

CALL TO ORDER:

Mayor Leeming called the Regular City Council Meeting to order at 7:00 pm. She led the pledge of allegiance.

ROLL CALL:

Council Members Present: Matt Cooper, Denise Donohue, Dave Hunsaker, Trevor VanDyke, Frank Waters, and Jennifer Whitman

Excused: None

STAFF:

Daniel Coss, Lisa Grysen, Bruce Ferguson, and Brian Goodenough, City Attorney

AUDIENCE:

Stella Gallagher and Brad Gurski, SCCMUA, and Ryan Kincaid

AGENDA:

Motion by Hunsaker, seconded by Whitman and carried by unanimous vote of the Council that **the agenda be approved as amended to include closed session.**

APPROVAL OF MINUTES:

Motion by Whitman, seconded by VanDyke and carried by unanimous vote of the Council **to approve the minutes from the July 11, 2022, Regular City Council Meeting as presented.**

Motion by Donohue, seconded by VanDyke and carried by unanimous vote of the Council **to approve the minutes from the July 11, 2022, Closed Session as presented.**

PUBLIC HEARING:

Mayor Leeming called the public hearing to order at 7:01 pm to receive comments on a Commercial Rehabilitation Tax Exemption Certificate Application for 110 S. Bridge Street.

Hearing comments either written or oral, Mayor Leeming closed the public hearing at 7:02 pm.

PUBLIC COMMENT:

Stella Gallagher, 110 N Logan Street, would like to know if a resident could purchase City of DeWitt flags to fly at their houses she enjoyed working the election.

CITY ADMINISTRATORS REPORT:

ZBA MEETING AUGUST 22 AT 6 PM

An application has been received for a non-use variance request for 110 South Bridge Street. The ZBA meeting for August 22, 2022, is scheduled to start at 6 pm. Mayor Pro-Tem Hunsaker will chair the ZBA meeting.

OX ROAST

The Ox Roast festival is just around the corner. The City will have a spot in the parade on Saturday morning and is sponsoring the Frog Jump Contest Saturday afternoon. The lineup for the parade is at 9:45 am (usual spot) and the Frog Jump registration will start at noon, with the official contest “kicking” off at 1 pm in Memorial Park.

AUGUST 2 PRIMARY ELECTION

The primary election went very smoothly on election day. The city had approximately 39% total voter turnout.

LOCAL STREET RESURFACING

The local street resurfacing project is well underway. The contractor has completed paving on Larkwood, between Schavey and West Geneva. Pavement removal is done in The Oaks subdivision, with paving expected to be completed by August 29.

HERBISON ROAD MAINTENANCE

The Road Commission will be doing a micro-seal on Herbison Road from Business 27 to Schavey Road during the week of August 15.

MDOT I-69 RECONSTRUCTION

MDOT is advising the project completion is still on schedule and expected to be fully open by the end of November. The Airport Road on-ramps are currently closed until the end of August.

General Information Packet

- [DeWitt Area Emergency Services Meeting Minutes](#)
- [Clinton County Free for All Event](#)
- [DeWitt Chamber of Commerce Materials](#)
- [Invoice Cloud Activity Report](#)

OLD BUSINESS:

None

NEW BUSINESS:

1. Commercial Rehab PA 210 Exemption Certificate Application – 110 S Bridge St:
On May 23, 2022, City Council approved a resolution establishing a Commercial Rehabilitation District at 110 South Bridge Street. The resolution was forwarded to the appropriate government entities for their review and consideration. The district was not contested, so it is considered an approved district as of June 28, 2022.

A commercial rehab district will freeze the taxable value of the district at today’s value for the city and local millages. The project will still be responsible for the State Education Tax (24 mills) based on the taxable value of the project at the time of completion.

The rehab exemption application is requesting a six-year exemption certificate (December 31, 2022, through December 30, 2028), with an anticipated construction completion date of December 2023.

City Council was provided with a resolution 2022-13 approving the certificate and outlining the duration of the exemption. In addition, all of the necessary supporting documentation describing the project and its benefits are attached for City Council review.

A representative from AWJ Holdings, LLC was in attendance to answer any questions Council may have.

Motion by Hunsaker, seconded by VanDyke and carried by unanimous vote of the Council **to the approval of Resolution Number 2022-13 for the Commercial Rehabilitation Exemption Certificate Application for the 110 South Bridge Street District No. 2022-01 submitted by AWJ Holding, LLC for a period of December 31, 2022, through December 30, 2028.**

2. FY2023 SCCMUA Budget:

City Council was provided with the FY 2022 SCCMUA Operating Budget for the City of DeWitt. Brad Gurski, SCCMUA Director, was in attendance to go over the budget with City Council.

Municipalities that own SCCMUA are provided an opportunity to review the annual SCCMUA Operating Budget. Each Community pays for the maintenance and other work on its respective sanitary sewer lines and projects within its corporate limits, and shares for administration and operation of the treatment plant. The City of DeWitt owns 11.3131% of the treatment facility and accounts for approximately 13.11% of the flow to the facility, which is a slight decrease from 2021 at 13.47%.

The contribution for the City of DeWitt for Fiscal Year 2023 as presented in the attached budget is \$454,195.01 annually or a monthly payment of \$37,849.58. This is approximately a 6.0-percent increase, which is mainly due to a 2.7% increase in SCCMUA operations and new equipment purchases.

On July 19, 2022, the proposed Fiscal Year 2023 Budget was authorized to be presented to the owner municipalities by the SCCMUA Board of Directors.

A Public Hearing on the budget will be held on September 20, 2022. The budget will be on the agenda for adoption at the September 20, 2022, SCCMUA Board meeting.

Motion by Waters, seconded by VanDyke and carried by unanimous vote of the Council **to receive and place on file the 2023 Southern Clinton County Municipal Utilities Authority Annual Operating Budget.**

3. WBI, Inc. Franchise Agreement Renewal:

The existing franchise agreement with WBI, Inc. expired on May 31, 2020, but WBI has continued to follow the terms of the expired agreement.

The City of DeWitt currently has two (2) franchise agreements with video providers; WBI and Comcast. The Comcast franchise agreement expires on May 13, 2023.

In 2006 the Michigan legislature passed and enacted PA 480 of 2006, the Uniform Video Services Local Franchise Act. Public Act 480 standardized video franchise agreements between municipalities and providers. The act is very specific about the provisions that shall be included in agreements and limit the ability of municipalities to request amendments to the agreement.

The one provision that the City of DeWitt can modify is the Franchise Fee amount, which can be set from 0-5% of the gross revenues of the provider. The current franchise fee is set at 3 percent with WBI and Comcast.

The franchise fees assist the city with covering the costs of maintaining and improving our rights-of-ways, including street maintenance, and providing access to the provider's infrastructure.

WBI franchise fees (3%) generate approximately \$4,000 per year in revenue for the City of DeWitt. Increasing the franchise fees to 5% would generate an additional \$2,600 for the city, based on the current revenue generated by WBI, Inc.

As video service subscribers continue to decline (moving to internet streaming), the anticipated revenues will decrease. The basic video package from WBI is approximately \$114 per month.

City Administrator, Daniel Coss recommends City Council increase the franchise fee to 5% (equals approximately \$5.71 per subscriber per month) for this renewal with WBI and consider doing the same in May 2023 with the Comcast franchise renewal.

City Attorney, Brian Goodenough, has reviewed the proposed franchise agreement and it is considered complete meeting all the statutory requirements of PA 480 of 2006.

Motion by VanDyke, seconded by Whitman and carried by unanimous vote of the Council to approve the WBI, Inc franchise agreement for a period of ten (years) with a franchise fee of 5 percent and authorize the Mayor or City Clerk to sign on behalf of the City of DeWitt.

4. Community Room Policy Development Review:

City Council adopted the current Community Room Use Policy and Guidelines on August 9, 2021. At the time of adoption, Council requested that the policy and guidelines be reviewed after one year of rental usage with the administration making recommendations for any policy changes.

City Council was provided with the current policy that highlighted areas. The highlighted areas are the recommended changes.

In addition to the policy changes, the administration is recommending that the security deposit be set at \$150.00 + a \$5.00 convenience fee for anyone paying the security deposit with a credit card. The \$5.00 convenience fee would be retained by the City of DeWitt to cover the cost of the processing fees by the credit card company.

The application formats have been updated and standardized for both the Community Room and Parks by Paul Nadrowski.

Discussion Only

CLOSED SESSION:

Motion by VanDyke, seconded by Donohue and carried by roll call vote of the Council to adjourn to enter into closed session per the Open Meeting Act Article 15.268 Section 8 Sub (C) for negotiations connected with the Police Collective bargaining agreements at 8:20 pm.

ROLL CALL:

Donohue	Yes	Cooper	Yes
Hunsaker	Yes	VanDyke	Yes
Waters	Yes	Whitman	Yes

Motion by Donohue seconded by Hunsaker and carried by unanimous vote of the Council to reconvene to the regular meeting at 8:35 pm.

Motion by Donohue seconded by Hunsaker and carried by unanimous vote of the Council to schedule a Special City Council meeting on Tuesday, August 16, 2022.

COUNCIL STAFF REPORTS:

City Attorney:

- Continue to work on police policies
- Victorious in the Clinton County Cares Coalition lawsuit

City Clerk-Treasurer:

- Response to InvoiceCloud has been great
- Close to 40 % voter turnout on August 2

DARA:

- Gym space/time allotted for DARA for youth basketball at the schools is being reduced

DAESA:

- Meeting August 18th

DDA:

- LEAP Grant for \$10,000 for an art project DDA will contribute \$5,000
- Purchasing 4 benches and bike racks

Planning:

- Meeting on the 22nd

Parks:

- Meeting in October

Police Chief:

- Sergeant interviews on Monday

ADJOURNMENT:

Motion by VanDyke, seconded by Cooper and carried by unanimous vote of the Council that **the meeting is adjourned at 8:41 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

Susan J. Leeming
Mayor