

Minutes of the regular meeting of the City Commission held Monday, January 23, 2006, at 7:00 p.m., in the City Commission Room.

Mayor Bradley Kilmer called the meeting to order and the Pledge of Allegiance was recited.

Commissioners Present: Mayor Bradley Kilmer and Vice Mayor Spycher; Commissioners Bissell, Joslin, Miller, Moreno and Tilmann

Commissioners Absent: None

Others Present: City Manager Preston, City Clerk Flynn and City Attorney Martineau

Moved by Commissioner Miller and supported by Commissioner Tilmann to approve Sacred Heart Parish's request for a one-day liquor license for their SHAGALA event on February 11, 2006. Motion unanimously adopted.

Tom Nothstine, Scoutmaster, introduced Boy Scout Troup 604 members attending the meeting to earn a merit badge.

Received the following communications and petitions:

1. Airport Advisory Board minutes (January)
2. Building Safety, Code Enforcement and Zoning Board of Appeals (2005 Annual Report)
3. Capital Projects Status Report (January)
4. Middle Michigan Development Corporation (2005 Annual Report)
5. Parks and Recreation Commission minutes (November)
6. Planning Commission minutes (December)
7. Street Department and Motor Pool (December)
8. Wastewater Treatment Plant (November, December)
9. Water Department (December)
10. City Manager's 2005 Annual Report

Commissioner Tilmann thanked City Manager Preston for his 2005 Annual Report.

Mayor Bradley Kilmer thanked City Manager Preston for his 2005 Annual Report and Building Inspection for their annual reports.

Moved by Commissioner Moreno and supported by Commissioner Miller to approve the following items on the Consent Calendar:

1. WHEREAS, under the date of September 23, 2005, September 30, 2005 and November 8, 2005, the Traffic Engineer of the City of Mt. Pleasant issued temporary traffic control orders Nos. 12-05 (Install "2-hr. Parking" signs on the east side of Court Street from Mosher to Chippewa St.), 14-05 (Install "Stop" sign on the north side of Pickard St. at the intersection of N. Washington St.); 15-05 (Install "Stop" sign on North Drive at Elizabeth St.); 16-05 (Remove "Yield" sign and install "Stop" sign on the east side of Glen St. at Hopkins St.); and 17-05 (Change the downtown, on-street "2 Hour Parking" signs to "3 Hour Parking" signs within the Principal Shopping District), which said temporary traffic control orders were presented to the City Commission on January 23, 2006, for review and after reviewing said temporary traffic control orders and being fully advised in the premises, BE IT RESOLVED, that the City Commission approves making temporary traffic control orders Nos. 12-05 and 14-05 thru 17-05 to be permanent traffic control orders.
2. 2006 taxicab licenses to Chippewa Cab and Mt. Pleasant Cab.
3. (a) Accepted the following street rights-of-way within Eagle Pointe

Condominium Development in the City's local street system:

WHEREAS, the City of Mt. Pleasant did acquire easement and right-of-way to certain property and wishes to dedicate that property as a street right-of-way; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place said street within the street system for the purpose of obtaining funds under Act 51, Public Act 1951; and

WHEREAS, the street has been constructed and is open for use;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The street is described as follows:

Part of the Southeast (SE) $\frac{1}{4}$ of the Southeast (SE) $\frac{1}{4}$ of Section 23, T14N-R4W, City of Mt. Pleasant, Isabella County, Michigan, described as being 66 feet in width, lying 33 feet in even width, on each side of the following described centerline; Beginning at a point which is N $00^{\circ} 18' 50''$ W, 840.93 feet and N $89^{\circ} 54' 30''$ W, 550.00 feet from the Southeast Corner of said Section 23; thence N $89^{\circ} 54' 25''$ W, 376.8 feet for a point of ending. The centerline distance length is 376.8 feet.

And: Part of the Southeast (SE) $\frac{1}{4}$ of the Southeast (SE) $\frac{1}{4}$ of Section 23, T14N-R4W, City of Mt. Pleasant, Isabella County, Michigan, described as being 66 feet in width, lying 33 feet in even width, on each side of the following described centerline; Beginning at a point on the East Line of said Section 23, which is N $00^{\circ} 18' 50''$ W, 840.93 feet North of the Southeast Corner of said Section 23; Thence N $89^{\circ} 54' 30''$ W, 550 feet to the point of ending. The centerline distance length is 550 feet.

For a total combined length of 926.8 Feet

Written from available records.

2. That the street be named Trenton Drive.

3. That the street is located within a city right-of-way and is under the control of the City of Mt. Pleasant.

4. That said street is a public street and is for public street purposes.

5. That said street is accepted into the City's street system.

(b) WHEREAS, the City of Mt. Pleasant did acquire easement and right-of-way to certain property and wishes to dedicate that property as a street right-of-way; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place said street within the street system for the purpose of obtaining funds under Act 51, Public Act 1951; and

WHEREAS, the street has been constructed and is open for use;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The street is described as follows:

Part of the Southeast (SE) $\frac{1}{4}$ of Section 23, T14N-R4W, City of Mt. Pleasant, Isabella County, Michigan, described as being 66 feet in width, lying 33 feet in even width, on each side of the following described centerline; Commencing at the SE corner of said Section 23, thence N $00^{\circ} 18' 50''$ W along the section line to the center line of Trenton Drive so called, 840.93 feet and N $89^{\circ} 54' 30''$ W, 550.00 feet and N $89^{\circ} 54' 25''$ W, 376.74 feet along said Trenton Drive to the center line of Heritage Way so called and N $17^{\circ} 31' 01''$ E, 132.46 feet, thence on a curve to the left radius of 133.0 feet, length 104.65 feet, chord bearing & distance of N $5^{\circ} 01' 31''$ W, 101.98 feet and N $27^{\circ} 34' 04''$ W 180.00 feet to the Point of Beginning hereinafter referred to as Point (A) also being on the center line of said Heritage Way and Chippewa Way; thence S $89^{\circ} 53' 19''$ E, 312.79 feet to the easterly end of a 65 foot radius cul-de-sac for a point of ending; And also from said Point of Beginning, Point (A) N $89^{\circ} 53' 19''$ W, 575.74 feet, thence on a curve to the left radius 133 feet, length 101.69 feet, chord bearing and distance of S $68^{\circ} 12' 31''$ W, 99.23 feet, thence on a curve to the left radius 677.44 feet, length 159.70 feet, chord bearing and distance of S $39^{\circ} 33' 08''$ W, 159.34 feet, thence S $32^{\circ} 48' 52''$ W, 33 feet to the point of ending being the center line of Abbey Court so called. The centerline distance length is 1182.92 feet.

Written from available records.

2. That the street be named Chippewa Way.

3. That the street is located within a city right-of-way and is under the control of the City of Mt. Pleasant.

4. That said street is a public street and is for public street purposes.

5. That said street is accepted into the City's street system.

(c) WHEREAS, the City of Mt. Pleasant did acquire easement and right-of-way to certain property and wishes to dedicate that property as a street right-of-way; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place said street within the street system for the purpose of obtaining funds under Act 51, Public Act 1951; and

WHEREAS, the street has been constructed and is open for use;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The street is described as follows:

Part of the Southeast (SE) ¼ of Section 23, T14N-R4W, City of Mt. Pleasant, Isabella County, Michigan, described as being 66 feet in width, lying 33 feet in even width, on each side of the following described centerline; Commencing at the SE corner of said Section 23, thence N 00° 18' 50" W, 840.93 feet along the section line to the center line of Trenton Drive so called and N 89° 54' 30" W, 550.00 feet and N 89° 54' 25" W, 376.74 feet to the point of beginning, hereinafter referred to as Point (A) also being on the center line of said Trenton Drive so called; thence from the point of beginning (A) N 17° 31' 01" E, 132.46 feet, thence on a curve to the left radius of 133.0 feet, length 104.65 feet, chord bearing & distance of N 5° 01' 31" W, 101.98 feet, thence N 27° 34' 04" W 180.00 feet for a point of ending being the center line of Chippewa Way so called. And also from said Point of Beginning, Point (A) S 17° 31' 01" W, 141.20 feet, thence on a curve to the right radius 183 feet, length 232.12 feet, chord bearing and distance of S 53° 51' 16" W, 216.87 feet, thence N 89° 48' 30" W, 579.21 feet, to a curve to the right radius 133 feet, length 210.98 feet, chord bearing and distance of N 44° 21' 47" W, 189.55 feet, thence on a curve to the right radius of 677.44 feet, length 301.3 feet, thence N 32° 48' 52" E, 33 feet to the point of ending being the center line of Sweeney Street so called. The centerline distance length is 1497.81 feet.

Written from available records.

2. That the street be named Heritage Way.

3. That the street is located within a city right-of-way and is under the control of the City of Mt. Pleasant.

4. That said street is a public street and is for public street purposes.

5. That said street is accepted into the City's street system.

4. WHEREAS, as provided by the MERS plan document and the City's PACT Policies, 5 years additional credited service is to be granted to Gregory L. Walterhouse; and

WHEREAS, Gregory L. Walterhouse is responsible for payment of 75% of the actuarial cost of the additional credited service; and

WHEREAS, it is understood that calculation of the actuarial cost is based on the assumption that the member will retire at the earliest date for unreduced retirement benefits and that the member's current final average compensation is projected to increase 5% annually, and investment return is projected to be 8% annually;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Mt. Pleasant requests and authorizes MERS to grant Gregory L. Walterhouse 5 years of additional service.

5. Extended the contract with the Downtown Coordinating Committee, until June 30, 2006, providing maintenance and landscaping in the downtown area, and authorized the Mayor and City Clerk to sign the contract.

6. Quit claim deed to Fabiano Brothers releasing the City's interest in a portion of Lot 18, Assessor's Plat #7.

7. WHEREAS, Chapter 52: WATER, of the Code of Ordinances, and Public Act 178 of 1939, provide for charges for water and sewer consumption to immediately become a lien on the property the services are provided to. WHEREAS, Section 52.30(D) authorizes the City Commission to set the security deposit amount by resolution; and

NOW, THEREFORE, BE IT RESOLVED, That by the adoption of this resolution the City Commission hereby sets the security deposit referred to in Section 52.30(D) at four times the monthly bill (computed as an average of the last 12 months), with a minimum deposit of \$100.00.

8. Amended special assessment roll for S.A. #8-05: New sidewalk on the north side of Fessenden Street, from Bradley to Henry.

9. Special City Commission meeting for January 30, 2006 at 8:30 a.m. to discuss goals and Charter issues.
10. Payrolls dated January 6, 2006 and January 13, 2006, check numbers 52736-52972, and warrants dated January 3, 2006, January 12, 2006 and January 19, 2006, check numbers 50914-51276, all totaling \$1,545,880.97.

Motion unanimously adopted.

Moved by Commissioner Tilmann and supported by Commissioner Moreno to approve the minutes of the regular meeting held January 3, 2006. Motion unanimously adopted.

A public hearing was held on a proposed amendment to the Zoning Map of Chapter 154: Zoning Ordinances of the Code of Ordinances, to rezone property abutting the west lot line of 1011 N. Harris from R-4 Single Family Residential to P-1 Parking. No comments were heard or communications received. Mayor Bradley Kilmer closed the public hearing.

The following resolution was offered by Commissioner Miller and supported by Commissioner Bissell:

WHEREAS, this is the date set for a public hearing on the proposed amendment to the Zoning Map of Chapter 154: Zoning Ordinances of the Code of Ordinances, to rezone property located property abutting the west lot line of 1011 N. Harris from R-4 Single Family Residential to P-1 Parking.

The property is described as lots 2 and 3 of Ward's Heights Plat, Mt. Pleasant, Michigan.

WHEREAS, all interested parties came forward and were heard,

NOW, THEREFORE, BE IT RESOLVED, that the Mt. Pleasant City Commission hereby approves the hereinbefore described zoning change,

BE IT FURTHER RESOLVED, that Ordinance No. 917, an ordinance amending the Zoning Map of Chapter 154: Zoning Ordinances of the Code of Ordinances as hereinbefore described, having been introduced and read, now be passed, ordained and ordered published.

Resolution unanimously adopted.

Moved by Commissioner Spycher and supported by Commissioner Tilmann to set the date for a public hearing, at 7:00 p.m., February 13, 2006, on a proposed ordinance to amend Chapter 50: "Solid Wastes" of the Code of Ordinances, §50.12 "Material Collection Licenses", to prohibit emptying refuse dumpsters between the hours of 10:00 p.m. and 6:00 a.m. if the dumpster is located on property within a PRD, R or M zoning classification, or located on property if that property is within one hundred feet (100') of property with a PRD, R or M zoning classification. Motion unanimously adopted.

The following resolution was offered by Commissioner Miller and supported by Commissioner Moreno:

WHEREAS, application has been made by Antler Development Company, LLC, 1790 Gover Parkway, located in Industrial Park-South, to the City of Mt. Pleasant, for an Industrial Facilities Exemption Certificate under Act 198 of 1974,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held at City Hall, for the City of Mt. Pleasant, on the 13th day of February, 2006.

Resolution unanimously adopted.

The following resolution was offered by Commissioner Miller and supported by Commissioner Tilmann:

BE IT RESOLVED, that the Mt. Pleasant City Commission hereby sets the date for a public hearing at 7:00 p.m., February 13, 2006, in the City Commission Room, City Hall, 401 N. Main Street, on a proposed amendment to the Zoning Map of Chapter 154: Zoning Ordinances of the Code of Ordinances, to rezone property located at 1637 E. Broomfield from C-1 Local Business District to C-3 General Business District.

The property is described as the E 1/2 of the S 1/2 of the SE 1/4 of Sec 23 T14N R4W, city of Mt. Pleasant, Isabella County, MI, beginning at a point on the S line of Sec 23 which is N 89D47M50S W 808 ft from the SE corner of said Sec 23, thence continuing N 89D47M50S W, along said S Sec line, 634.38 ft, thence N 00D06M32S W, parallel with the E Sec line 412 ft thence S 89D47M50S E, parallel with S Sec line, 634.38 ft, thence S 00D06M32S E parallel with the E Sec line, 412 ft to the POB.

BE IT FURTHER RESOLVED, that an ordinance be introduced and read reflecting said change hereinbefore described and that a public hearing be held on said ordinance at 7:00 p.m., February 13, 2006.

Resolution unanimously adopted.

Commissioner Moreno read the following recommendations from the Appointments Committee for appointments to boards and commissions:

	<u>Term To Expire</u>
<u>AIRPORT ADVISORY BOARD</u>	
James E. Kostrava	January 31, 2008
Brent Maxon	January 31, 2009
<u>BUILDING, FIRE AND SANITARY SEWER BOARD OF APPEALS</u>	
Jay Kahn, CMU	January 31, 2009
Joe Olivieri	January 31, 2008
Lendy Siefker	January 31, 2009
<u>CHIPPEWA RIVER DISTRICT LIBRARY BOARD OF TRUSTEES</u>	
Diane Thomas	December 31, 2009
<u>DOWNTOWN DEVELOPMENT BOARD</u>	
<u>Ex Officio Members - serve 1-year terms</u>	
Melissa Breidenstein, DBA Chair	January 31, 2007
Mary Carroll, CVB President	January 31, 2007
Jim Kostrava, Chamber President	January 31, 2007
Rich Morrison, CMU Representative	January 31, 2007
Steve Pung, DPOA Chair	January 31, 2007
Susan Pyecroft, TIFA CBD	January 31, 2007
Rick Swindlehurst, DCC Chair	January 31, 2007
<u>Appointed Members - serve 4-year terms</u>	
Lois Breidenstein, Property Owner	January 31, 2009
Tim Brockman, Property Owner	January 31, 2009
Norm Curtiss, Business Owner	January 31, 2010
Dave McGuire, Business Owner	January 31, 2010
<u>HISTORIC DISTRICT COMMISSION</u>	
Joshua Agardy	January 31, 2007
Marydeana Duckworth	January 31, 2007
Daniel Dwyer-Snyder	January 31, 2008
Renee Rowley	January 31, 2008
Sherry Sponseller	January 31, 2009

Robert Wheeler January 31, 2009

LOCAL DEVELOPMENT FINANCE AUTHORITY

Nathan Long, CMU January 31, 2010

Paul Preston, City Manager January 31, 2010

PARKS AND RECREATION COMMISSION

Daniel Dwyer-Snyder January 31, 2009

Bob Frost January 31, 2009

Michael Seaman January 31, 2009

PLANNING COMMISSION

Eric Johnson January 31, 2009

Michelle Lazarov-Doherty January 31, 2009

Lyn Markham January 31, 2009

TIFA/DDA/EDC/BRA

Gary Allen, Mt. Pleasant Public Schools January 31, 2010

Timothy Dolehanty, Isabella County January 31, 2010

Nathan Long, CMU January 31, 2010

Jeff Smith, Isabella Bank January 31, 2010

ZONING BOARD OF APPEALS

Christopher Benison January 31, 2009

Moved by Commissioner Moreno and supported by Commissioner Tilmann to approve the Appointments Committee's recommendations as presented. Discussion ensued.

Moved by Commissioner Joslin and supported by Commissioner Bissell to amend the proposed appointments to the Zoning Board of Appeals by adding Pete Tolas.

AYES: Commissioners Bissell, Joslin and Miller

NAYS: Commissioners Bradley Kilmer, Moreno, Spycher and Tilmann

ABSENT: None

Motion defeated.

Moved by Commissioner Joslin and supported by Commissioner Miller to amend the appointments to the Historic District Commission by adding Ron Roby.

AYES: Commissioners Joslin and Miller

NAYS: Commissioners Bissell, Bradley Kilmer, Moreno, Spycher and Tilmann

ABSENT: None

Motion defeated.

The original motion was adopted by the following vote:

AYES: Commissioners Bissell, Bradley Kilmer, Moreno, Spycher and Tilmann

NAYS: Commissioners Joslin and Miller

ABSENT: None

Moved by Commissioner Tilmann and supported by Commissioner Moreno to postpone consideration of the previously-approved special assessment for the Principal Shopping District, S.A. No. 9-05, until the February 13, 2006 City Commission meeting.

AYES: Commissioners Bradley Kilmer, Moreno, Spycher and Tilmann

NAYS: Commissioners Bissell, Joslin and Miller

ABSENT: None

Motion adopted.

Moved by Commissioner Tilmann and supported by Commissioner Vice Mayor Spycher to go into closed session, following regular session, to discuss pending litigation.

AYES: Commissioners Bissell, Bradley Kilmer, Joslin, Miller, Moreno, Spycher and Tilmann

NAYS: None

ABSENT: None

Motion unanimously adopted.

Announcements on City-related Issues and Concerns

Commissioner Moreno thanked the community for their participation in "Martin Luther King Day" activities.

Commissioner Joslin asked questions regarding the timing of the Borden project and the downtown special assessment. He announced that he will not be able to attend the City Commission goal setting session on January 30th.

Commissioner Tilmann explained that the reason for postponing the downtown special assessment is to allow individuals an opportunity to comment.

Mayor Bradley Kilmer announced that she has appointed Commissioner Tilmann to the Neighborhood Committee. Mayor Bradley Kilmer will attend the January Health and Human Resources Committee meeting with Vice Mayor Spycher attending the February meeting.

Public Comment on Agenda and Non-agenda Items:

Gladys Mitchell, 814 S. Kinney, raised issues with the fluoridation of City water.

Rick Swindlehurst, 110 W. Michigan, thanked the City for their recent snow removal efforts and asked Commissioners to look at usable space when considering downtown building assessments.

The City Commission went into closed session at 8:29 p.m. and back into regular session at 8:58 p.m. for adjournment. A separate set of minutes was taken for the closed session.

Moved by Commissioner Miller and supported by Commissioner Moreno that the meeting adjourn at 9:01 p.m. Motion unanimously adopted.

Cynthia Bradley Kilmer, Mayor

Robert J. Flynn, City Clerk