

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, Dave Hunsaker, Tony Stoker, Sheryl Strouse, Tim Kangas, and Jim Lancaster.
Council Members Excused: None

STAFF:

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

AUDIENCE:

Rachel Jackson and Brian Zeeb

APPROVAL OF AGENDA:

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

SPECIAL AGENDA ITEMS:

None

APPROVAL OF MINUTES:

Motion by Hunsaker, seconded by Erickson and carried by unanimous vote of the Council **to approve the minutes from the April 12, 2011 Regular City Council Meeting as presented.**

Council Member Stouse abstained since she was not present at the April 12, 2011 meeting.

PUBLIC COMMENTS:

Brian Zeeb, Assistant Chief for DeWitt Area Emergency Services Authority, would like approval to close down Main Street from Market Street to the stoplight and Bridge Street from the stoplight to Jefferson for a mock fire drill. The streets will be shut down from approximately 6:30 pm to 9:00 pm on April 26, 2011.

Motion by Stoker, seconded by Strouse and carried by unanimous vote of the Council **to approved the requested street closures for a mock fire drill.**

CITY ADMINISTRATORS REPORT:

Daniel Coss, City Administrator, gave an update on the following:

RIVERBASH:

We have not heard from anyone representing the schools or DCG regarding a Riverbash event for 2011.

FARMER BUILDING:

We are in the process of filing the application with Michigan State Treasury and preparing an RFP for an environmental assessment.

NOTTAGE BUILDING:

Mr. Nottage has submitted the appropriate fees for the permit extensions, but has not started any of the work. I will keep an eye on the property and have been in communication with Dan Skorich regarding the property. Mr. Nottage did indicate construction would commence on April 1, 2011.

CITY HALL UPDATES:

We have received two quotes for updating the cabinets, countertops and carpeting. The recommended work will be presented during the FY 2011-12 budget process.

RIVERSIDE PARK GRANT:

At this time it appears the grant program has been cancelled for 2011, due to the recent budget cuts at the Federal Government. I will keep an eye out for other grants that may be applicable to this project.

DATES TO REMEMBER:

| | |
|-----------------|---|
| APRIL 19 | Council Meeting & SCCMUA |
| APRIL 21 | DAESA Meeting/Utility Bills Due |
| APRIL 22 | Good Friday- City Hall open from 8 a.m. to Noon |
| APRIL 24 | Easter |
| APRIL 25 | Citizen of the Year Letter Deadline |
| APRIL 26 | Finance Committee Meeting |
| APRIL 28 | Planning Commission Meeting |
| APRIL 29 | Arbor Day Celebration |
| MAY 3 | Election Day (911 Operating Surcharge) |
| MAY 5 | Thursday City Council Meeting |
| MAY 11-13 | Treasurer's Conference - Lisa |
| MAY 13 | DPS Mediation 10 a.m. – 5 p.m. |
| MAY 17 | Council Meeting |
| MAY 26 | Planning Commission Meeting |
| MAY 30 | Memorial Day – Offices Closed |
| JUNE 2 | Household Trash delayed due to holiday Pick up date is June 2nd |

OLD 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.

Dan Matson and Jim Lancaster have made the necessary changes to Section 2-122 item (d) that was discussed at the previous meeting.

City Council tabled the proposed ordinance for a second time at their March 1, 2011 meeting with the recommendation that the Planning Commission review it at their March 24th meeting. The Planning Commission reviewed each bulleted item line by line leaving mandatory items unchanged.

Upon approval from Council any items that are intended to be removed prior to the second reading are identified by strike-outs and any changes have been underlined.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council **to adopt and proceed with the attached ordinance amendment and proceed with the second reading on May 5, 2011 and to become effective upon publication in the May 15, 2011 DeWitt/Bath Review with the following changes:**

Sec. 2-122 (a) item (1) to read shall be a qualified elector of the City.

Sec. 2-122 (a) delete item (3)

Sec. 2-123 Training delete entire section.

Sec. 2-124 Changed sentence to read: Failure to disclose a potential conflict of interest as stated in the City's Ethics Ordinance constitutes malfeasance in office.

NEW BUSINESS:

1. Water System Agreement Extension – Lansing Board of Water and Light:

The City and the Board of Water and Light (BWL) entered into a Water System Agreement on August 8, 2000 which brought BWL water to DeWitt and also put the BWL in charge of water system operation and maintenance. Based on State law, the City and the BWL could not enter into an agreement that is longer than 30 years although there was a desire to have a perpetual agreement.

In order to keep the Agreement term at 30 years an “ever-greening” provision was placed in the Agreement which states that each year the City and BWL can agree to extend the agreement for another year. The decision to extend the agreement by one year each year has to be made by June 1st.

The new expiration date of the Water System Agreement Extension would be August 8, 2041.

Motion by Strouse, seconded by Erickson and carried by unanimous vote of the Council **to approve the Water Service Agreement Extension between the Lansing Board of Water and Light and the City and authorize the Mayor and Clerk to sign the agreement on behalf of the City.**

2. FEMA Floodplain Resolution:

A resolution is required by FEMA for the participation in the National Flood Insurance Program (NFIP). The City of DeWitt floodplain maps were updated last year (no change) and as such we are required to adopt the supplied resolution to continue our participation. City Attorney Matson has reviewed and approved the resolution and was present to answer any questions.

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council **to adopt the resolution to manage floodplain development for the National Flood Insurance Program.**

WHEREAS, the City of DeWitt currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood

hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E. (This is to be included only if the FEMA has issued a FHBM for the community).
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code and its Appendices specifically Appendix G contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by an ordinance adoption action dated October 7, 1974, the City of DeWitt accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries.

NOW THEREFORE, BE IT RESOLVED to maintain eligibility and continued participation in the NFIP,

1. The City of DeWitt directs its designated enforcing agent for the construction code act, the City Building Official to administer, apply, and enforce the floodplain management

regulations as contained in the state construction code, including Appendix G, and to be consistent with those regulations by:

- a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
2. The City of DeWitt assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. The City of DeWitt further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

3. FEMA Floodplain Ordinance – Second Reading:

The Federal Emergency Management Agency (FEMA) regulates and administers the National Flood Insurance Program, which allows property owners to obtain Flood Insurance for protection against property loss within the 100-year floodplain. The prepared ordinance indicates that the

City of DeWitt has adopted and complies with the floodplain management best practices as contained in the Michigan State Construction Code. The City of DeWitt currently participates in the NFIP. To maintain good standing in the program adoption of the ordinance is required by FEMA. The ordinance does not require additional mandates, nor does it require processes that the City of DeWitt does not already have in place. City Attorney Dan Matson has reviewed and approved the ordinance and was present to answer any questions.

Motion by Lancaster, seconded by Strouse and carried by unanimous vote of the Council **to adopt the prepared ordinance and to become effective upon publication.**

CITY OF DEWITT
Chapter 14
BUILDINGS AND BUILDING REGULATIONS
ARTICLE II. STATE CONSTRUCTION CODE

DIVISION 1. GENERALLY

AN ORDINANCE AMENDMENT TO AFFIRM AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF DEWITT LOCATED IN CLINTON COUNTY, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

THE CITY OF DEWITT ORDAINS:

Chapter 14, Article II, Division 1, Section 14-35, Flood Hazard Area Regulations, is added as follows:

Sec.14-35. Flood Hazard Area Regulations.

(a) *Agency Designated.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the public Acts of 1972, as amended, the Building Official of the City of DeWitt is hereby designated as the enforcing agency to discharge the responsibility of the City of DeWitt under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of DeWitt assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the city.

(b) *Code Appendix Enforced.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of DeWitt.

(c) *Designation of Regulated Flood Prone Hazard Areas.* The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Clinton County, Michigan (All Jurisdictions) and dated May 3, 2011, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26037C; 0302D, 0303D, 0304D, 0308D, and 0310D, and dated May 3, 2011, are adopted by reference for the purpose of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

- (d) *Repeals.* All ordinances inconsistent with the provisions of this ordinance are hereby repealed.
- (e) *Publication.* This Ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

This amendment of the Code of Ordinances of the City of DeWitt, is adopted at a regular meeting of the DeWitt City Council held April 19, 2011, and shall become effective upon publication.

IN WITNESS WHEREOF the undersigned Mayor and Clerk/Treasurer of the City of DeWitt hereby authenticate this amendment of the Code of Ordinances of the City of DeWitt by their signatures.

CITY OF DEWITT

JAMES F. RUNDBORG, MAYOR

LISA M. GRYSER, CLERK/TREASURER

4. Ox Roast Street Closings:

The City received the official request from the DeWitt Memorial Association Ox Roast Committee for permission to close certain City streets to accommodate this year's Ox Roast, which will begin Thursday, August 18 through Saturday August 20, per the following schedule:

FESTIVAL

| <u>Streets</u> | <u>Between</u> | <u>Time/Date to be Closed</u> |
|----------------|----------------------|-------------------------------|
| Bridge | Main to Jefferson | Noon, Wednesday, August 17 |
| Jefferson | Franklin to Scott | Noon, Wednesday, August 17 |
| Bridge | Main to Washington | 8:00 am, Friday, August 19 |
| Bridge | Jefferson to Madison | 8:00 am, Friday, August 19 |
| Main | Scott to Bridge | 8:00 am, Friday, August 19 |

The streets are planned to be re-opened by 10:00 am, Sunday, August 21 (or earlier).

PARADE

The staging areas will need to be closed from 8 am to Noon, and the parade route from 10:30 a.m. until noon. The only change to this route is to eliminate parking and the use of West Madison as a post-parade pick-up area (the Scott School parking lot and Wilson Street, north of Madison can be used for this purpose).

Letters were sent out April 1, 2011 to the property and business owners of those properties that are contiguous to the streets that are to be closed. They were invited to attend this Council Meeting, Tuesday, April 19, in order to offer any comments that they may have about this request.

It has been requested that the Riverside Park parking lot be closed from Friday at noon until Sunday at noon to ensure that patrons do not park in that lot and interfere with events that are scheduled to be held in that area. The car show chairperson has requested that the bike path through Riverside Park be closed in order to increase safety, reduce damage possibilities, and accommodate the show cars.

Motion by Strouse, seconded by Lancaster and carried by unanimous vote of the Council **to approve the DeWitt Memorial Association's request regarding street, park usage, and bike path/parking lot closings for the 2011 DeWitt Ox Roast Festival.**

5. MDOT Bridge Funding:

The Michigan Department of Transportation is requesting that eligible areas submit bridge maintenance capital projects. The funds will cover the eligible construction costs up to 95% and the grant dollars for this application period would be available in 2014. Funding would come from the MDOT Local Bridge Program and the application would cover the Bridge Street and Schavey Road Bridges. The funds would be used to cover the preventative maintenance activities based on the October 2010 inspection.

Motion by Erickson, seconded by Strouse and carried by unanimous vote of the Council **to sign the prepared resolution and authorize the Clerk-Treasurer to electronically transmit the resolution.**

WHEREAS, the Michigan Department of Transportation is requesting eligible areas to submit bridge maintenance capital projects to be considered for funding, and

WHEREAS, The City of DeWitt is eligible to receive Federal Transportation Program funds, and

WHEREAS, The Schavey Road and Bridge Street Bridge Maintenance Capital Improvement Plan is consistent with regional land use and development plans.

NOW THEREFORE, BE IT RESOLVED, that the City Council supports the Schavey Road and Bridge Street Bridge Maintenance Plan to be submitted for funding.

COUNCIL/STAFF REPORTS:

City Council was reminded that the Finance Committee meeting will begin at 6:00 pm on April 26, 2011.

ADJOURNMENT:

Motion by Stoker, seconded by Strouse and carried by unanimous vote of the Council that **this meeting be adjourned at 7:48 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

James Rundborg
Mayor