

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 (arrived at 7:19 pm).
Council Members Excused: None

STAFF:

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

AUDIENCE:

Jeremy Freed, Paul Schneeberger, Kim Scott, and Diane Golzynski

APPROVAL OF AGENDA:

Motion by Erickson, 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 Southern Clinton County Farm & Food Coalition (SCCFFC):
Diane Golzynski and Kim Scott gave a brief presentation on the Southern Clinton County Farm and Food Coalition and what they are hoping to accomplish. They are asking the City Council to pass a resolution in support of this (New Business #4).

APPROVAL OF MINUTES:

Motion by Stoker, seconded by Hunsaker and carried by unanimous vote of the Council **to approve the minutes from the April 19, 2011 Regular City Council Meeting as presented.**

PUBLIC COMMENTS:

None

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 started demo on the building. I have not been inside to see what progress has been made, but they have removed several dumpster loads of materials.

CITY HALL UPDATES:

We are in the process of updating the quotes previously received and should have something before Council in the next 30 days.

ATHLETIC COMPLEX WATERMAIN:

The schools are in the process of getting pricing for doing the upgrade to the section of 4-inch watermain to 8-inch that has been previously discussed. They will be getting back to us once pricing has been secured.

DPS:

DPS activities are generally behind as compared to last year due to the unusually wet April.

DATES TO REMEMBER:

APRIL 30	City Hall Open 8 a.m.-2 p.m. for Election
MAY 3	Election Day (911 Operating Surcharge)
MAY 5	Thursday City Council Meeting
MAY 7	Chamber Mother's Day Flower Sale- Downtown Roads Closed
MAY 8	Mother's Day
MAY 11-13	Treasurer's Conference – Lisa
MAY 17	Council Meeting- Budget Public Hearing/SCCMUA
MAY 18-20	Garden Club Flower Sale @ DPS
MAY 19	Fire Authority 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
JUNE 7	City Council

OLD BUSINESS:

1. The City Planning Commission Ordinance – Second 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. The necessary changes have been made based on the comments received at the April 19, 2011 City Council meeting.

A copy of the approved ordinance will be forwarded to the County Planning Commission within 14 days of adoption.

Motion by Erickson, seconded by Hunsaker and carried by unanimous vote of the Council to **adopt the prepared ordinance amendment to become effective upon publication in the May 15, 2011 DeWitt/Bath Review and for the City Clerk to transfer a copy of the approved ordinance to the County Planning Commission within 14 days of adoption 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.**

CHAPTER 2

ADMINISTRATION

ARTICLE V. BOARDS AND COMMISSIONS

DIVISION 3. PLANNING COMMISSION

THE CITY PLANNING COMMISSION ORDINANCE

AN ORDINANCE to continue the existing Planning Commission for the City of DeWitt as authorized by P.A. 33 of 2008, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* for the purpose of having planning and zoning in the City, to create, organize, and enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the City; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the State of Michigan.

THE CITY OF DEWITT ORDAINS:

Sec. 2-121. Creation.

The City Planning Commission was created pursuant to Ordinance No. 43 of the City of Dewitt, effective January 3, 1967. The City Planning Commission continues pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, and is hereinafter referred to as "The Planning Commission" with the powers and duties as therein set forth and as hereinafter provided. This Ordinance shall be officially known and described as the "The City Planning Commission Ordinance."

Sec. 2-122. Membership.

- (a) *Number of Members.* The Planning Commission shall consist of nine members appointed by the Mayor and approved by a majority vote of the City Council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:
 - (1) Shall be a qualified elector of the City;
 - (2) Except as provided in this ordinance, an elected officer or employee of the City is not eligible;
- (b) *Representation.* The membership shall be representative of the important geographic and interest segments of the City such as its economic, governmental, educational, and social development, to the extent practicable.
- (c) *Terms.* Members shall be appointed for three-year terms. As nearly as possible, the terms of 1/3 of all Planning Commission members shall continue to expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term. A member shall hold office until his or her successor is appointed.
- (d) *Members Holding City Offices.* One member of the City Council shall be a member of the Planning Commission. The Mayor, and the City Administrator or an administrative officer of the City designated by the City Administrator with the approval of the Mayor are also eligible for membership. The terms of office of elected members shall coincide with their elected terms of office. For administrative officer appointees of the Mayor the term shall not exceed the term of the Mayor. Not more than 1/3 of the total membership of the Commission shall consist of members identified in this paragraph.
- (e) *Officers.* The Planning Commission shall elect a Chairperson, a Vice Chairperson, and a Secretary from among its members. The term of each officer shall be one year with opportunity for

reelection. The Mayor, a member of the City Council, the City Administrator, or a person designated by the City Administrator shall not be Chairperson or Vice Chairperson of the Planning Commission.

Sec. 2-123. Removal from Office.

The City Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disclose a potential conflict of interest to the Planning Commission and shall not cast a vote on a matter of which the member may reasonably be considered to have a conflict of interest. Failure to disclose a potential conflict of interest as stated in the City's Ethics Ordinance constitutes malfeasance in office.

Sec. 2-124. Membership; Vacancies.

The Mayor and the City Council shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment.

Sec. 2-125. Membership; Compensation.

The members of the Planning Commission may be compensated for their services and their expenses as provided by the City Council.

Sec. 2-126. Meetings.

(a) *Frequency.* The Planning Commission shall meet monthly unless the Chairperson or the Secretary cancels a meeting for lack of agenda items, but in no case shall there be fewer than four (4) regular meetings per calendar year. A majority of its members shall constitute a quorum for the transaction of the ordinary business of the Commission. All questions, which arise at their meetings, shall be determined by a vote of the majority of the members unless otherwise required by this Ordinance or by law.

(b) *Votes.* The affirmative vote of six (6) members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any Master Plan or amendment to a Master Plan.

(c) *Special Meetings.* Special meetings may be called by the chairperson or by three members of the Commission by written notice to each member of the Commission. The notice shall include the matter for which the meeting is called.

Sec. 2-127 Powers and Duties.

(a) *Statutory Authority.* The Planning Commission shall have its powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).

(b) *Bylaws.* The Planning Commission shall adopt Bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(c) *Annual Report.* The Planning Commission shall make an annual report to the City Council concerning its operations and the status of planning activities, including written recommendations regarding actions by the City Council related to planning and development.

(d) *Grants.* The Planning Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts. Gifts shall be applied pursuant to Section 23(3) of the Planning Enabling Act.

Sec. 2-128. Master Plan.

It shall be the function of the Planning Commission, in accordance with Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), after careful and comprehensive surveys and studies of present conditions and future growth of the municipality, to make and adopt a Master Plan for the future physical development of the municipality. Such a Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will best protect its natural resources and promote the health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development. Such a Master Plan is also that Plan referred to in Sections 31 through 51, inclusive, of Act No. 33 of 2008 (MCL 125.3831 et seq.) which is the basis of a zoning plan for the municipality. At least every five years after the adoption of a revised Plan or other amendment of the Plan the Planning Commission shall review the Plan and determine whether to commence the procedure to amend the Plan or adopt a new Plan. The Planning Commission shall consult with representatives of adjacent local units of government in respect to their planning so that conflicts in Master Plans and zoning may be avoided.

Sec. 2-129. Zoning.

It shall be the function of the Planning Commission to recommend to the City Council appropriate regulations and the boundaries of districts or zones, in accordance with Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3102 et seq.), as amended, which will be designed to limit the overcrowding of land, to avoid undue congestion of population, to facilitate adequate provisions for a system of transportation, sewage disposal, water, education, recreation and other public requirements, and to promote the public health, safety and general welfare. After the Zoning Ordinance and maps have been adopted by the City Council, amendments or supplements thereto may be made only in accordance with said Act No. 110 of the Public Acts of Michigan of 2006, as amended.

Sec. 2-130. Recommendation to the City Council.

The Planning Commission may make recommendations to the City Council, to public officials (including the zoning board of appeals as allowed by ordinance) and to citizens regarding all matters relating to the planning and development of the municipality and the surrounding area. The Planning Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the City Council. All recommendations and suggestions made to the City Council by the Planning Commission shall be in writing.

Sec. 2-131. Approval, Ratification, and Reconfirmation.

All official actions taken by the City Planning Commission preceding the adoption of this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue subject to the requirements of this Ordinance, and shall be deemed a continuation of the City Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Sec. 2-132. Amendments.

This Ordinance amends in its entirety Article V, Division 3, the Planning Commission Ordinance, Section 2 – 121, et seq, of the City Code.

This Ordinance of the City of DeWitt, is adopted at a regular meeting of the DeWitt City Council held May 5, 2011, and shall become effective upon publication.

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

CITY OF DEWITT

BY: _____

JAMES F. RUNDBORG, MAYOR

SEAL OF THE

BY: _____

CITY OF DEWITT

LISA M. GRYSSEN, CLERK/TREASURER

NEW BUSINESS:

1. Disposition of 2010 remaining Fund Balance at SCCMUA:

SCCMUA has provided the City of DeWitt with their December 31, 2010 fiscal year ending audit, which contains \$27,020.71 in unreserved retained earnings.

Based on the 2010 SCCMUA audit, performed by Abraham & Gaffney, the City has a lift station reserve account at SCCMUA of \$267,549.

The City has been building a balance at SCCMUA in order to handle pump station or other emergencies, as well as proceeds for any major capital projects i.e. sewer relining, manhole rehabilitation, etc...

As discussed at the budget meeting, the City presently has approximately \$1.7 million in its own water and sewer fund, cash and investment reserves. At this time, it is not necessary for the City to transfer any amounts from SCCMUA accounts to the City accounts for operations or emergencies.

Motion by Erickson, seconded by Strouse and carried by unanimous vote of the Council to place the \$27,070.71 in retained earnings to the City of DeWitt lift station reserve at SCCMUA for future City of DeWitt sewer system project or repair use.

2. DPS Zero Turn Mower:

The DPS has taken quotes on replacing a 2004 Exmark Zero Turn mower for grounds maintenance. The trade-in mower was at City Hall if anyone is interested in looking at it prior to the meeting.

72" Zero turn mower	Business	Options	Options	Trade: Exmark 2004 72"1,730hr	Warranty	Total Price
Kubota ZD331LP-72 \$13,100.00	Capital Equipment	31 hp LC diesel, mulch kit	Suspension Seat	\$5,600.00	2 year	\$7,500.00
Kubota ZD331LP-72 \$13,400.00	Williams Farm Machinery	31 hp LC diesel, mulch kit	Suspension Seat	\$4900.00	2 year	\$8,500.00
Kubota ZD331LP-72 \$13,500.00	Dankins Yard and Garden	31 hp LC diesel, mulch kit	Suspension Seat	\$2500.00	2 year	\$11,000.00
JD 997 L.C Diesel Z- Track 72" \$13,224.35	Bader & Son	31 hp LC diesel, mulch kit	Suspension Seat	\$2,800.00	2 year	\$10,424.35
JD 997 L.C Diesel Z- Track 72" \$13,142.38	D & G Equipment	31 hp LC diesel, mulch kit	Suspension Seat	\$3800.00	2 year	\$9,342.38
Exmark LZD25KD725 \$13,638.00	D & G Equipment	25hp LC diesel, mulch kit.	Suspension Seat	\$3000.00	2 year Limited 3 year motor.	\$10,638.00
Exmark LZD25KD725 \$13,439.00	Countryside Lawn & Power	25hp LC diesel, mulch kit.	Suspension Seat	\$1900.00	2 year Limited 3 year motor.	\$11,539.00

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council to award the bid to Capital Equipment of DeWitt Township in the low quote amount of \$7,500.00 including trade-in.

3. Resolution of Support SCCFFC:

The Southern Clinton County Farm & Food Coalition is working to create partnerships that will promote opportunities of getting fresh healthy foods from local growers to the residents of southern Clinton County. The SCCFFC would like City Council to adopt the prepared resolution in support of this program.

Motion by Erickson, seconded by Strouse and carried by unanimous vote of the Council to adopt the prepared resolution of support for the Southern Clinton County Farm & Food Coalition.

**RESOLUTION OF SUPPORT FOR CREATING PARTNERSHIPS TO RAISE
AWARENESS AND EXPLORE OPPORTUNITIES FOR MAKING HEALTH FOOD
FROM FARM TO TABLE MORE ACCESSIBLE TO THE RESIDENTS OF SOUTHERN
CLINTON COUNTY.**

WHEREAS, Agriculture and food productions is a major asset in Clinton County; and

WHEREAS, Only 60% of people in Clinton County have access to healthy foods, 28% of adults are obese, 14.7% of seventh graders are obese and obesity is on the rise; and

WHEREAS, The Michigan Department of Community Health provided funding that created a food coalition in Southern Clinton County which is holding focus groups to assist in the development of a 3 year action plan to improve the food environment for the residents of Southern Clinton County, and

WHEREAS, a farm food coalition strengthens the local food system by connecting its various sectors, tackles critical farming and food related issues in the community, and can improve the quality of life through nutrition and economic improvements; and

WHEREAS, the newly created Southern Clinton County Farm & Food Coalition (SCCFFC) intends on developing a network linking different food system, encouraging the use of locally grown food and products, educating the public about the Southern Clinton County food system, and bringing new entrepreneurial opportunities to Southern Clinton County, and

WHEREAS, The SCCFFC is working with the Creating Entrepreneurial Communities project, specifically the communities of Watertown, Dewitt and Bath Townships, as well as the City of Dewitt, in seeking support for their mission by the political bodies,

NOW THEREFORE BE IT RESOLVED, on this 5th day in May, 2011 that the City of DeWitt City Council supports the mission of the Southern Clinton County Farm & Food Coalition.

By: James F. Rundborg, Mayor

By: Lisa M. Grysen, City Clerk-Treasurer

COUNCIL/STAFF REPORTS:

None

ADJOURNMENT:

Motion by Strouse, seconded by Stoker and carried by unanimous vote of the Council that **this meeting be adjourned at 7:49 p.m.**

Respectfully submitted,

Lisa M. Gysen
City Clerk-Treasurer

James Rundborg
Mayor