

Minutes of the regular meeting of the City Commission held Monday, December 10, 2007 at 7:00 p.m. in the City Commission Room.

Mayor Joslin called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

Commissioners Present: Mayor Joslin and Vice Mayor Bissell; Commissioners Holton, Kilmer, McGuire, Moreno and Spycher

Commissioners Absent: None

Others Present: City Manager Grinzinger, Deputy City Clerk Ridley and City Attorney Romashko

Parks, Buildings & Grounds Director Baderschneider gave update on the West Broadway Revitalization Project.

Received the following communications and petitions:

1. Charter Township of Union Board of Trustees Minutes (October)
2. Mt. Pleasant Housing Commission Minutes (October)
3. Street Department and Motor Pool (October)
4. Wastewater Treatment Plant (October)
5. Water Department (November)

Moved by Commissioner Holton and supported by Vice Mayor Bissell to approve the following items on the Consent Calendar:

1. Minutes of the regular meeting held November 26, 2007.
2. Bid from AIG for Stop Loss Insurance coverage for 2008. The rates will be \$21.14 per month for single coverage and \$50.99 per month for family coverage with a \$125,000 specific deductible.
3. Adopt the Isabella County Emergency Operations Plan, dated March 15, 2004.
4. WHEREAS, the City of Mount Pleasant owns and operates a sanitary sewer system; and

WHEREAS, in order to defray the costs of owning, operating and maintaining that system, the City needs to charge users of that system rates, fees and charges for connection to and use of that system; and

WHEREAS, such rates, fees and charges should be periodically reviewed to assure they are adequate to fully cover the system's costs; and

WHEREAS, Section 51.100 of the Code of Ordinances, Mount Pleasant, Michigan (the "City Code"), provides that such rates, fees and charges are to be set from time to time by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to subsection 51.100 (B) (1)(a) of the City Code, there is established a monthly service charge based upon water meter size as follows:

<u>Meter Size</u>	<u>Monthly Rate</u>
5/8" & 3/4 "	\$ 5.20
1" & 1 1/4"	12.95
1 1/2"	25.90
2"	41.40
3"	82.80
4"	129.40
6"	258.75
10"	1,170.10

The charges provided for in this provision shall be minimum charges for each user connected to the City sanitary sewer system. Residential users not connected to the City's water system shall be charged as if they had 5/8 inch water meter. All other users shall meter their water using an appropriately sized meter in order to obtain City sanitary sewer service.

2. Pursuant to subsection 51.100 (B)(1)(b) of the City Code, there is established a consumption charge of \$ 1.74 per thousand gallons which, in addition to the debt service charges described in paragraph 4 of this resolution, shall result in a total consumption charge of \$2.52 per thousand gallons.
3. Pursuant to subsection 51.100 (B)(1)(c) of the City Code, there is established, in lieu of a consumption charge, a flat rate monthly charge of \$14.18 for residential users not connected to the City water system who, if connected, would have a 5/8 inch water meter. All other users of the sanitary sewer system shall have a water meter.
4. Pursuant to subsection 51.100 (B)(3) of the City Code, there is established a debt service charge of seventy-eight cents (\$.78) per thousand gallons allocated to all users for the purpose of generating revenues for retirement of bonds issued after January 1, 2000 for construction of sanitary sewer system improvements.
5. The prior policy of allowing a sewer credit for pool fills and water usage during June, July and August is hereby rescinded.
6. Pursuant to subsection 51.100 (B)(4) of the City Code, the rates, fees and charges for the installation of a meter shall be the current rates, fees and charges under the water ordinance provisions of the City Code.
7. Pursuant to subsection 51.100 (B)(5) and section 51.101 of the City Code, there is established a table of residential equivalent units as attached as Exhibit A, which is incorporated by reference.
8. Pursuant to subsection 51.100 (B)(5)(a) of the City Code, there is established a direct connection charge of \$1,000 per residential equivalent unit plus an inspection fee of \$85 charged regardless of the number of residential equivalent units. If an inspection is not requested after the work is done, a \$100 charge is imposed. If a connection is made without first obtaining a permit, the connection charge and the inspection fee are doubled and a \$100 charge is imposed.
9. Pursuant to subsection 51.100 (B)(5)(b) of the City Code, there is established an indirect connection charge of \$1,000 per residential equivalent unit plus an inspection fee of \$30 charged regardless of the number of residential equivalent units. If an inspection is not requested after the work is done, a \$100 charge is imposed. If a connection is made without first obtaining a permit, the connection charge and the inspection fee are doubled and a \$100 charge is imposed.
10. Because only one user currently contributes extra strength waste to the sanitary sewer system, pursuant to subsections 51.100 (B)(6) and (7) of the City Code, the City Commission sets the surcharges at bio-chemical oxygen demand @ \$0.31/lb.; suspended solids @ \$0.40/lb.; and total phosphorus @ \$5.71/lb., for Wildlife Gallery, Inc. If additional users commence to contribute extra strength waste, the City Commission reserves the right to establish such additional rates, fees and charges upon the application of any user to dispose of wastewater as provided in such subsections.
11. The rate for receiving septage from septage haulers is established at \$ 0.09 per gallon.
12. The rates, fees and charges provided in this resolution shall take effect with the January 2008 utility billings.
13. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, hereby rescinded.

WHEREAS, the City of Mount Pleasant owns and operates a water system; and

WHEREAS, in order to defray the costs of owning, operating and maintaining that system, the City needs to charge users of that system rates, fees and charges for connection to and use of that system; and

WHEREAS, such rates, fees and charges should be periodically reviewed to assure they are adequate to fully cover the system's costs; and

WHEREAS, the City recently updated its ordinance provision governing such rates, fees and charges; and

WHEREAS, that updated ordinance provision, Section 52.25 of the Code of Ordinances, Mount Pleasant, Michigan (the "City Code"), provides that such rates, fees and charges are to be set from time to time by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant to subsection 52.25 (B) (1)(a) of the City Code, there is established a monthly service charge based upon water meter size as follows:

<u>Meter Size</u>	<u>Monthly Rate</u>
5/8" & 3/4 "	\$ 5.20
1" & 1 1/4"	12.95
1/2"	25.90
2"	41.40
3"	82.80
4"	129.40
6"	258.75
10"	1,170.10

The charges provided for in this provision shall be minimum charges for each user connected to the City water system. All users shall meter their water using an appropriately sized meter in order to obtain City water service.

2. Pursuant to subsection 52.25 (B)(1)(b) of the City Code, there is established a consumption charge of \$2.42 per thousand gallons.

3. Pursuant to subsection 52.25 (B)(1)(c) of the City Code, the rates, fees and charges for the installation of a meter shall be as follows:

<u>Meter Size</u>	<u>Meter Cost</u>	
	<u>Key Valve</u>	<u>Meter</u>
5/8" & 3/4"	\$20	\$ 50
1" & 1 1/4"	25	200
1 1/2"	70	500
2"	80	1,830
3"		2,300
4"		3,740
6"		6,640
Sprinkler system well		50

4. Pursuant to subsection 52.25 (B)(1)(d) of the City Code, there is established a connection charge according to the following schedule, plus an inspection fee is charged. If an inspection is not requested after the work is done, a \$100 charge is imposed. If a connection is made without first obtaining a permit, the connection charge and the inspection fee are doubled and a \$100 charge is imposed.

<u>Water Service Size</u>	<u>Connection Fee</u>
1"	\$ 1,000
2"	Time and material; min. deposit \$ 1,500
4"	Time and material; min. deposit \$ 2,500
6"	Time and material; min. deposit \$ 3,000
8"	Time and material; min. deposit \$ 3,300

5. The rates, fees and charges provided in this resolution shall take effect with the January 2008 utility billings.
6. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, hereby rescinded.

5. BE IT RESOLVED, that Isabella Bank and Trust, National City Bank, and First Bank, or their successors (herein called the "Depositories") be, and are hereby designated, depositories of this city and that funds so deposited may be withdrawn upon a check, draft, note or order of the city,

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said accounts, except as noted below, be signed and countersigned by any two of the following, with exception of the flexible spending and health care checking account, which do not require a countersignature:

Nancy J. Ridley, Finance Director
Mary Ann Kornexl, Treasurer
David Rowley, City Assessor

whose signatures have been duly certified to said Depositories and that no checks, drafts, notes or orders drawn against said Depositories shall be valid unless so signed.

BE IT FURTHER RESOLVED, that the athletic event account checks be signed and countersigned by any two of the following:

Chris Bundy, Director of Recreation & Sports
Eric VanHevel, Sports & Athletics Coordinator
Nancy J. Ridley, Finance Director
Mary Ann Kornexl, Treasurer

BE IT FURTHER RESOLVED, that said Depositories are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said Depositories may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the certificate of the City Clerk, accompanying a copy of this resolution when delivered to said Depositories or in any similar subsequent certificate, until written notice to the contrary is duly served on said Depositories.

6. Bureau Of Aeronautics grant amendment to increase the grant amount by \$11,000 with an additional cost to the City of \$275 in order to balance the final project amount of the construction of a taxiway extension and expansion of the general aviation apron at the Mt. Pleasant Airport and authorize the Mayor and Clerk to execute the agreement document.
7. Payrolls dated November 30, 2007 check numbers 064527-064735 and warrants dated December 6, 2007 check numbers 059720-060073, all totaling \$965,260.34.

Motion unanimously adopted.

A public hearing was held on proposed text amendment to §154.050(A), Standards for Single-Family Dwellings, of the Zoning Ordinance. There being no public comments or communications received, the Mayor closed the hearing.

Moved by Commissioner Moreno and supported by Commissioner Holton that Ordinance No. 937, an ordinance to amend §154.050(A), Standards for Single-Family Dwellings, of the Zoning Ordinance having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

A public hearing was held on proposed amendment to §154.017, Vehicle Storage And Parking, and §154.050(F), Vehicle Storage And Parking, of the Zoning Ordinance. A written communication in opposition was received from Kim Van Plew 915 W. Michigan St. There being no other public comments or communications received, the Mayor closed the hearing.

Moved by Commissioner Kilmer and supported by Commissioner Moreno that Ordinance No. 938, an ordinance to amend §154.017, Vehicle Storage And Parking, and §154.050(F), Vehicle Storage And Parking, of the Zoning Ordinance having been introduced and read, now be passed, ordained and ordered published.

AYES: Commissioners Bissell, Joslin, Kilmer, McGuire, Moreno and Spycher
NAYS: Holton
ABSENT: None
Motion carried.

Moved by Commissioner Holton and supported by Commissioner Kilmer to set a public hearing for the second meeting in January, 2008 on proposed amendment to §30.04 Agenda of Title III: Administration, Chapter 30 Commission of the Code of Ordinances. Motion unanimously adopted.

Moved by Commissioner Moreno and supported by Commissioner Spycher to accept staff recommended text changes to §154.007 of the Code of Ordinances and that Ordinance No. 939, an ordinance to amend various sections of §154 of the Code of Ordinances including §154.007 Nonconforming Lots And Uses having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

Moved by Commissioner Holton and supported by Vice Mayor Bissell to accept staff recommended text changes to §154.162-154.164 of the Code of Ordinances and that Ordinance No. 939, an ordinance to amend various sections of §154 of the Code of Ordinances including §154.162-154.164 Zoning Board Of Appeals; Appeals, Conditions; Variances having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

Moved by Commissioner Holton and supported by Commissioner Kilmer to accept staff recommended text changes to §154.166-154.169 of the Code of Ordinances and that Ordinance No. 939, an ordinance to amend various sections of §154 of the Code of Ordinances including §154.166-154.169 Hearing Procedure; Decisions Of Board Of Appeals Final; Planning Commission; Site Plan Review having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

Moved by Commissioner Moreno and supported by Commissioner Kilmer to accept Planning Commission recommended text changes to §154.171-154.172 and that Ordinance No. 939, an ordinance to amend various sections of §154 of the Code of Ordinances including §154.171-154.172 Special Use Permits; Amendments And Map Changes having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

Moved by Commissioner McGuire and supported by Commissioner Moreno to approve amendment of the City's contract with Pro-Tech Environmental & Construction Services, Inc. of Grand Rapids, Michigan for asbestos abatement at the Borden Building for a total contract price of \$47,875. The total cost of this contract will be funded by the City's DEQ Brownfield Development Grant. Motion unanimously adopted.

Moved by Commissioner Moreno and supported by Vice Mayor Bissell to enter into a month-to-month contract with Lynch, Gallagher, Lynch, Martineau & Hackett of Mt. Pleasant, Michigan to serve as the City's prosecuting attorney at a rate of \$5,400 per month as well as provide general municipal legal services at a rate of \$7,000 per month up to March 1, 2008. In the event that the City has not secured the services of a new firm by that date, the services of the firm would be extended at a monthly cost of \$10,850. Motion unanimously adopted.

Moved by Commissioner McGuire and supported by Commissioner Spycher to instruct City Attorney to draft new City Manager Employment Agreement to provide for additional out clauses; \$5,280 car allowance and a 3.5% raise effective 7/1/2007 and allow the Mayor to execute same upon completion. Motion unanimously adopted.

Moved by Commissioner Moreno and supported by Commissioner McGuire to enter into closed session to discuss pending litigation.

AYES: Commissioners Bissell, Holton, Joslin, Kilmer, McGuire, Moreno and Spycher

NAYS: None

ABSENT: None

Motion carried.

Announcements on City-related Issues and Concerns

Commissioner Moreno discussed the status of the PRD at Broomfield and Crawford Roads.

Mayor Joslin thanked City staff and volunteers for help with Dickens Christmas Festival with special thanks to Kris Rothlisberger, Rosie Gray and Mary Olivieri.

The City Commission recessed at 7:39 p.m. and entered into a work session at 7:48 p.m.

WORK SESSION - Discuss Proposed 2008 Operating Budget

Finance Director Ridley presented an updated millage recommendation for 2008.

Commissioners asked questions regarding some specifics in the budget.

The City Commission went into closed session at 8:07 p.m. and back into regular session at 8:41 p.m. A separate set of minutes was taken for the closed session.

Moved by Commissioner Holton and supported by Commissioner Kilmer that the meeting be adjourned at 8:41 p.m. Motion unanimously adopted.

Jon Joslin, Mayor

Nancy Ridley, Deputy City Clerk