

CALL TO ORDER:

Mayor Leeming called the Regular City Council Meeting to order at 7:09 pm. She led the pledge of allegiance.

ROLL CALL:

Members Present: Matt Cooper, Denise Donohue, Dave Hunsaker (arrived at 7:10 pm), Mark Kellogg, Trevor VanDyke, Jennifer Whitman, and Mayor Leeming

Excused: None

STAFF:

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

AUDIENCE:

Stella Gallagher

AGENDA:

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

APPROVAL OF MINUTES:

Motion by Whitman, seconded by Kellogg carried by unanimous vote of the Council **to approve the minutes from the April 10, 2023, Regular City Council Meeting as presented.**

PUBLIC COMMENT:

None

CITY ADMINISTRATORS REPORT:

City Park Restrooms Opened

All of the restrooms in the City parks are fully open and operational. The DPS finished the week of April 10 of getting the parks opened for the 2023 season.

East Dill Drive Sanitary Sewer Extension Grant

The City was not selected to move forward in the funding cycle by Representative Slotkin. The Community Funded Project program received 60 applications and is recommending 15 for funding. The City did receive some feedback on our application and was encouraged to apply in 2024. The email communication from Representative Slotkin is in your general information packet. I will provide some additional details at the Council meeting for potential next steps.

2023 Faith Fest Cancelled

St. Francis Retreat has canceled Faith Fest for this year, which has historically been held on the last Saturday in June. No reason was given for the cancellation.

2023 Community Showcase

The Community Showcase will be held on June 1st from 4-7 pm. The setup this year will be similar to last year. Some of the booths will be outside the high school and some will be in the gym.

General Information Packet

- [FY24 Community Project Funding Email](#)
- [General Ledger Report 03/10 - 04/06](#)
- [Chamber News](#)
- [Invoice Cloud Report](#)

OLD BUSINESS:

None

NEW BUSINESS:

1. Comcast Franchise Agreement Renewal:

The existing franchise agreement with Comcast will expire on May 14, 2023.

The City of DeWitt currently has two (2) franchise agreements with video providers; WBI and Comcast.

In 2006 the Michigan legislature passed and enacted PA 480 of 2006, 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 limits municipalities' ability 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 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.

Comcast 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 Comcast.

As video service subscribers continue to decline (moving to internet streaming), the anticipated revenues will decrease. The basic video package from Comcast is approximately \$70 per month.

I would recommend City Council increase the franchise fee to 5% (equals approximately \$3.50 per subscriber per month) for this renewal with Comcast.

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 Hunsaker, seconded by VanDyke by unanimous vote of the **Council to authorize the Mayor and Clerk to sign the attached Video Service Local Franchise Agreement with Comcast of Michigan, LLC, and levy a five-percent franchise fee.**

2. Riverside Park/Sports Park Change Order #1 Request:

The original project included utilizing wolmanized 6x6 timbers as a border around the poured-in-place rubberized safety surface. The installation was going to be handled in-house by the DPS.

Penchura provided a quote to install a reinforced concrete apron around the safety surface in lieu of wolmanized timbers.

The quote for Riverside Park is \$18,525.00, which also includes some additional concrete sidewalk and drainage tile.

The Sports Park quote is \$13,750.00 and includes 60 square feet of additional sidewalk.

Rich Miller, DPS Supervisor, is estimating that the timbers (time and material) would provide an approximate \$2,500 savings per park for a total of \$5,000.00.

With the minimal savings that utilizing timbers would provide versus the longevity and aesthetics of a concrete apron, the project would benefit from converting the border to concrete. Attached is a photo of a park in Port Huron, MI with a concrete apron to give the council a representation of the finished product.

The total contract that City Council awarded on May 9, 2022, was \$539,245.35, which did include a 5% contingency (\$26,962.26). If approved, this would bring the project's total cost to \$544,558.09, utilizing an additional \$5,312.74 above the contingency.

Motion by VanDyke, seconded by Whitman and carried by unanimous vote of the Council to approve Change Order #1 with Penchura, LLC in an amount not-to-exceed \$32,275.00 for 545 lineal feet of a reinforced concrete mow strip, 180 square feet of 4-inch concrete sidewalk, and 165 lineal feet of 4-inch socked drain tile.

3. Downtown Development Authority 2023-2024 Fiscal Year Budget:

City Council was provided with the proposed Fiscal Year 2023-2024 Downtown Development Authority (DDA) Budget.

The DDA board has reviewed the proposed budget and forwarded it to City Council for your review.

The DDA Act requires the governing body to approve the budget prior to the DDA Board of Directors.

The proposed budget is on the agenda for review and discussion purposes at this time. The approval of the DDA Budget is anticipated to be on the May 8, 2023, City Council agenda.

Discussion Only

4. Committee Appointment - Appointment to Board/Commission:

The following citizen(s) are being appointed to the respective committee assignment for the specified term:

DeWitt Area Recreational Authority

Mark Dickens 314 W. Main St 12/31/2024

Motion by Donohue, seconded by VanDyke and carried by unanimous vote of the Council **to confirm Mayor Leeming’s appointment of Mark Dickens to the DeWitt Area Recreation Authority Committee with a term expiring on 12/31/2024.**

5. Purchase 2023 John Deere Gator with Lift Cargo Box:

The current 2001 John Deere 4x2 Gator that is to replace has 2735 hours of use. The new John Deere TX 4x2 Gator we are requesting to purchase is similar to our 2001 & 2010 John Deere Gators.

The Public Service Department uses two John Deere 4x2 gators for cemetery maintenance, park grounds work, trail maintenance, and special events in the DDA. The Gators are also used for Pesticide spraying on green spaces, parks, City Hall, trees, sidewalks, and City roads. The City also shares the use of a Gator at the Sports park with DARA for field painting and maintenance. City Council was provided with a quote for a new TX 4x2 Gator, including a price for the trade-in value of the 2001 John Deere 4x2 Gator (\$1500 Trade Allowance). Rich Miller, DPS Supervisor is recommending to keep the 2001 Gator at the Sports Park for DARA to use. Funds for this purchase are available through Motor Pool Capital Outlay/DPS.

<u>QUOTE RECEIVED:</u>	<u>TOTAL:</u>
Hutson Inc	\$10,193.51

Motion by Whitman, seconded by VanDyke and carried by unanimous vote of the Council **to approve the purchase of a new John Deere TX 4x2 Gator with Cargo Box power lift and Deluxe Light Kit from Hutson Inc for a total of \$10,193.51**

6. Purchase of 72-inch deck Gas zero-turn lawn mower:

The Public Service Department uses three (3), 72” cut mowers to mow lawns in green spaces, parks, City Hall, grass violations, and the cemetery. The current 2017 John Deere mower to be replaced has 840 hours of hard use. The new John Deere Z970R Z Trak commercial 72” Gas mower we are requesting to purchase is similar to a 2019 & 2021 John Deere Z997R mower we already own and will use the same deck belts and blades.

City Council was provided with a quote for a new mower, including prices for the trade-in value of the 2017 John Deere mower (\$8000 Trade Allowance). Funds for this purchase are available through Motor Pool Capital Outlay/DPS.

<u>QUOTE RECEIVED:</u>	<u>TOTAL:</u>
Hutson Inc	\$8,142.75 after trade-in

Motion by Donohue, seconded by Cooper and carried by unanimous vote of the Council to **approve the purchase of a new John Deere Z970R Commercial Gas Z-Trak 72” side discharge 7-Iron Pro deck mower with suspension seat and mulch kit from Hutson Inc for a total of \$8,142.75 after trade-in.**

COUNCIL STAFF REPORTS:

City Attorney:

- Working on researching easements
- Continue to work on the Water Capital Benefits

City Clerk-Treasurer:

- Meeting with Clinton County Clerk’s Office and Bureau of Elections in May to discuss the implementation of Proposal 2

DARA:

- No Meeting

DDA:

- No Meeting

DAESA:

- Annual Fire Appreciation Dinner was on 4/22
- Several firefighters were honored for life-saving measures taken
- John Braska received Fire Officer of the Year
- Hanna Ingleright received Firefighter of the Year

Planning:

- Meeting on April 26

Parks:

- Discussed McGuire Park playground equipment and Collumbariums

Police Chief:

- Meeting with the ½ Marathon organizers

ADJOURNMENT:

Motion by VanDyke, seconded by Whitman and carried by unanimous vote of the Council that **the meeting is adjourned at 8:34 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

Susan J. Leeming
Mayor