

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, Ray Knick, Tony Stoker, Jim Lancaster, Mayor Jim Rundborg (arrived at 7:02) and Sheryl Strouse
Council Members Excused: None

STAFF:

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

AUDIENCE:

Scott Holmgren

APPROVAL OF AGENDA:

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

SPECIAL AGENDA ITEMS:

Moved to the end of the meeting.

APPROVAL OF MINUTES:

Motion by Hunsaker, seconded by Knick and carried by unanimous vote of the Council **to approve the minutes of the July 6, 2010 Regular Council Meeting as presented.**

Councilmembers Lancaster and Strouse abstained from this vote because they were not present at the July 6, 2010 meeting.

Motion by Lancaster, seconded by Strouse and carried by unanimous vote of the Council **to approve the minutes of the August 17, 2010 Regular Council Meeting as presented.**

Councilmember Knick abstained from this vote because he was not present at the August 17, 2010 meeting.

Motion by Hunsaker, seconded by Stoker and carried by unanimous vote of the Council **to approve the minutes of the August 31, 2010 Special Council Meeting as presented.**

Councilmember Erickson abstained from this vote because she was not present at the August 31, 2010 meeting.

PUBLIC COMMENTS:

None

CITY ADMINISTRATORS REPORT:

Chris Olson, City Administrator, provided the following report:

Voter accessibility grant/electric door opener for City Hall-

David Foster, contact person for the grant from the State Bureau of Election has indicated that the City had a complete grant package and had no further questions. He stated that the award notices will be delayed until mid-September since they received 42 applications from across the State.

FY 2009-10 Audit Work-

Fieldwork has been completed by the Auditors.

2010 Paving Program-

Paving is somewhat behind due to the extent of gravel base work, the recent rainstorms and the contractors working on other paving projects in the area. The City Hall parking lot, southern portion of Rivergate and Windyrush have all received one layer of asphalt. The other streets (Spring Meadows, northern portion of Rivergate, Locust and Chimney Hill) have been pulverized and are in various stages of preparation. The conclusion of this project is September 10. This all depends on the weather and manhole adjustment work.

Downtown Design Guidelines-

No changes since the August 17th report. The Planning Commission has endorsed the Downtown Design Guidelines, the minimum construction standards and deviation process, along with the zoning ordinance text changes. This was provided to Council on August 17. The Planning Commission's public hearing on the zoning ordinance text changes for the minimum construction standards has been set for September 23. DDA has still taken no action to endorse the policy aspects for Council consideration. The Mid-Michigan Public Health Agency has been the only comment received and has no objections.

Construction Signs-

A Public Hearing has been set for September 23 for the construction sign text amendment. This will allow signs announcing that lots, commercial/multiple family space, etc., is available within a new development or building for longer periods of time than current ordinance. The Mid-Michigan Public Health Agency has been the only comment received and has no objections.

Sports Park-

The metal and wood surfaces of the restroom/concession building were painted last week with some remaining trim work to complete.

Thorsen Property, 122 E. Main-

No repair activity has occurred. Judge Wells granted Mr. Thorsen until mid-September to complete the exterior work. There is a pending reimbursement to the City for its attorney and AGS enforcement costs.

Nottage Property, 107 S. Bridge-

Mr. Nottage picked up his building permit on Tuesday, August 31, 2010.

Ox Roast-

The event was held without major incident. Attendance was reported low at the August 31st, Memorial Association Meeting. Thanks to all who participated in the parade, sponsored and/or participated in the frog jumping contest. As always, there was extra work put in by the DPS and the Police Department to make the Ox Roast safe and enjoyable.

Oaks Subdivision, Phase 2-

The developers have completed virtually all items on the punch list and provided necessary certifications and sign-offs. On August 26th their bank was notified authorizing the letter of credit reduction from \$39,500 to \$10,000 on in accordance with a report from C2AE; the bank plans to walk-in the new letter of credit on either September 3 or September 7. Additionally, DTP has been invoiced for the July and August C2AE review work, with those invoices totaling \$1,178.19.

DPS-

The crew has continued to trim trees along streets and sidewalks. The post office requested certain trees be trimmed as well. Catchbasin repairs have been a large part of the crew's time this week.

Cemetery-

The Clinton County Cemetery Reclamation Project volunteer group is in their 2nd year of work at the City Cemetery. They worked in the Fall of 2009 and plan to be there in Summer/Fall of 2011. They have not requested funds, but the City submitted a check request in the amount of \$1,500 to pay for three years worth of supplies for the headstone repairs, foundation leveling and other work. They are helping our employees both with the work as well as with training them on these maintenance techniques. The City received an \$8,700 insurance reimbursement from the vandalism damage in 2009, which contributed to the positive GF Fund Balance at the end of the last fiscal year.

SEPTEMBER DATES TO REMEMBER:

Monday, Sept. 6 – Labor Day; City Hall and DPS Closed
Tuesday, Sept. 7 – Council Meeting, 7:00 pm
Sunday, Sept. 12 – Kellie Sebrell Memorial Trail Run, all day
Monday, Sept. 13 – Sister City activities, 8am – 4:30 pm
Tuesday, Sept. 14 – DDA meeting, 7:30 pm
Tuesday, Sept. 21 – Council meeting, 7:00 pm
Thursday, Sept 23 – Planning Commission meeting/public hearings

Tuesday Evenings – Farmer's Market, 5 pm to 8 pm

OLD BUSINESS:

1. Cemetery Rule Ordinance, 1st Reading: The public hearing was publicly noticed in the *DeWitt-Bath Review* on August 1 and August 15 and also advertised on the City's website. A public hearing was held on Tuesday, August 17, 2010.

The following resolution will establish the first reading of the ordinance.

WHEREAS the City Parks, Recreation, and Cemetery Commission has reviewed the City's Cemetery Ordinance which governs the regulations of the use of land and conduct of persons within the DeWitt City Cemetery; and

WHEREAS as a result of several meetings that the Commission held to consider improvements of the Ordinance at which public input was also received and considered; and

WHEREAS a public hearing was held before the City Council on August 17, 2010, for which notice was published and copies of proposed Ordinance Amendment provisions were made available to the public; and

WHEREAS the matter of adoption of the proposed Amendment of the Cemetery Ordinance was scheduled to be placed before the City Council at its first regular meeting in September; and

WHEREAS, Councilmember Hunsaker has introduced an amendment to Chapter 22 entitled **CEMETERIES** of the City Code of Ordinances.

NOW THEREFORE BE IT RESOLVED that the records of the September 7, 2010 regular Council meeting shall reflect the introduction and first reading of the City Council of the City of DeWitt to ordain an amendment to Chapter 22, CEMETERIES.

BE IT FURTHER RESOLVED that the attached amendment of Chapter 22, Article II, DeWitt City Cemetery, of the Code of Ordinances, be and is hereby adopted at its first reading.

Motion by Hunsaker, seconded by Erickson and carried by unanimous vote of the Council **to approve the prepared resolution for the first reading of this ordinance and to proceed with the remainder of the ordinance approval process with the second reading and to become effective upon publication.**

NEW BUSINESS:

1. Appointments to the Sister City Community Board of Commissioners:

Mayor Rundborg would like to make the following appointments to the Sister City Community Board of Commissioners:

- Erik Olson, 1306 Sandhill, and
- Peggy Arbanas, 1314 Sandhill

These appointments will have no term expirations.

Motion by Strouse, seconded by Lancaster and carried by unanimous vote of the Council **to confirm the Mayor's appointments to the Sister City Community Board of Commissioners.**

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

The SCCMUA Board of Directors is made up of representatives from DeWitt Township, Watertown Township, Bath Township and the City of DeWitt. There are ten board members, and each community represented in proportion to the amount of ownership of the facility's treatment capacity. The City of DeWitt has one seat which is currently held by the City Administrator. With the current vacancy, the City Council needs to appoint a new representative.

DPS Supervisor Rich Miller, has significant experience with municipal sanitary collection system operations. His experience with Delhi Township makes him an excellent representative of the City to the Board. He will bring a technical expertise that will prove invaluable for construction projects, planning, and operational issues. He has also served previously on this board, in calendar year 2009.

Motion by Lancaster, seconded by Hunsaker and carried by unanimous vote of the Council **to appoint Rich Miller as the City of DeWitt representative on the SCCMUA Board effective September 7, 2010.**

3. Medical Marihuana Dispensary Moratorium-First reading of ordinance:

The prepared resolution for the first reading of an ordinance providing for a 180-day moratorium on Medical Marihuana Dispensaries while the City formulates a permanent ordinance to regulate this form of business as allowed under recent statute. The effect of the 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 the City Council determines that it is 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

WHEREAS, Councilmember Hunsaker has introduced an amendment to Chapter 18 entitled **MEDICAL MARIHUANA DISPENSARY MORATORIUM** of the City Code of Ordinances; and

NOW THEREFORE BE IT RESOLVED that the records of the September 7, 2010 regular Council meeting shall reflect the introduction and first reading of the City Council of the City of DeWitt to ordain an amendment to Chapter 18 of the Code of Ordinances **TO IMPOSE A MORATORIUM ON THE SALE OR DISPENSATION OF MEDICAL MARIHUANA WITHIN THE CITY OF DEWITT.**

BE IT FURTHER RESOLVED that the prepared amendment of Chapter 18 of the Code of Ordinances be and is hereby adopted at its first reading, and that the second reading of the ordinance be placed on the September 21, 2010 agenda with publication to follow.

Motion by Hunsaker, seconded by Stoker and carried by unanimous vote of the Council **to adopt the above resolution and proceed with the attached ordinance amendment for a second reading on September 21, and to become effective upon publication.**

4. Report of Ongoing Fiscal Obligations at Completion of Fiscal Year 2009-10:

Council Chambers

The City Administrator is required by the City Charter to present to Council within sixty days of the expiration of each fiscal year, a report that outlines existing outstanding obligations of the fiscal year that most recently expired. I have attached such a report for the Fiscal Year 2009-10.

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council **to receive and place on file the Report of Obligations at Completion of Fiscal Year 2009-10 as prepared by the City Administrator.**

SPECIAL AGENDA ITEMS:

1. Review of City Administrator Applications/Resumes:

The Council Members made a list of their top candidates and discussed the candidates that received the most votes. Council also prepared a list of qualifications that they would like to see in the next city administrator. All candidates were discussed by number to keep the applicants confidential.

Councilmember Lancaster is getting a quote for having the MML handle a portion of this process, such as questions to ask, checking references etc. This information should be available for the Special Meeting on September 14, 2010.

Motion by Lancaster, seconded by Stoker and carried by unanimous vote of the Council **to schedule a Special City Council Meeting on September 14, 2010 for the purpose of further discussion of the city administrator applicants and the 2nd reading of the Medical Marihuana Moratorium.**

COUNCIL/STAFF REPORTS:

None

ADJOURNMENT:

Motion by Knick, seconded by Stoker 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