

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: Matt Cooper (arrived at 7:04 pm), Denise Donohue, Dave Hunsaker, Trevor VanDyke, Jennifer Whitman and Frank Waters

Excused: None

STAFF:

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

AUDIENCE:

Stella Gallagher, Nicole Osgood-Badgero, Mayotte Group, Spencer Lippert, Mayotte Group, James Styka, Kincaid Building Group, Andy Joslyn and Erik Morris, Eng, Inc.

AGENDA:

Motion by VanDyke, seconded by Hunsaker and carried by unanimous vote of the Council that **the agenda be approved with the removal of NB #1 and to renumber the remaining agenda items.**

APPROVAL OF MINUTES:

Motion by Whitman, seconded by Donohue and carried by unanimous vote of the Council **to approve the minutes from the October 25, 2021 Regular City Council Meeting with a correction to the City Administrator's Report-5 Year Master Plan to state it will be presented in January 2022 instead of January 2021.**

PUBLIC COMMENT:

None

CITY ADMINISTRATORS REPORT:

DDA CHRISTMAS MARKET VOLUNTEERS

Anyone interested in volunteering on December 4 for the Christmas Market, please let me know what times you are available to volunteer. The DDA is looking for volunteers for 1-2 hour shifts from 10 am – 6 pm.

2ND ELECTRIC VEHICLE CHARGING STATION

The DDA will be installing a second Stage 2 EV Car Charging station in the public lot on Jefferson. The charger will be identical to the one on South Bridge Street, 2-port station with ChargePoint America. The DDA received approximately \$14,000 in rebates for the charger. The charger will be located in the southeast corner of the parking lot.

2021 LEAF COLLECTION

Curbside leaf collection has been started by the DPW and is running smoothly. The volume of leaves collected this year so far is much lower, as compared to the same time last year.

GENERAL INFORMATION PACKET

The additional communications included in the General Information Packet are:

- [General Ledger Distribution Report 10/22 - 11/04](#)

OLD BUSINESS:

None

NEW BUSINESS:

1. 2020 City Assessor Annual Report – Chris Coucke:

The agreement between the City of DeWitt and the City of Grand Ledge for service requires that the Assessor provide an annual report of activities to Mayor and Council.

City Council was provided with a copy of the Assessor's PowerPoint Presentation.

City Assessor, Chris Coucke, was in attendance to go over the presentation and answer any questions Mayor and Council may have.

Motion by Donohue, seconded by Hunsaker and carried by unanimous vote of the Council **to receive and place on file the 2020-2021 Assessor's Annual Report.**

2. Approval of Fireworks Display for the Christmas Market:

The Chamber of Commerce has scheduled Saturday, December 4, 2021, as the night for the Fireworks Display during the Christmas Market. City Council was provided with the permit application and list of fireworks that will be used in the display.

Motion by Waters, seconded by Whitman and carried by unanimous vote of the Council **to approve the fireworks display for Night Magic, Inc. on December 4, 2021 for the Downtown DeWitt Christmas Market.**

3. Risk Transfer Agreement for Fireworks at the Christmas Market:

In order to reduce the City's liability associated with the DDA Christmas Market fireworks display, the City requires that the provider of the fireworks enter into a risk transfer agreement with the City. City Council was provided with the agreement and proof of insurance.

Night Magic will be handling the fireworks for the DDA Christmas Market this year which will be held on the evening of Saturday, December 4, 2021. This company has handled the fireworks display for the Memorial Association for the past several years during Ox Roast. The City has not had any problems in previous years with Night Magic operations.

Motion by Whitman, 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.**

4. Purchase Agreement and Declaration of Restrictions – 110 S. Bridge Street:

City Council was provided with the proposed Purchase Agreement and Declaration of Restrictions with AWJ HOLDINGS, LLC and the City of DeWitt for 110 South Bridge Street.

The Purchase Agreement is for the stated price of \$1.00 and provides for a 120-day inspection period, primarily due to the environmental conditions of the site, with closing to occur within 30-days after the expiration of the 120-day inspection period. The purchase agreement acknowledges that several Environmental Reports (paragraph 2c) were completed by the City of DeWitt and have been provided to the developer. The purchase agreement stipulates this property is purchased “AS-IS” (paragraph 9) and the developer will release the City from any liability (paragraph 10) upon closing. The purchase agreement does include a 15’x15’ easement for the traffic control equipment located on the northeast corner of the property.

The Declaration of Restrictions will be recorded as part of the sale and provides for several requirements attached to the development of the property. The restrictions will provide for a Building Review Board (Mayor and City Council) to review and approve all improvements to the property as outlined in Section 3 A-F. The Review Board will allow for the review and approval of all material types, architectural features and colors associated with the development. The Building Review Board does not in any way eliminate/reduce the Planning Commission’s role in the process. The Building Review Board gives the City more control over the specific types of materials and colors of the building than our Zoning Ordinances provide for.

Section 4, Uses Permitted, outlines the intended uses of the building and stipulates that a one (1) to three (3)-story mixed use building with residential on the second and third stories and commercial on the first floor shall be constructed on the site.

Section 4 (C) contains a list of Prohibited Uses for the property.

Section 5 Materials, contains language that stipulates the exterior of the building will be primarily brick, but does give some other options to the developer for other materials, provided they are approved by the Building Review Board.

The Declaration of Restrictions places timelines on the construction and completion time of the project. Construction shall be started within one-year of approval by the Building Review Board or no later than sixteen (16) months from the recording of the deed. The project must be substantially completed within sixteen (16) months from the start of construction. The expectation is that the residential units will receive a Certificate of Occupancy (within sixteen (16) months of construction start) before the commercial space.

The total project investment by AWJ, Holdings LLC is estimated to be approximately \$4,200,000.00.

Motion by Hunsaker, seconded by Donohue and carried by unanimous vote of the Council to approve the Purchase Agreement and Declaration of Restrictions with AWJ HOLDINGS, L.L.C. for 110 South Bridge Street and authorize the Mayor and Clerk to sign on behalf of the City of DeWitt.

5. Review Intergovernmental Agreement for Building Inspection Services Extension:

The City of DeWitt, DeWitt Charter Township and Grand Ledge have had an intergovernmental agreement in place since 2019 for Building Inspection Services. Since the implementation of the original agreement the service to the community and contractors has improved significantly. The current agreement expired in May of 2021.

Due to the COVID-19 Pandemic and the need to adjust some operational processes for building permit issuance the original terms of the agreement have been extended on a month-to-month basis with DeWitt Charter Township.

The cost for services to the Township will remain unchanged at 70% of permit fees collected. The current agreement has a rate of 73%. The Township did add a Deputy Building Inspector in 2019 to insure there is some redundancy in inspection coverage for all three (3) municipalities.

The original terms of the agreement remain unchanged, with the exception of the expiration date. The agreement does not have an expiration date, but instead includes a termination clause for all three municipalities of 90 days written notice.

Motion by Hunsaker, seconded by Donohue and carried by unanimous vote of the Council **to approve the Intergovernmental Agreement First Amendment with an effective date of May 14, 2021 and authorize the Mayor and City Clerk to sign the agreement on behalf of the City of DeWitt.**

COUNCIL STAFF REPORTS:

City Attorney:

- Nothing to report

City Clerk-Treasurer:

- Election had a 23% voter turnout
- DeWitt Public Schools will be billed for the cost of this election

DARA:

- Working with Community Mental Health and they have received a grant to allow for a counselor on site

DAESA:

- They will continue to respond to priority 3 and 4 runs in the City of DeWitt

DDA:

- Meeting tomorrow at noon

Planning:

- Meeting next week

Parks:

- All field trips to the parks have been completed
- November 17 meeting to fine tune the plan
- Next regular meeting is December 8

Police Chief:

- Football field was too wet so the playoff game was played in Grand Ledge
- Car deer accidents are on the increase

ADJOURNMENT:

Motion by VanDyke, seconded by Whitman and carried by unanimous vote of the Council that **the meeting be adjourned at 8:29 p.m.**

Respectfully submitted,

Lisa M. Gysen
City Clerk-Treasurer

Susan J. Leeming
Mayor