

CALL TO ORDER:

Mayor Leeming called the Regular City Council Meeting to order at 7:00 p.m. She led the Pledge of Allegiance.

ROLL CALL:

Council Members Present: Matthew Cooper, Dave Hunsaker, Frank Waters and Jennifer Whitman

Excused: Denise Donohue and Trevor VanDyke

STAFF:

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

AUDIENCE:

Karen Hunsaker, Dave Less, Sheryl Landgraf, DAESA Chairperson, Jeff Landgraf, Ishi Odamtten foundation

AGENDA:

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

APPROVAL OF MINUTES:

Motion by Hunsaker, seconded by Waters, and carried by unanimous vote of the Council **to approve the minutes from the February 10, 2020 Regular City Council Meeting as presented.**

PUBLIC COMMENT:

Sheryl Landgraf, DAESA Chairperson, discussed the DeWitt Area Emergency Services Authority budget that will be presented to the board at the next Authority meeting.

CITY ADMINISTRATORS REPORT:

DDA WINTER EVENT – CABIN FEVER RELIEVER, SAT MARCH 7, 5-9 PM

The DDA's Cabin Fever Reliever Event is scheduled for Saturday, March 7 from 5-9 pm. Anyone wishing to volunteer for the Lions Club can contact the Lions Club directly or show up the day of the event at 4:30. Entry for the event will be \$10.00. The DDA has secured 18 different sponsors for the event.

2020 COMMUNITY SHOWCASE

The Community Showcase will be held on March 25 from 5-7:30 pm. There are already 76 vendors registered as of February 4.

MML CAPITAL CONFERENCE

The conference is scheduled for March 24-25 at the Lansing Center. The last session on Wednesday, March 25 ends at 4 pm. Let me know if you are interested in attending.

CITY HALL MOVE

If the schedule with construction and final inspections hold true; the anticipated move-in to the new City Hall will be the week of April 20th.

OLD BUSINESS:

None

NEW BUSINESS:

1. Michigan Charitable Gaming License Resolution:

The Ishi Odamtten Foundation raises funds for orphans and underprivileged children projects in Africa and Homeless Shelters in the U.S.A.

The Ishi Odamtten Foundation received certification as an Internal Revenue Code (IRC) Section 501 (c) (3), and has been classified as a public charity. This means the Ishi Odamtten Foundation qualifies to receive tax deductible bequests, devices, transfers or gifts under Section 2055, 2106, or 2522.

City Council was provided with a resolution required by the Michigan Gaming Division and proof of the non-profit status for the Ishi Odamtten Foundation. The resolution by City Council is only recognizing them as a non-profit and does not authorize or endorse any of their activities.

The resolution is required by the Michigan Gaming Commission when a 501 (c) (3) organization requests to hold their first gaming fundraiser. Once the resolution is adopted to organization will not be required to do this in the future.

City Council last adopted a similar resolution for the Wood Workers Guild in 2018.

A representative with the Ishi Odamtten foundation will be in attendance to answer any questions City Council may have.

Motion by Whitman, seconded by Hunsaker, and carried by unanimous vote of the Council to approve the Resolution for the Ishi Odamtten Foundation to recognize them as a non-profit organization operating in DeWitt, Michigan and forward a copy of the resolution to the Michigan Gaming Commission.

2. Change March 9 City Council Meeting:

With the March 10th election and the 2020 Board of Review being held it is necessary to move the March 9, 2020 City Council meeting to Wednesday, March 11, 2020.

Motion by Waters, seconded by Hunsaker, and carried by unanimous vote of the Council to change the March 9 2020 City Council meeting to March 11, 2020 at 7 pm due to the March 10 Presidential Primary Election.

3. City Hall Demolition and Community Room – Change Order #4:

The final pricing for the Community Room and demolition of the existing City Hall have been finalized by the contractor, Parish Corporation.

The construction costs of the Community Room as-bid by Parish Corporation are set at \$558,896.00. The final pricing is for the construction of approximately an additional 2,800 square feet that would include; an additional set of restrooms, small kitchen, storage room and open space for community events. Attached is the layout that City Council previously approved.

The final demolition costs, including asbestos abatement are \$37,400.00. Parish Corporation received two (2) bids for demolition; Mint City Excavating (\$37,400) and E.T. Mackenzie (\$47,444.10).

Change Order #4 also includes credits of \$1,950.00 for the substitution of vinyl base trim, in lieu of MDF wood base trim, and \$4,900.00 for elimination of a “writeable” painted surface in the conference room off Council Chambers.

If Change Order #4 is approved that would bring the total contract for City Hall/Community Room to \$2,677,401. With the addition of the other contracts that City Council has approved total costs for the new City Hall stand at \$2,818,858.93. The total budgeted amount for construction is \$2,900,000.00.

Motion by Hunsaker, seconded by Cooper, and carried by unanimous vote of the Council **to approve Change Order #4 in the amount of \$558,896.00 and authorize the Mayor and City Clerk to sign on behalf of the City of DeWitt.**

4. Resolution to Define Run in the DAESA Joint Services Agreement Fire Authority Resolution: On December 17, 2001 the City of DeWitt entered into the Joint Emergency Services Agreement with Olive and Riley Townships to form the DeWitt Area Emergency Services Authority.

As part of the Agreement the member municipalities agree to pay a portion of the budget each year, in part, based on the number of “runs” averaged over the prior three years. The City is concerned that the “runs” are not being accounted for by the Board in a manner that is consistent with the intent of the Agreement due to the lack of a formal definition of “run”.

The purpose of defining a run will remove any ambiguity when compiling run totals for the purpose of that component of the funding formula, which is 20-percent of budget allocation. Based on FY 19-20 numbers the City averages approximately 754 runs.

Based on the FY19-20 runs number and total budget, each run equated to approximately a \$20.00 value of cost allocation for the City.

The Fire Authority Board has refused to take formal action to define “run” for the purposes of applying that definition to the funding formula.

If approved, the resolution requires a response from the Authority Board within 60 days. If a response is not received the City would have the option of requesting the dispute be resolved via

mediation as outlined in Article VI of the agreement. Mediation costs are split equally by all parties involved in the dispute.

City Council was provided with a copy of the entire Joint Services Agreement.

Motion by Hunsaker, seconded by Whitman, and carried by unanimous vote of the Council To approve the resolution to define the meaning of “RUN” as it applies to Section 2.3 of the DeWitt Area Emergency Services Authority Joint Emergency Services Agreement and forward a copy of the certified resolution to the DeWitt Area Emergency Services Authority Board.

**RESOLUTION TO DEFINE THE MEANING OF “RUN” IN THE
JOINT EMERGENCY SERVICES AGREEMENT**

At a meeting of the City Council of the City of DeWitt, Clinton County, Michigan, held at the City Hall, in said City on the 24th day of February, 2020 at 7 p.m., Local Time.

Present: Cooper, Hunsaker, Waters and Whitman

Absent: Donohue and VanDyke

The following resolution was offered by Hunsaker and supported by Whitman.

WHEREAS, the City of DeWitt (“City”) has previously entered into the Joint Emergency Services Agreement (“Agreement”) dated December 17, 2001 with Olive and Riley Townships (“Townships”) to form the DeWitt Area Emergency Services Authority (“Authority”); and

WHEREAS, pursuant to the Agreement, the Authority is governed by a board known as the DeWitt Area Emergency Services Board (“Board”) and the “agreement” outlines the powers of the “authority” are to provide for the safety of the public; and

WHEREAS, as part of that Agreement, the City and Townships agree to pay a portion of the budget each year, in part, based on the number of “runs” averaged over the prior three years; and

WHEREAS, the City is concerned that the “runs” are not being accounted for by the Board in a manner that is consistent with the intent of the Agreement or in a manner that is consistently applied; and

WHEREAS, the City is also concerned that the “runs” are not being accounted for by the Board in a manner that accurately reflects the use of the vehicles and personnel; and

WHEREAS, the City desires to clearly define “run” for the purpose of the Agreement and directs the Authority Board to account for runs according to that definition; and

WHEREAS, the City desires to define the meaning of “run” in Section 2.3 of the Agreement in order to protect the health, safety and welfare of City residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of DeWitt as follows:

1. The City declares that the definition of “run” as used in Section 2.3 of the Joint Services Agreement means as follows:
 “Run” means the response of any Authority vehicle or personnel or any governmental entity contracting with the Authority to respond to an emergency or nonemergency for the purpose of rendering fire protection or emergency medical support, including canceled calls, and standby events where medical care may be rendered, excluding mutual aid. The run begins as soon as the Authority vehicle or personnel or any governmental vehicle or personnel contracting with the Authority is dispatched.
2. The City Council requests that the Authority Board acknowledge and accept the definition of “run” identified in Paragraph 1 and use that definition when assessing costs under Section 2.3 of the Agreement.
3. If the City does not receive written acknowledgement or agreement by the Authority Board within 60 days that the Authority will use the definition of “run” identified in paragraph 1 when assessing costs under Section 2.3 of the Agreement, the City may invoke the dispute resolution procedure set forth in Article VI of the Agreement to resolve the issue.
4. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:
YEAS: **ALL**

NAYS: **NONE**

STATE OF MICHIGAN)

)

COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of DeWitt, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Council of said City at a meeting held on the ____day of _____, 2020.

Lisa Grysen, City Clerk

COUNCIL STAFF REPORTS:

City Attorney:

- Still working on lawsuit for property located at 1009 E. Webb Drive

City Clerk-Treasurer:

- City Hall will be open on March 7, 2020 from 8 am to 4 pm

DARA:

- No Meeting

DAESA:

- A budget will be presented at the next meeting for approval

DDA

- Preparations continue for the “Cabin Fever Reliever”

Police Chief:

- Working on a new program “Handle with Care”. This program will notify the schools of a possible traumatic event that has happened to a student
- ALICE training next week

Parks:

- No Meeting

Planning:

- Meeting February 27th
- Joint Meeting on March 23

ADJOURNMENT:

Motion by Whitman, seconded by Cooper and carried by unanimous vote of the Council that **the meeting be adjourned at 7:55 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

Susan J. Leeming
Mayor