

CALL TO ORDER:

Mayor 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 (arrived at 7:20 p.m.), Dave Hunsaker, Sheryl Strouse, Tony Stoker, Tim Kangas, and Jim Lancaster.
Council Members Excused: None

STAFF:

Lisa Grysen, Police Chief Larry Jerue, Daniel Coss, and Dan Matson

AUDIENCE:

Randy Roost (Lansing Board of Water and Light), Loretta Spinrad (DeWitt Area Chamber of Commerce), and Paul Schneeberger

APPROVAL OF AGENDA:

Motion by Stoker, seconded by Strouse and carried by unanimous vote of the Council that **the agenda be approved as presented.**

SPECIAL AGENDA ITEMS:

1. Presentation of the 2011 Water Distribution Master Plan Update:

Randy Roost from the Lansing Board of Water and Light (LBWL) was present to discuss the water system annual report to Council. The contract between the LBWL and the City requires that the LBWL annually appear before Council and provide an update on the water system condition.

In each report the LBWL makes recommendations regarding infrastructure improvements. The LBWL is not suggesting any critical changes or modifications to the water distribution system this year. Highlighted items include:

- Sufficient flow and pressure for firefighting needs
- Annual Hydrant inspection and maintenance
- Customer Service Calls
- Cross connection controls / Backflow Preventers
- Water quality
- Infrastructure review

Motion by Hunsaker, seconded by Lancaster and carried by unanimous vote of the Council **to receive and place on file the 2011 Water Distribution Master Plan as prepared by the Lansing Board of Water and Light.**

APPROVAL OF MINUTES:

Motion by Strouse, seconded by Lancaster and carried by unanimous vote of the Council **to approve the minutes from the February 15, 2011 Regular City Council Meeting as presented.**

PUBLIC COMMENTS:

Police Chief Larry Jerue introduced the newest part-time police officer, Bruce Ferguson. He is a recently retired public information officer from Lansing Police Department where he was employed for 25 years. Mr. Ferguson has lived in the City of DeWitt for 25 years and has three children.

Loretta Spinrad was present to inform the City Council that the DeWitt Area Chamber of Commerce would like to hold the "Movies in the Park" in the City of DeWitt. Ms. Spinrad has been in communication with Chief Jerue and they both agree that McGuire Park would be an excellent location for this event. Ms. Spinrad also mentioned the other events that they will be holding again this year (Art in the Park, Mother's Day Extravaganza, and Harvest Fest). Official street closures and dates for the movies will be on a future Council Agenda.

Councilmember Erickson arrived

CITY ADMINISTRATORS REPORT:

DPS:

The DPS workers continue to be busy with plowing the streets and removing the snow from the downtown area.

UNION NEGOTIATIONS:

Mediation has scheduled for March 16, 2011.

300 RIVERWIND, APT B10:

I received a call from the District Court asking to have the e-mail regarding the inspection faxed to them. The tenant stated that the inspection was ordered by the judge. It sounds like this is not the case. However, the tenant did pay for the inspection.

RIVERBASH:

The 2009 Riverbash has a cost to the City (per Chris Olson's memo) of \$2,853.00. This included man hours and equipment for the DPS and Police Departments, handicap-accessible porta-potty, stage, and waiver of the park rental fee. I have attached Chris Olson's memo. I have not been able to locate any information on the 2010 Riverbash as of yet.

FARMER BUILDING:

Nothing new to report.

NOTTAGE BUILDING:

Mr. Nottage has come into City Hall to apply for the extension of his building/demo permits. He did pay the \$70 fee.

CITY HALL UPDATES:

We are still waiting for the quotes to come back.

MARCH DATES TO REMEMBER:

March 1 – Council Meeting & DDA Meeting (7:30 am)

March 12 – Appreciation Dinner (6 pm social hour, 7 pm dinner)

March 14 and 15 – March Board of Review

March 15 – Council Meeting (We will need to hold the Council meeting at a different location)

March 17 – DAESA Meeting
March 22 – Five Year Budget Model
March 24 – Planning Commission Meeting

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council to **hold the March 15, 2011 Regular City Council Meeting at the City of DeWitt Fire Station located at 911 W. Main Street.**

OLD BUSINESS:

1. Medical Marihuana Dispensary Moratorium – Second Reading:

The second reading of an ordinance providing for a second 180-day moratorium on Medical Marihuana Dispensaries was read 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

NOW, THEREFORE,

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 Erickson, seconded by Lancaster and carried by unanimous vote of the Council **to adopt the above resolution and to become effective upon publication.**

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 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 Stoker and carried by unanimous vote of the Council **to table the first reading of the Planning Commission Ordinance.**

2. Tri – County Regional Planning: CARTS Representative:

Tri-County Regional Planning Commission (TCRPC) has been involved with land use and transportation needs in the area since 1956. As part of the Intermodal Surface Transportation Act of 1991 (ISTEA), the role of local governments was enhanced by allowing municipalities to work through their Metropolitan Planning Organization (MPO) to direct expenditures of transportation funds in their planning area. TCRPC is the MPO for this region.

As part of the planning and allocation of funds the TCRPC has a technical committee in place called the Capital Area Regional Transportation Study (CARTS). Representatives from the communities and road agencies attend the CARTS meetings on the first Tuesday of each month to review transportation related matters.

In July 2008, Public Services Supervisor, Rich Miller was designated by City Council as the alternate delegate on behalf of the City and has continued as the alternate representative presently. Since new City Administrator, Dan Coss began his position February 28th Council intends to designate him as the primary representative for CARTS and Rich Miller as the alternate representative.

Motion by Strouse, seconded by Erickson and carried by unanimous vote of the Council **to designate Dan Coss as Primary Representative and Rich Miller, as the Alternate Representative to the CARTS Technical Committee on behalf of the City of DeWitt.**

COUNCIL/STAFF REPORTS:

Motion by Erickson, seconded by Kangas and carried by unanimous vote of the Council **to appoint Sheryl Strouse, Dan Matson, Dan Coss, Dave Hunsaker, and Larry Jerue to a medical marihuana committee.**

ADJOURNMENT:

Motion by Strouse, seconded by Stoker and carried by unanimous vote of the Council that **this meeting be adjourned at 8:09 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

James Rundborg
Mayor