

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
March 12, 2007

The regular meeting of the DeWitt Charter Township Board was called to order by Supervisor Galardi at 7:00 p.m. with the Pledge of Allegiance.

MEMBERS PRESENT: Supervisor Rick Galardi, Clerk Diane Mosier, Treasurer Phyllis Daggy, Trustees: Max Calder, Steve Musselman, Brian Ross, and David Seeger.

MEMBERS ABSENT: None

Also Present: Manager Rodney Taylor, Planning Director Jeffrey Gray, Police Chief Brian Russell, Fire Chief Frederick Koos, County Commissioners Eileen Heideman and Robert Showers, Drain Commissioner Phil Hanses, and several citizens.

AGENDA	Seeger moved, Musselman seconded, to approve the Agenda, as presented. Motion voted and carried.
MINUTES	Seeger moved, Calder seconded, to approve the minutes of the February 26, 2007 meeting, correcting the name of the Board member seconding the approval of the minutes. Motion voted and carried.
PUBLIC COMMENT	None.
CORRESPONDENCE	<p>Correspondence included the following: February statistics from the Clinton County Sheriff; audit information from Abraham and Gaffney; February Activity Report; letter from Mr. Shannon Tenney regarding the Fancher property; Fire Department Burning Issues Newsletter; programming and price change information from Comcast; and March 13th luncheon reminder.</p> <p>Trustee Ross commented on the continuing rate increases by Comcast. Supervisor Galardi stated that it is the Board's position to welcome competition.</p> <p>Manager Taylor is working with the Tenney/Fancher family investigating their proposal to donate property for a park on the Fancher property.</p>
REPORTS & COMMENTS	<p>Commissioner Showers provided an update on issues before the County Commission. He thanked the Board members for their attendance at the recent Commission meetings and he welcomed Manager Taylor. Based on discussion regarding the County's recent park venture, Supervisor Galardi requested that the Township be able to weigh in on the issues if the County Commissioners consider expanding county park efforts into the southern tier.</p> <p>Supervisor Galardi introduced and welcomed Dave Brown, President and CO of First Bank of Clinton County, recognizing their recent opening of a branch within the Township.</p>

Trustee Seeger indicated that he will attend the upcoming Road Commission meeting.

Trustee Ross reported that he and Trustee Seeger attended the recent County Commission meeting.

Manager Taylor reported the following: a recent notice of a 16% increase in health insurance premiums has prompted him to put together an internal team who will provide information and explore options to minimize the impact of rising health care costs; building repairs are ongoing and significant progress continues, issues with the boilers are the current challenge; the building's fire protection system, which originally caused the water damage, is scheduled for reconstruction throughout specific areas of the system by an independent contractor, work that will repair ongoing problems areas within the system and will require a future budget adjustment currently estimated at \$18,000; he is working with the Library Director to draft an acceptable contract to allow for the satellite Library within the Community Center, said contract to be considered by the Board at the March 26th meeting; Chief Russell reports additional damage by vandals turffing within Granger Meadows Park; plans continue for the installation of cameras near the sledding hill in Granger Meadows Park.

Supervisor Galardi suggested that we may get more use out of movable cameras rather than stationary installations, since there is a significant part of the year when the sledding hill is not the location of primary park uses.

COMMITTEES
& COMMISSIONS
Library Board

Mosier moved, Daggy seconded, to receive and place on file the minutes of the Library Board meeting of February 21, 2007. Motion voted and carried.

VOUCHERS

Daggy moved, Calder seconded, to approve General Operating Fund Vouchers 51531 – 51604, Tax Fund Vouchers 6690 – 6700, Payroll Vouchers 31136 – 31140, and Electronic Transfers March 9 – 13. Motion voted and carried.

UNFINISHED
BUSINESS/Ord
256 2nd Reading
Delayed

Second Reading of Ordinance 256 – Arbor Meadows Traffic Control was delayed for publication.

NEW BUSINESS
Hayes/Scheffler
Drainage Problem

Clerk Mosier introduced Rob and Vicki Hayes and Corrina and Paul Sheffler, residents of property on Wilson Street in Creeping Brook Subdivision. She explained that they requested to be on this evening's Agenda to address a drainage problem on their properties which has been ongoing for eleven years. Clerk Mosier pointed out that a written packet of information and pictures, as provided by the Hayes & Schefflers, was included in Board packets.

Rob Hayes, 11414 Wilson Street, addressed the Board, reviewed the information provided and explained his frustration in attempting to get this problem resolved. He explained years of working with the Drain Commissioner (s), and still nothing has been done and their property floods several times a year, along with their neighbors, the Schefflers.

He requested that the Township petition the Drain Commissioner to get this work done and give them resolution to this ongoing problem of having over ten acres of farmland drain onto their property. He also provided pictures of the existing five pipes which drain to the foot of his driveway. He noted that this situation also poses an environmental health risk and is an unacceptable situation on what is supposed to be a “developed lot within a subdivision.”

The Board discussed, with Mr. Hayes, solutions that have been proposed or discussed in the past, with the Drain Commissioner (s), noting that although many times solutions appeared to be found, none have been implemented.

Paul Scheffler, 11400 Wilson Street, affirmed what was stated by Rob Hayes. He stated that the drainage in place is very inadequate, that they have given up the continual reseeding process, and his children do not use the back yard where flooding occurs, for obvious reasons that continual flooding creates.

Vicki Hayes, 11414 Wilson Street, gave an account of years of being patient when assured by the Drain Commissioner (s) that a resolution was coming. She gave a detailed account of promises made by Fedewa developers and the Clinton County Drain Commissioner (s). She stated that she has no more patience for non-responsiveness. She pointed out that she has been involved in the recent year’s discussion with Fedewa, Hanses, Mosier, and Gray, and every time a resolution appears to be reached, nothing happens. She asked for the Board’s assistance in getting this drainage problem fixed, a petition initiated by the Board, to require the work be done, not more empty promises. She also explained the work that they have done in their yard since last fall, removing their fence, trees, and pool, in preparation for the drainage project that still has not happened. She stated that at the most recent meeting held early last fall, Clerk Mosier stated that she was willing to request that the Board petition the Drain Commissioner for this work to be done, but before she could see her way clear to make the request, that she would need some sort of project estimated cost from the Drain Commissioner.

Drain Commissioner Hanses stated that he certainly understands the frustration experienced by the Hayes and Schefflers, and it appears that this issue also involved the former Drain Commissioner. He explained that he has stated all along that he will do all he can to get the developer to make this right, but until the property to the west is developed, he has no means to get this problem solved by the developer.

With input from Hanses, Mosier, and Gray, the Board discussed that there was a point during the past year when Fedewa stated that he would step up and correct this problem, however, in the end he refused to do so. From that point, there have been times when resolution seemed clear but has not been attained.

Drain Commissioner Hanses reviewed various February correspondence outlining options to resolve this problem. He noted that contrary to what people often think, it does take some action for the Drain Commissioner to initiate a drainage project.

Planning Director Gray noted that we are aware that a couple of options currently exist to resolve this problem, with both options requiring petitions. He provided a brief overview of the options explored over the past year, attempting to work with the Drain Commissioner, however, the primary reason for his reluctance in bringing the petition issue to the Board is the inability to get project estimates from the Drain Commissioner. He explained

that the process of petitioning will take the issue out of the hands of local officials, residents, and even the Drain Commissioner, because once petitioned, the project is “on” if the Board of Determination finds necessity. He expressed concern with the Board petitioning the Drain Commissioner without some estimate of project costs and assessment numbers, which will likely involve DeWitt Township, DeWitt City, Clinton County and Township and City residents. He explained that if the Township is going to petition and put all of those parties “on the hook” to pay assessments, then we should first have some sense of what the overall costs are likely to be and what breakdown of the cost the Drain Commissioner will use to assess the parties involved. He stated that we have repeatedly asked the Drain Commissioner for this information and although he has received various options for completing the project, and the proposed cost of one option was received in February, he still has not received the requested breakdown.

Both Mosier and Gray stated that what was requested from the Drain Commissioner was 1)his recommended course of action to correct the drainage problems on the Hayes and Scheffler property 2)the estimated cost of this corrective action 3)and a rough estimate of the percentages to be assessed to what parties.

Clerk Mosier explained that if petitioned, notices will be sent out by the Drain Commissioner regarding the project, and in the end the Drain Commissioner will state to the residents and effected parties that the Township petitioned for the work. She explained that for this reason the Township needs the requested numbers and can then communicate with residents why the project was petitioned. She stated that without the requested information, the petition process could be a “blank check” to the Drain Commissioner and she can not, in good conscience, make the recommendation to petition for the project under these circumstances. She pointed out that we have only requested estimates, knowing that the project will need to be bid by the Drain Commissioner.

Trustee Seeger explained how the Board of Determination process works.

Supervisor Galardi asked the Drain Commissioner if he can provide, in writing, his recommendation for the correct remedial action, an estimated cost for that action, and his opinion of how those costs would be distributed among the parties involved. He asked if the Township really has to initiate a petition process to get these projections?

Drain Commissioner Hanes provided a flow chart of how this process should work. He stated that the information requested is not usually provided so early in the process.

Supervisor Galardi stated that we have an eleven year old problem here that was not caused by any parties present. Drain Commissioner Hanes agreed to provide some very rough estimates.

Discussion determined the following consensus agreed to by the Drain Commissioner: 1) doing nothing is no longer an option 2)the option for the Hayes and Shefflers to bring in fill to their rear property line is not being considered as a solution 3)the likely solution will route to the north of the Shefflers property 4)the Fedewa property and the Seyfried property draining to the Hayes and Scheffler property will be assessed 5)when complete, this will be a County Drain and part of the Voltz Drainage District, and who will have

future access to this pipe was not determined 6)it is possible to do this project without assessing the City of DeWitt 8)representations made in the Drain Commissioner's correspondence in February 07 regarding financial contribution for project costs and engineering are still valid.

Trustee Calder stated that he visited the properties and the situation, and in his mind the situation is worse than the picture indicates. He stated that he believes this fix should have been done years ago, and since it was not, we need to make this happen.

The Hayes and Schefflers will not be attending the City Council or County Commission meetings if this issue gets resolution within the next month, as requested by the Supervisor.

Mobile Fire Training
Unit Purchase/Budget
Adjustment

Fire Chief Koos reviewed his written proposal, dated March 7, 2007, for the purchase of the Mobile Fire Training Unit. He also provided pictures of the unit and discussed how the unit will be moved.

Trustee Ross questioned the 3% discount lowering the bid price. The grant process was also discussed. Clerk Mosier requested that the appropriate policies be in place prior to the unit being used by other departments.

Musselman moved, Ross seconded, to accept the following: the grant awarded by the Department of Homeland Security to the DeWitt Township Fire Department for \$278,108, the appropriation of matching funds of \$14,637, approve the purchase of a Mobile Fire Training Unit from Fire Blast 451 for a cost of \$291,075, that any other ancillary equipment that may be needed for the project is not to exceed the project cost of \$292,745, and that the Township Clerk be authorized to execute the same upon review of the contract by the Township Attorney. Motion voted and carried.

Musselman moved, Calder seconded, to approve the following budget adjustment to the 2007 Township Budget contingent upon the approval of the purchase of the Mobile Fire Training Unit: \$14,637 to 101-336-977-000 (Capital Expenditures/Fire) from 101-000-380-000 (425 Reserve). Motion voted and carried.

Set Public Hearing
Stosija Cvrljevic Liquor
License Application

Calder moved, Musselman seconded, to schedule and hold a Public Hearing regarding the application for a full (Class C and SDM) Liquor License, applicant Stosija Cvrljevic, for March 26, 2007, commencing at 7:00 p.m. at the Township Hall, 1401 W. Herbison Road, DeWitt, MI 48820, and to authorize the Clerk to publish and mail the appropriate notices. Motion voted and carried.

Stormwater Management
Phase II/Resolution
070302/Withdraw

Clerk Mosier reviewed her written report dated March 7, 2007, explaining Attorney Robinson's recommended action regarding withdrawal from the Stormwater Phase II Program due to the outcome of a recent lawsuit involving Kalamazoo and Comstock Townships v the DEQ. She indicated that Attorney Robinson drafted and provided the documents received by the Board.

The Board discussed the possibility of continuing to educate our residents about stormwater management. It was also noted that discussion will need to begin with the Drain Commission regarding their involvement as the owner/operator of the stormwater system within the Township. Trustee Ross stated that he supports this recommended action, noting that he believes properly managing stormwater is the right thing to do.

Daggy moved, Seeger seconded, to adopt Resolution 070301 requesting that the Township withdraw from the Stormwater Management Phase II Program.

AYES: Musselman, Seeger, Galardi, Mosier, Daggy, Calder, Ross
NAYS: None Motion carried.

Appointments
SCCMUA/Library

Musselman moved, Daggy seconded, to concur with the Supervisor's recommendation to appoint Rodney Taylor to the Southern Clinton County Municipal Utilities Authority Board for a three year term to end December 31, 2009. Motion voted and carried.

Supervisor Galardi reviewed the interview process to select a new member of the Library Board. He commented positively about the qualified candidates willing to serve the Township and the Library.

Musselman moved, Daggy seconded, to concur with the Supervisor's recommendation to appoint Gale Arent to the DeWitt Public Library Board to fill a vacant term which will end on December 31, 2008. Motion voted and carried.

PUBLIC COMMENT

Linda Grande, 3719 Ivy Lane, Willow Creek Farms resident, stated that she would like to again bring up the issue of the streetlight on Outlot B. She stated that the light is a nuisance, shining into bedrooms at night, and she would like it moved to the other side of the road. She indicated that she will be planting some pines to screen her home, but the light should be moved.

It was noted that the Township Board approved the plan for streetlights here as recommended by Consumers Energy. Notices were sent to property owners within the assessment district, a publication noticed the Public Hearing in the DeWitt Bath review, and a Public Hearing was held. The proposed district was then approved by the Board.

Clerk Mosier indicated that if a light is moved at this point, the Township will likely have to request the move and pay for the same.

Supervisor Galardi requested that Manager Taylor investigate the possibility of moving the streetlight.

Meredith Hill, 3740 Mullberry Lane, Willow Creek Farms resident, stated that she is here to request that the streetlight be moved, and to let the Board know that residents of their subdivision want resolution to their issues. She indicated that their issues continue to be construction traffic, drains that are currently overflowing, and with spring here they are experiencing the same problems of last fall.

Supervisor Galardi stated that as we continue to get the major point resolved here, he cannot make any guarantees regarding construction traffic, so the residents need to let this go. He stated that he is doing everything that he can do regarding the possibility of a new road, but when we get to a certain point here, residents need to know that their roads are public roads and anyone can use public roads. He stated that if we move forward here with the developer, then the residents need to know that this will be the end of the issues, whatever the outcome is.

Kevin Coveart, 3760 Mullberry Lane, Willow Creek Farms resident, stated that there is not a road right-of-way established between the fence and the cul-de-sac. He stated that he believes Outlot B is part of Willow Creek Farms proper, and he questions whether you can make one subdivision part of another subdivision's lighting district. He stated that he would like the Board to remove Willow Creek Farms from Riversides Estates Lighting District. He also presented a FOIA request to the Clerk. He also thanked the Township for purchasing the Fire Training Unit and welcomed Manager Taylor.

COMMENTS

Planning Director Gray thanked the Board for their confidence and support during his time as Interim Manager. He stated that it was a fantastic opportunity and he looks forward to working with the new Manager.

Manager Taylor stated that it was clear upon his arrival that Jeff, Diane, and Julie had clearly stepped up to the plate to keep things running smoothly during the transition months. Supervisor Galardi agreed and commented positively on staff efforts.

Trustee Musselman stated that he has been questioned about increasing tax assessments and how that works in a declining value environment. The issue was discussed at length, and Assessor Tafelsky will be asked to provide some written information on the issue.

ADJOURNMENT

Seeger moved, Musselman seconded, to adjourn at 9:15 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor