

CALL TO ORDER:

Mayor Jim Rundborg called the Regular City Council Meeting to order at 7:27 p.m. He led the Pledge of Allegiance.

ROLL CALL:

Council Members Present: Dave Hunsaker, Sue Erickson, Tony Stoker, Jim Lancaster, and Sheryl Strouse
Council Members Excused: Ray Knick

STAFF:

Lisa Grysen, Police Chief Larry Jerue, Dan Matson, and Chris Olson

AUDIENCE:

Karen Hunsaker, Carl McDaniel, Brenda Green, Howard Green and Fred Motz

APPROVAL OF AGENDA:

Motion by Strouse, seconded by Erickson and carried by unanimous vote of the Council that **the agenda be approved with the addition of NB#9, Enter into closed session for discussion of the annual evaluation of the City Administrator.**

SPECIAL AGENDA ITEMS:

None

APPROVAL OF MINUTES:

The minutes for the July 6, 2010 Regular City Council Meeting could not be approved at this meeting since a quorum from the July 6th meeting was not present at this meeting.

PUBLIC COMMENTS:

Police Chief Larry Jerue introduced Officer Michelle Lester and Officer John Drolett to the City Council.

Fred Motz did a brief presentation on the possibility of constructing a City owned parking lot on the corner of Jefferson and Madison Streets. He currently owns the house and land at that location. The proposed lot could accommodate approximately 29 parking spaces. The reason behind this idea is to offer City Council a solution to downtown parking. If employee parking was made available for business owners, then employees would not be taking up prime parking locations that are meant for downtown patrons. Mr. Motz estimates approximately 59 employees do not have parking available at them at their place of employment. The City could charge a yearly fee to the business owner (St. Johns charges \$65 to \$70). Individuals wishing to use the lot would be allowed at no cost, for a maximum of two hours during the daytime with unlimited over night. Mr. Motz will be gathering more information in regards to his proposal and will bring this back for discussion to the DDA and City Council.

CITY ADMINISTRATORS REPORT:

City Administrator, Chris Olson reported on the following:

City Hall voter accessibility grant – 3 vendors have come into City Hall to provide quotes for the electric push button door openers for greater accessibility by persons with limited mobility. The grant application deadline is July 30. Quotes should be received by early next week.

Downtown off-street parking – At the June PC meeting, DDA member Fred Motz made a presentation that a new parking lot be built at the SW corner of Franklin/Jefferson. Fred's proposal is for the City and/or DDA to build and operate that proposed parking lot. Fred plans to bring his drawing in to present to City Council on July 20. This is expected to occur during public discussion since Fred has not requested to be on the agenda, nor has he provided a business proposal or any other particulars for your packet. This was briefly discussed at the July 13 DDA meeting, but no action taken by the DDA.

Downtown Design Guidelines – You received this document in your last packet for review. At this point, the DDA has taken no action to endorse the policy aspects (mandatory vs. optional-incentive) for your consideration of their views. The DDA's design committee intends to meet to go over the document, as to whether there is a consensus of philosophy on this topic. If these things are acceptable to all, and there is a desire to move forward on this, there will be a need to put things into ordinance form.

Parks, Recreation & Cemetery matters – The revised cemetery ordinance/rules and regulations are in this packet as an information item for your consideration prior to the first reading and public hearing process.

Farmer Building – The necessary information has been given to Sen. Stabenow's office regarding the IRS liens and have received an acknowledgement that the documents were received. They will take it the next steps.

Riverside Park – The bathroom structure is undergoing some wood replacements along the soffit and beneath. What started out as a repainting project has turned into restoration due to the amount of wood rot due to accumulating water. The design of the soffit is such that water has infiltrated into the overhangs and rotted the trim and some of the structural members, over time.

Thorsen property – Since the work ordered back in the winter months was not done by June 30, Asst. City Attorney Dan Skorich filed to have a follow-up hearing. Mr. Thorsen appeared in court on July 12 and Judge Wells granted him until mid-September to complete the exterior work. If the work is done by then, the judge will work out a payment schedule for restitution to the court and City. If not, then the judge indicated that jail time would be coming up.

All-Kids Playground – All signs, bricks, rocks, plaques, etc., have been ordered.

Granger landfill tour – Granger is conducting tours on Wednesday, July 21.

Nottage property – We have received demolition and reconstruction plans and permit applications for the work necessary at 107 S. Bridge Street. Mr. Nottage is getting prices from builders for the work.

CITY ADMINISTRATORS REPORT (con't):

Phone PBX change-over – This is scheduled for the final week of July. The phone system will be up and running right up to the cut-over, and the vendor has promised that there would only be “a few minutes” of downtime when moving to the new system.

Construction signs – A text amendment to the sign ordinance to allow for construction signs such as those installed at the Wildflower Meadows entrances and at the corner of Herbison/DeWitt, has been formulated by LSL for the PC’s consideration at their upcoming July 29 meeting.

Ox Roast preparation – There is a good amount of activity now occurring, and more coming up, to get the City ready for the annual celebration.

Oaks subdivision, phase 2 – Received a request from the developers that the City release the \$39,500 letter of credit. The as-built drawings and electronic files arrived this week. Many items on the punch-list have been completed, but there are a few remaining items with the pond, as well as inspections to be completed for the swales. Additionally, the developers need to provide certifications of completion, proofs of payment and lien waivers relative to the work that has been completed.

Other Work – Several other smaller projects, follow-ups and other work mentioned in prior reports is still ongoing.

July-August Dates to Keep in Mind

Tuesday, July 20 – SCCMUA, 5:30 pm

Tuesday, July 20 – ZBA, 6:30 pm; City Council, 7:00 pm

Wednesday, July 21 – Granger Landfill tours, various times

Thursday, July 29 – Planning Commission, 7:00 pm

Tuesday, Aug. 3 – Primary Election Day; no Council meeting

Wednesday, Aug. 4 – Council meeting scheduled, 7 pm

Wednesday, Aug 11 – Parks, Recreation & Cemetery Commission, 7 pm

Tuesday, Aug. 17 – SCCMUA, 5:30 pm

Tuesday, Aug. 17 – Council meeting, 7 pm

Thursday, Aug. 19 to Saturday, Aug. 21 – Ox Roast

Tuesday Evenings – Farmer’s Market

OLD BUSINESS:

None

NEW BUSINESS:

1. Special Approval Land Use for 607 Turner Street:

A proposal for special approval use for an adult foster care group home serving 7-12 persons at 607 Turner has been received for the City’s consideration.

The Planning Commission held a public hearing with proper notice, on June 24. No objections were raised by members of the public. The PC approved the site plan and also recommends that Council approve the SA use, with the following contingencies:

- Positive reviews by the police and fire departments (attached)
- Site plan approval (approved on June 24)

NEW BUSINESS (con't):

- Non-Use Variances approved by the Zoning Board of Appeals (pending)

The ZBA approved the variances prior to the City Council meeting.

The planner's review, an update by the City Administrator with information that arrived after that review, and other documentation provided by the Greens as to their operations and demonstration of ability to obtain a state license were provided at the July 20, 2010 meeting.

Since the Planning Commission meeting, the Greens have applied for their state license and have been working with one of the consultants at the licensing bureau, as well as the State Fire Bureau. The Greens are planning an additional fire exit door as well as doing other work to satisfy state licensing requirements.

Motion by Erickson, seconded by Lancaster and carried by unanimous vote of the Council **to approve the special land use as recommended, with a maximum of 9 residents, and meeting the contingencies and state issuance of the group home license.**

2. Volunteer Energy natural gas contract:

The City has received a proposed contract from Volunteer Energy of Pickerington, Ohio, to supply the City with natural gas for its heating needs. They have also provided a one-year analysis of gas consumption and price differential showing the savings.

This company purchases gas from the open market and bases its price differential on having lower overhead than Consumers Energy. A number of Michigan municipalities have gone to this company over the past several months in order to achieve savings. The estimates on last year's gas prices yields about a 6% savings for City Hall, the DPS building and the fire station. The same is true for a 3-year analysis.

Consumer's Energy will still deliver the gas and continue to provide repair service, readings, billing, etc. Those components are already on our monthly bill and will not change.

The Volunteer Energy agreement is essentially a month-to-month contract, with no penalties or exit charges. City Attorney Dan Matson has reviewed the contract and his primary concern was if we had an existing supply contract. The City does not have any such contract with Consumer's Energy nor anyone else at this time.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council **to enter into the proposed agreement with Volunteer Energy to provide natural gas supplies for the City Hall, DPS garage and Fire Hall, and authorize the Mayor and Clerk to sign the agreement on behalf of the City.**

3. Election Receiving Board:

Election Law allows the City Council to establish, by Resolution, an Election Receiving Board. Establishing a receiving board is one of the requirements as a recipient of the grant for the laptop computers. A Receiving Board functions within City Hall on election night by receiving the materials delivered by the Chairperson after their precinct certifications are completed, reviewing the documents, making necessary corrections, and resealing the paperwork before delivery to the County Clerk.

The prepared resolution authorizes the appointment of the Receiving Board which will then be appointed by the Election Commission prior to each election.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council to adopt the prepared resolution establishing an Election Receiving Board for the City of DeWitt.

WHEREAS, Section 168.679a of Act 116 of 1954, as amended, states that the legislative body of a City, township, or village, may, by resolution, provide that at an election at which the ballots are counted and certified by the precinct, one or more additional boards of election inspectors be appointed to serve as receiving boards, and;

WHEREAS, said legislation, as amended, requires the subsequent appointment of the receiving boards to be done by the City of DeWitt's Election Commission.

NOW, THEREFORE, BE IT RESOLVED that the City of DeWitt City Council does hereby authorize and require the establishment and appointment of a Receiving Board to be appointed, prior to each election, by the City of DeWitt's Election Commission under the terms of, and with the responsibilities dictated by, Michigan Election Law. Said requirement shall remain in effect unless or until the City Council adopts a Resolution determining otherwise.

4. Ox Roast Fireworks Risk Transfer Agreement:

Night Magic will be handling the fireworks for the Ox Roast Festival this year which will be held on the evening of Saturday, August 21. This company has handled the fireworks display for the Association for the past several years. The City has not had any problems in previous years with Night Magic operations.

In order to reduce the City and associated public entity's liability associated with the Ox Roast fireworks display, the City requires that the provider of the fireworks enter into a risk transfer agreement. The risk transfer agreement, insurance certificates and related documents describing the fireworks have been provided.

City Attorney Dan Matson will contact the insurance carrier a few days prior to the fireworks display to confirm the liability insurance is in good standing.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council to enter into a Risk Transfer Agreement between the City and Night Magic, Inc. and authorize the Mayor and Clerk to sign the agreement on behalf of the City.

5. Michigan Main Street Associate level contract:

The contract with the Michigan Main Street program for DeWitt's participation as an Associate-level community has been provided. There is no expense to the City for this program, with the exception of costs related to training attendance (meals/mileage). The trainings themselves are at no cost.

City Attorney Dan Matson has reviewed the contract and the MMS program has made some changes to accommodate his concerns. Chris Olson, City Administrator has asked our liability insurer to examine this (Section III, paragraph 5) relating to insurance and indemnification.

The DDA has already voted to approve the contract and its participation in the program.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council to approve the contract with the Michigan Main Street program and authorize the Mayor and Clerk-Treasurer to sign on behalf of the City.

6. C2AE agreement to produce bidding document for street paving and City Hall parking lot:

C2AE for \$9,750 to provide a "log book" street construction specification for the following paving work:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Paser</u>	<u>Type</u>
Rivergate	Wanilla	Spring Meadows	2	local
Windyrush	Wanilla	Rivergate	3	local
Spring Meadows	entire loop		3	local
Chimney Hill	entire loop		2	local
Locust	Webb	Dill	4	major
City Hall parking lot			n/a	n/a

Rehabilitation in all these areas will be by milling off the existing pavements from the above streets and City Hall parking lot, then to install 3-1/2" of new bituminous pavement in two lifts. The work is being grouped in this fashion to minimize the amount of mobilization costs for the milling equipment as well as the paving. The overall estimate for all of the above work is approximately \$250,000, assuming that the price of asphalt holds at about \$55/ton.

When the same work was done on West Main Street last year with ARRA funds, along with curb and sidewalk repairs, we were obligated to follow MDOT's requirements including a complete set of very detailed plans and intersection ramp diagrams. The level of effort required to survey the area and provide very specific and detailed design drawings is not needed for this year's paving program since it will be bid locally and not through MDOT.

Instead, a "log book" type of paving job will be used that reduces the typical engineering design expenses about 30% to 40%. This will be a different kind of specification, in that it utilizes typical construction diagrams versus full-sized detailed plans of the areas, identifies performance standards for the final product and includes technical specifications, resulting in a smaller scale bidding package. MDOT allows this format in isolated cases when the work is very basic and does not involve a lot of other items such as ADA sidewalk ramps, drainage work, etc., as is the case with these local streets. These are existing curbed streets, and the main considerations will be to assure pavement thickness as well as positive flow of stormwater to the curbs and catchbasins.

The objective puts less work on the engineered details with more emphasis on performance and final product being addressed in the field during construction. Less specifics can pose risks during construction, but these can be mitigated by monitoring the work regularly, which will occur. Because of the relative straightforward nature of this project, our DPS Supervisor Rich Miller can perform much of the monitoring work, which will require less of our consultant's involvement. This will also provide a professional growth opportunity for Rich. Our intent is to work with C2AE on a time-and-materials basis as necessary and appropriate.

Assuming authorization of this specification, the intent would be to complete the bid documents by the end of July, to advertise for bids, award the bid on August 17, and then to have the selected contractor substantially complete the majority of the paving work prior to Labor Day. A preference will be put into the bid document on the timing so that all bidders are aware of that expectation.

Motion by Strouse, seconded by Erickson and carried by unanimous vote of the Council to approve the proposal from C2AE to provide the bidding documents for the above-named streets and parking lot.

7. Proposal from Scodeller, Inc., for overband crack-sealing:

The Clinton County Road Commission took sealed bids in the Summer of 2009 for a crack-sealing program and have extended it to this year with Scodeller Construction, the low bidder. Scodeller has offered the City the same bulk price to perform crack-sealing, even though our quantities are much less.

Crack-sealing is part of the "mix of fixes" for pavement preservation. The goal of crack-sealing is to extend the life of streets that are currently in relatively good condition (generally, these are PASER rated 6-9) by preventing water from getting underneath the pavement. This is to minimize damage to the pavement and crack-sealing reduces maintenance tasks such as potholing and large-scale patching.

The exception to the strategy described here would be for North Bridge Street, which has a "5" PASER rating. It appears that there will not be federal funding to pave Bridge Street until 2014. However, as a major street, the overbanding work will help to keep this street from further deterioration until repaving can occur. A few years ago, the southbound lane was crack-sealed but the north-bound lanes were not, because that project reached its funding ceiling.

Street Appearance: The cracks will be filled, and approximately 2" on either side of the crack will also have tar applied. The City has done this before on a number of streets. There may be some residents who do not like the appearance of this work, especially if compared to new asphalt.

Process: The contractor will be providing 48-72 hours notice before starting any work within the City. Residents will be notified via door hanger the day before work commences. There will be some noise with the work, mainly from the use of compressed air to blow out sand/debris from the cracks. Inconvenience should be minimized, as the work can be driven on almost immediately after application. The contractors will operate on one lane at a time, which will allow for traffic at all times.

Funding: There is \$10,000 specifically set aside in local streets for this kind of maintenance work, and \$10,000 which can be utilized from the major street construction fund (this was our match for the

Bridge Street repaving stimulus funds). The contractor brings in the material with 7,000 pound kettles (approximately \$8,000 per load).

The streets on the crack-sealing list are as follows:

	<u>PASER</u>
• Bridge Street, north of Washington to City limit	5
• Main Street, from Scott to City limit	6, 8
• Schavey, from Herbison to Main	6
• Webb, from Bridge to the east City limit.	7, 9
• East Geneva, Herbison to Mora; Lehigh to Elmwood	6
• Larchmont	8
• Lehigh	8
• Elmwood	7
• West Geneva, Riverview	7
• Andover	6
• Dartmouth	6
• Manchester	7
• Country Lane	7

The number of streets that will actually receive work depends on the amount of product that has to be applied. Generally, the main priorities are the major streets (Bridge, Main, Schavey, Webb) and those listed above that are in the best shape.

Process: The contractor will be providing 48-72 hours notice before starting any work within the City. Residents will be notified via door hanger the day before work commences. There will be some noise with the work, mainly from the use of compressed air to blow out sand/debris from the cracks. Inconvenience should be minimized, as the work can be driven on almost immediately after application. The contractors will operate on one lane at a time, which will allow for traffic at all times.

Scodeller has performed this type of work for MDOT, and the Cities of Charlotte and Rockford. They come highly recommended for their work by Rockford and the Clinton County Road Commission (Charlotte has not yet returned my call).

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council to approve up to \$24,000 (3 Kettles @ \$8,000 each) from the local and major street funds, respectively, to overband crack-seal City streets with Scodeller Construction, Inc.

8. August 4 meeting date:

The primary election is scheduled for Tuesday, August 3, and the Council chambers will be in use until approximately 9 pm. Due to this, at the beginning of the year the Council meeting was scheduled for Wednesday, August 4. However, it is my current understanding that availabilities for that date are in question.

At this point, there are no pending major business items for August 4.

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council to cancel the Regular City Council Meeting scheduled for August 4, 2010.

9. Enter into closed session for the purpose of discussing the annual performance evaluation of the City Administrator (Section 8A of the Open Meetings Act) :

Motion by Hunsaker, seconded by Erickson and carried by unanimous roll call vote of the Council **to enter into closed session for the purpose of discussing the annual performance evaluation of the City Administrator at his request (Section 8(a) of the Open Meetings Act) at 8:40 pm.**

Knick	Absent	Hunsaker	Yes
Stoker	Yes	Erickson	Yes
Lancaster	Yes	Strouse	Yes

Motion by Hunsaker, seconded by Lancaster and carried by unanimous vote of the Council **to return to the Regular City Council Meeting at 8:53 pm.**

Chris Olson filed a written letter of resignation with the City Clerk on July 20, 2010. The City Council will take action on this letter of resignation at the next Regular City Council Meeting pursuant to the City Charter.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council **to approve a separation agreement by and between the City of DeWitt and Christopher Olson, City Administrator in anticipation of the acceptance of his resignation by City Council and to authorize the Mayor and Clerk to sign the agreement on behalf of the City.**

COUNCIL/STAFF REPORTS:

The cemetery rules have been put in ordinance form by City Attorney Dan Matson. A public hearing will be scheduled for the August 17, 2010 Regular City Council Meeting. The 1st required reading will be on the first Regular Council Meeting in September 2010.

ADJOURNMENT:

Motion by Knick, seconded by Stoker and carried by unanimous vote of the Council that **this meeting be adjourned at 8:57 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

James Rundborg
Mayor