner to residents as well as to reciprocally eliminate non-resident fees. This could still be a possible future collaborative effort.

Winter Warm-up with the Blues: Staff has been working with BCBS and other communities on the community challenge regarding winter fitness. The City continues to receive information from BCBS and it is posted on the city's website.

Street Work Grant Application: The resurfacing of Bridge Street (from Main to Brunswick) was put on two lists. The City is on the regional transportation plan for 2014 for 80% federal aid funding and the City is the #2 project on the stimulus grant list for 100% funding for 2010. This is mainly because the City is one of the few communities that can deliver the project within a 2010 time frame. This will be discussed further at the February 2nd Council Meeting.

Friends of the Looking Glass: Bob Bishop provided the City with a report. So far, the City has not heard anything new about the Riverbank Stabilization Grant. Mr. Olson spoke with Scott Dierks (JF New) about the grant. The City is waiting for updated conceptual budgets for canoe launch options.

Greenways Design Charette: This is scheduled for February 18 at the Hannah Center.

MML Capital Conference: MML has announced its annual legislative conference will be April 13-14 in Lansing.

MLGMA: Mr. Olson will be attending the annual municipal manager's winter institute in Grand Rapids (Feb. 3-5). Several joint sessions will be held with the MRPA, linking recreation/quality of life with community success.

State Government: Mr. Olson attended a Senate public hearing on bills dealing with 312 arbitration and the urban cooperation act. The incremental changes being proposed in those acts are beneficial to communities. At that time, he had the opportunity to talk with Representative Paul Opsommer to discuss the Farmer building issues. He has agreed to refer this matter to his staff to see what is legislatively possible to assist the City.

DeWitt Township: Mr. Olson attended the January 25 DeWitt Township Board meeting to hear the Clinton County Road Commission's report (Joe Pulver, CCRC Manager). The CCRC plans to introduce a plan for a one-mill levy to the County Board of Commissioners in order to keep up with road work due to Act 51 revenue constraints. If passed by the county's voters, the City would retain the millage proceeds generated by our taxable valuation without affecting the charter millage limitation. Supervisor Galardi extended an invitation for the Township Board to meet twice per year with the City Council (and potentially the school district). The Township will be commencing on their master plan update this year.

DeWitt Public Schools: The school district has prepared their preliminary school bond project work list and plans. Nearly all work will be on site and the only driveway opening work directly affecting a public roadway will be done on a road with CCRC jurisdiction (Schavey, south of Herbison). They have a tentative calendar but this is subject to change since they are basically at the conceptual planning stage. They will be at Furstenau School in 2010. The school's planning, engineering and construction management consultants have been informed of the City's various codes and emphasized the stormwater management concerns (particularly with their first project having river frontage) as well as sensitivity to surrounding residential with work starting and ending times. They do not plan to work at Scott School (Wilson Street) until 2011. This will affect the City's plans to repave Wilson Street. As a result, the Council might wish to consider waiting until 2012 before the street is paved since it will be a construction zone prior to that.

OLD BUSINESS:

1. **Oakwood Drive Street Acceptance:** DTP (developer of the Oaks Phase 2 Subdivision) has presented a request through their attorney requesting that Oakwood Drive be accepted to the City's public street system. This street has always been intended as part of the subdivision approval and its acceptance will enable the City to utilize Act 51 funds to maintain the street, including winter snowplowing to serve the residents.

Inspections have been made by C2AE, the City's DPS Superintendent, the Drain Commission and the City Administrator. Subsequent meetings have been held with the Council's committee and the developers to further discuss the remaining matters. Worksite items have been punch listed for completion in Spring.

Acceptance of a street requires two affirmative acts of the City: (a) to own the property that the street resides on; and (b) the acceptance of the construction work. The ownership step was achieved in May 2007 with the acceptance of the plat. The final course of asphalt was installed in early September 2009. C2AE provided a report reviewing the street construction meeting appropriate municipal standards, the municipal improvements agreement (MIA), and the current status of the street and curbs. Additionally, the developers provided waivers of lien (showing that the work has been paid for) as well as certification of costs. C2AE's report discusses \$2,000 worth of repairs that need to be addressed by the developer and recommends withholding that amount within the letter of credit. This is a contingency that is part of the recommended approval. The MIA calls for the street to be warranted by the developer for two years after its acceptance. All required things will be in writing with a completion date by June 1st or the City will draw from the letter of credit.

The Council was presented with a prepared resolution to put the road acceptance into effect and to add this street to the City's Act 51 system.

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

BE IT RESOLVED to approve the following prepared Resolution approving the acceptance of Oakwood Drive to the City's street system:

WHEREAS, the Plat of The Oaks No. 2, a part of the SOUtheast ¼ of Section 8, T5N, R2W, City of DeWitt, Clinton County, Michigan, having been certified, signed, acknowledged and recorded as prescribed in the Michigan land Division Act, Act 288 of 1967, as amended, which Plat contains a street known as Oakwood Drive, that is dedicated for public use, and having a width of 66 feet for its entire length within the Plat, and

WHEREAS the dedication of the street for the use of the public is made by the proprietor of the Plat, DTP, LLC, a Michigan limited liability company, and

WHEREAS the City Council of the City of DeWitt having considered the dedication and the need for acceptance thereof, and having received the report of its engineers whose inspection of the street determined certain repairs are required and recommended retention of a suitable amount to cover the cost thereof.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council on behalf of the City of DeWitt, hereby accepts Oakwood Drive for its entire length within the Plat of The Oaks No. 2, a subdivision within the City of DeWitt, as recorded in document no. 5119074, Clinton County, Michigan, records, on July 9, 2007, the acceptance being subject to the completion of repairs by the proprietor, as identified by the City's engineers, and the City's retention of funds from the proprietor's bank letter of credit as security therefore.

2. Oaks #2:(Reciprocal Easement and Declaration of Restrictions; Declaration of Restrictions (Restrictive Covenants); Homeowner's Association Bylaws; and Homeowner's Association Articles of Incorporation: DTP (developers of the Oaks) and Charles Guyselman (their attorney) have put together the necessary documents to formulate the homeowners' association, covenants and by-laws as discussed in the plat approval process in 2006 and 2007, and then again over the past several months. The Council was presented with the final documents for review. The reciprocal easement and declaration of restrictions, the declaration of restrictions (restrictive covenants), and association bylaws, were presented for Council's approval.

The City has received written verification that the developers have secured the consent of eight homeowners to these documents. It appears unlikely at this time that the remaining two homeowners will be approving these documents. The remaining home has not been sold.

Additionally, these documents will apply to the vacant lots and these documents will need to be disclosed to future homeowners within the purchase process.

Dan Matson (City Attorney) has reviewed the contracts/agreements and has a few minor changes.

Upon approval, it is necessary for the developers to record these documents with the Register of Deeds Office and to provide the City with copies of the recorded documents.

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

BE IT RESOLVED to approve the reciprocal easement and declaration of restrictions, the declaration of restrictions (restrictive covenants), and the homeowner association bylaws for the Oaks No. 2 Subdivision.

NEW BUSINESS:

1. Fiscal Year 2009-2010 Mid-Year Budget Amendments: The City Administration reviews the budget for necessary adjustments twice each fiscal year (at the mid-term and end of each year) in order to reflect changed conditions affecting revenues and expenses. The Council asked for time to review the information. This item will be discussed at the March 2, 2010 Council meeting. In the meantime, the Council agreed to proceed with the new phone system, parking lot and computer upgrades.

2. C2AE Proposal for Bridge Street Design Services: At the last Council meeting, the prospect of applying for a stimulus grant and/or federal aid to pave Bridge Street (from Main Street north to Brunswick Road) was discussed. C2AE presented a proposal (dated January 29, 2010) to perform design services in the amount of \$12,375 to be performed in February 2010 in order to be ready for the current stimulus grant possibility. Should that grant application not be successful, this project will be on the federal aid STP list for paving in 2014. In that case, the same engineering design will still be necessary. The City will pay 100% of the engineering in either case.

The ~~City's~~ grant's share of the construction cost under the stimulus is 100%; if it is under the STP program, it will be 80%. Construction has been estimated at \$270,000. However, this will not include the repaving of the angle parking area (although the City could use its own funds to handle this), but will include curb repairs that are needed. With these kinds of projects, it is typically necessary to perform sidewalk ramp work to comply with ADA requirements. The City will also explore the possibility of sidewalk repairs as there are several areas where those are necessary. The sidewalks along the east side of the street (referred to in the engineer's memo) are in the residential areas north of the downtown block.

The source of this funding for engineering will come from the major street fund, where a total of \$150,000 has been designated for design and construction. A budget amendment will be prepared accordingly. At the time of budget preparation and adoption in the spring of 2009 for this fiscal year, the Council discussed the partial repaving of Wilson Street. This work would be a 100% obligation of the City since Wilson Street does not qualify under present grant criteria. The school district will be performing construction work at the Scott School in 2011. It would not be logical to partially pave that street when it will receive extensive construction traffic in the following year. The City will keep it maintained as best as possible, as that street is showing extensive failures.

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

BE IT RESOLVED to approve the C2AE proposal (dated January 29, 2010) in the amount of \$12,375 for the design to repave Bridge Street (from Main north to Brunswick)

COUNCIL/STAFF REPORTS:

The following items were discussed:

- Chief Jerue updated the Council on Police Department activities.
- Dan Matson (City Attorney) attended the attorney's municipal conference at Crystal Mountain.
- Mayor Rundborg asked the Council to think about any items they would be interested in meeting jointly with the DeWitt Township to discuss and to present them to him at the next meeting.

ADJOURNMENT:

Motion by Erickson, seconded by Stoker and carried by unanimous vote of the Council that **this meeting be adjourned at 8:49 p.m.**

Respectfully submitted,

Lisa Grysen
Deputy Clerk

James Rundborg
Mayor