

CALL TO ORDER:

Mayor Pro-Tem Erickson called the Regular City Council Meeting to order at 7:00 p.m. She led the Pledge of Allegiance.

ROLL CALL:

Council Members Present: Sue Erickson, Dave Hunsaker, Sheryl Strouse, Tony Stoker, Tim Kangas, and Jim Lancaster. Mayor Rundborg arrived at 7:52 p.m.
Council Members Excused: None

STAFF:

Lisa Grysen, Police Chief Larry Jerue, Rich Miller (arrived at 7:19), Daniel Coss, Dan Skorich, and Dan Matson

AUDIENCE:

Art Nottage, Steve Reed (Granger), and Rachel Johnson

APPROVAL OF AGENDA:

Motion by Hunsaker, seconded by Stoker and carried by unanimous vote of the Council that **the agenda be approved with the addition of NB #5 Nottage Building Discussion.**

SPECIAL AGENDA ITEMS:

1. Granger Annual Report:

Steve Reed, Chief Operating Officer of Granger presented the City Council with the annual waste, recycling and yard waste collection report. Mr. Reed touched on the following highlights:

- Provides waste collection for 1530 households.
- Provides curbside recycling for 1349 households
- Provides yard waste collection (April thru November) for 1530 households

An annual report is required and is to be presented to City Council per the contract between the City and Granger.

Motion by Hunsaker, seconded by Lancaster and carried by unanimous vote of the Council **to receive and place on file the 2010 Annual Report from Granger.**

2. Adam Falkowski, C2AE- Update DeWitt Public Schools Athletic Complex Water Service:

The School is still in the fact finding stage. They are looking to begin the project in April. The proposed plan for providing the recommended water service to the school facilities is to ultimately complete two water main loops in several phases:

- The first phase is the District's construction of its new 4-inch service from south of the Team Building and Bus Garage. The City would participate in paying the cost to upsize a portion of the 4-inch service to an 8-inch main for future extension. This cost was estimated at \$10,000 assuming open-cut (trench) excavation for installation.
- The second phase is to complete the first loop through City installation of a short section of 8-inch main on the north side of the site connecting the water main from the west side of the Junior High School to Old Hickory Trail.
- The third phase is to complete the second loop through City extension of an 8-inch main from the new Athletic Complex service to the main adjacent to Herbison Woods School.

Discussion Only

APPROVAL OF MINUTES:

Motion by Strouse, seconded by Hunsaker and carried by unanimous vote of the Council to **approve the minutes from the February 1, 2011 Regular City Council Meeting as presented.**

Councilmember Kangas abstained since he was not present at the February 1, 2011 meeting.

PUBLIC COMMENTS:

None

CITY ADMINISTRATORS REPORT:

UNION NEGOTIATIONS:

Union negotiations are headed for mediation. Larry Salstrom (labor attorney) presented the Union with our last/best offer and the Union has rejected it.

NOTTAGE BUILDING:

Assistant City Attorney Dan Skorich has been in contact with Councilmember Lancaster regarding the type of lawsuit to file and some stipulations that should be included. Mr. Skorich did have a memo updating you on his progress for Tuesday's meeting.

FARMER BUILDING:

Kenneth Beall (attorney used previously) has contacted the Attorney Generals Office and is waiting for a return call when they have researched the issue. Mr. Beall stated that the person he worked with previously is no longer there and he had to bring the new staff up to speed. I will keep you posted.

CITY HALL IMPROVEMENTS:

DPS has completed painting, carpet removal, and a wall tear-down to combine two offices into one more functional clerk-treasurer office. Additionally, new carpet has been installed in the Assessor's office and City Administrator's office along with newly painted walls.

We would like to do the following:

- Carpet the main outer office (\$2,945.56)
- Replace the counter tops in the reception areas of City Hall and the Police Department
- Reconfigure the work space using existing office furniture
- Clean the Fabric on the cubicle partitions
- New facing for the cupboards (sliding doors no longer work)
- Replace four of the office desk chairs

A majority of the work could be done by the DPS.

In the future, if the decision is made to add on to this building these upgrades will be a good investment. If these upgrades are to be considered we need to move forward soon in order to utilize DPS prior to the busy spring season.

5 YEAR BUDGET MODEL:

The 5 year budget model presentation is scheduled for February 22, 2011. Since the new Administrator will not be on board at this time, I would like to see if the Council would like to

reschedule this until March. If this is the case, we will need to cancel the February 22nd meeting and schedule a March 22nd meeting.

FEBRUARY/MARCH DATES TO REMEMBER:

February 15 – Council Meeting
February 17 – DAESA
February 21 – City Hall Closed for Presidents Day
February 22 – City Council Meeting (5Year Budget Model)
February 24 – Planning Commission
March 1 – Council Meeting & DDA Meeting (7:30 am)
March 12 – Appreciation Dinner
March 15 – Council Meeting
March 17 – DAESA Meeting
March 24 – Planning Commission Meeting

Rich Miller arrived.

OLD BUSINESS:

1. Medical Marihuana Dispensary Moratorium – First Reading:

The first reading of an ordinance providing for a second 180-day moratorium on Medical Marihuana Dispensaries while the City formulates a permanent ordinance to regulate this form of business. The effect of the moratorium ordinance will amend the City's Code of Ordinances, particularly Chapter 18 Regulating Businesses, by preventing the establishment of any Medical Marihuana Dispensaries within City limits in the absence of a permanent ordinance, and also to provide for penalties for violation of said ordinance.

WHEREAS, the Michigan Medical Marihuana Act (MCL 333.26421, et seq.) became effective December 4, 2008; and

WHEREAS the cultivation, sale, use, or dispensation of medical marihuana was not envisioned when the current Ordinances of the City were adopted; and

WHEREAS this use is not regulated or planned for by City Ordinance; and

WHEREAS allowing the cultivation, sale, use, or dispensation of medical marihuana prior to the amendment of the Ordinances would be contrary to the goals of the current Zoning Ordinance and Master Plan and Central Business and Residential Districts; and

WHEREAS the City desires to ascertain the best and safest way to comply with the Michigan Medical Marihuana Act in order to protect the public health, safety, and welfare; and

WHEREAS on September 14, 2010 the City Council determined that it was desirable to immediately forbid the cultivation, sale, use, or dispensation of medical marihuana by medical marijuana dispensaries until amendment of the City's Ordinances becomes effective; and placed a moratorium by ordinance on such activity for 180 days from and after the date of its publication which occurred of September 19, 2010; and

THE CITY OF DEWITT ORDAINS:

An amendment of the Code of Ordinances, Chapter 18, Business:

ARTICLE IV. MEDICAL MARIHUANA DISPENSARY MORATORIUM is amended as follows:

AN ORDINANCE TO CONTINUE TO IMPOSE A MORATORIUM ON THE SALE OR DISPENSARY OF MEDICAL MARIHUANA WITHIN THE CITY OF DEWITT

Sec. 18-100. Moratorium on Medical Marihuana Dispensaries.

For a period of 180 days from and after the effective date of the Ordinance, no medical marihuana dispensaries shall be established or created and no existing medical marihuana dispensaries shall be expanded in any zone district of the City of DeWitt. During such period no permit or license shall be issued and no business registration shall occur to establish, create, or expand a medical marihuana dispensary.

Sec. 18-101. Definition of Medical Marihuana Dispensary.

For the purpose of this ordinance the term “medical marihuana dispensary” means any retail store, store front, office building, residence, or other structure of any type, including a mobile entity, that dispenses, facilitates, sells, or provides in any manner, marihuana or any product containing marihuana, and includes any club, cooperative, or other entity engaged in such business or enterprise.

Sec. 18-102. Penalties

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor punishable by fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 90 days, or both, at the discretion of the court.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council **to adopt the above resolution and proceed with the Ordinance Amendment for a second reading on March 1, 2011 and to become effective upon publication.**

NEW BUSINESS:

1. The City Planning Commission Ordinance – First Reading:

The Michigan Legislature has mandated substantial amendment of the Planning Commission Ordinances of municipalities across the state, in its adoption of the Michigan Planning and Enabling Act, PA 33 of 2008 (MCL 125.3801et seq.). To comply with the Act, the Ordinance Amendment is to be adopted by July 1, 2011.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council **to table the first reading of the Planning Commission Ordinance until the March 1, 2011 meeting.**

2. Weapons Ordinance – First Reading :

The current Ordinance principally governing firearms within the City was adopted in 1986. It became obsolete in several respects with the enactment of Act 319 of Michigan Public Acts of 1990. After review, deletion of Sections 46-66 and 46-67 and a portion of Section 46-69(a) is required for compliance with the statutory law.

NOW, THEREFORE,

THE CITY OF DEWITT ORDAINS:

An amendment of the Code of Ordinances, Chapter 46, Offenses:

ARTICLE III. OFFENSES AGAINST PUBLIC SAFETY, DIVISION 2. WEAPONS is amended as follows:

WHEREAS, The need exists to amend Article III, Division 2 of the City Code of Ordinances to repeal Section 46-66, Carrying loaded Firearms, Section 46-67, Honor Guards, and to repeal a provision of Section 46-69(a), Shooting Weapons within the City; Loaded Weapons. This Amendment is made in order to comply with Act 319 of Michigan Public Acts of 1990 (MCL 123.1101 ET SEQ.).

Sections 46-66, 46-67, and partial subsection 46-69(a) of Article III, Offenses Against Public Safety, Division 2, Weapons, are hereby repealed:

~~Sec. 46-66. Carrying loaded firearms.~~

~~No person, except a police officer, a conservation officer or other person licensed to carry concealed weapons shall carry or transport in any vehicle any loaded firearm in a public place within the city limits of the city, unless written permission has been given the person by the city chief of police.~~

~~Sec. 46-67. Honor guards.~~

~~Honor guards who intend to pay tribute to deceased persons with the use of firearms at the city cemetery shall first obtain written permission from the chief of police.~~

Section 46-68 Hunting within the city, remains in full force and effect.

Section 46-69, Shooting Weapons within the city; Loaded weapons, subsection (a) is amended to provide:

Sec. 46-69. Shooting weapons within the city; loaded weapons.

(a) Except as provided in Section 46-70, no person other than a police officer, or conservation officer in the line of duty shall shoot a firearm, nor shall any person shoot any other dangerous weapon, such as an airgun, pellet gun, bow and arrow, crossbow, slingshot, etc, other than in defense of person or property, within the city limits of the city. ~~nor shall any such weapon be carried loaded out of doors within the city without a valid license for carrying a loaded weapon.~~

Subsection 46-69 (b) remains in full force and effect.

Section 46-70. Limited hunting on private property remains in full force and effect.

Motion by Hunsaker, seconded by Lancaster and carried by unanimous vote of the Council **to adopt the above resolution and proceed with the Ordinance Amendment for a second reading on March 1, 2011 and to become effective upon publication.**

3. Southern Clinton County Municipal Utility Authority – Board Appointment:

The SCCMUA Board of Directors is made up of ten board members from DeWitt Township, Watertown Township, Bath Township and the City of DeWitt. DPS Supervisor, Rich Miller was appointed to the board when former City Administrator, Chris Olson left in September 2010.

Rich has significant experience with municipal sanitary systems and is recommended to continue as the City's representative until December 31, 2011.

Motion by Erickson, seconded by Stoker and carried by unanimous vote of the Council to appoint Rich Miller as the City of DeWitt representative on the SCCMUA Board effective February 15, 2011 until December 31, 2011.

4. Wildflower Meadows Preliminary Plat Approval:

The City has received a request from Keith Schroeder, President of Schroeder Builders Inc., to extend the Preliminary Plat approval for an additional two years.

The City Council approved the Preliminary Plat on March 29, 2004, a one year extension on March 20, 2006, a two year extension on March 8, 2007, and a two year extension on March 2, 2009. Mr. Schroeder's request would extend the Preliminary Plat approval through March 29, 2013.

Per section 39-96 of the city code: "Final approval of the preliminary plat shall be for a period of two years from the date of its approval by the City Council. The two year period may be extended if applied for by the proprietor and granted by the City Council in writing."

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council **to grant an extension of the approved preliminary plat for a period of two years (to March 29, 2013) for Wildflower Meadows.**

City Council took a recess at 7:46 pm

Mayor Rundborg arrived

Mayor Rundborg resumed the meeting at 7:52 pm

5. Nottage Building Discussion:

Mr. Nottage was in attendance to explain to the City Council his plans and time lines for the building he owns at 107 S. Bridge Street. At a previous meeting, City Council directed assistant City Attorney Dan Skorich to begin court proceedings in regards to the demolition of this building. Mr. Nottage has taken out a demolition permit (which has expired) and a building

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permit (which is about to expire) for renovations to this building. He stated that he has paid approximately \$14,000 in engineering fees for the renovations of this building. He has solicited bids for the renovations and has contacted the winning bidder that he has been awarded the job. Mr. Nottage does not have a signed contract with the contractor but has been told that work will commence April 1, 2011. Bert Gale, Building Official, will be notified to extend the demo and building permits for 60 days.

Motion by Hunsaker, seconded by Strouse and carried by unanimous vote of the Council **to postpone the legal proceedings initiated by the Assistant City Attorney for 60 days.**

COUNCIL/STAFF REPORTS:

Chief Larry Jerue stated that he has been contacted by Loretta Spinrad regarding having "Movies in the Park" in the City of DeWitt again. Lisa Grysen has received a request via e-mail regarding this also. They would like to use McGuire Park for this event instead of Riverside Park. An official request will be coming to City Council for approval at a later date. Ms. Spinrad has also requested a road closure for the Mother's Day Flower Sale. This will be coming to City Council for approval at a later date also.

Mayor Rundborg has talked to Jeff Crowley and Jason LaFay regarding Riverbash. They have been told that they need to start the preparations now and that this is not a "City" event.

Lisa Grysen has asked that the 5-year budget model be postponed until March 22, 2011.

Motion by Hunsaker, seconded by Strouse and carried by unanimous vote of the Council **to cancel the February 22, 2011 City Council Meeting and to re-schedule this City Council Meeting on March 22, 2011 for the purpose of the 5-year Budget Presentation.**

ADJOURNMENT:

Motion by Stoker, seconded by Strouse and carried by unanimous vote of the Council that **this meeting be adjourned at 8:54 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

James Rundborg
Mayor