Regular Meeting of the City Commission  
Monday, August 12, 2019  
7:00 p.m.  

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PROCLAMATIONS AND PRESENTATIONS:
  1. Update on the 2019 Major Baseball Little League State Tournament by Jim MacLean and Curt Wager.
  2. Presentation by Swim Friends of Mid-Michigan regarding aquatic center.
  3. Quarterly update from Jim McBryde of Middle Michigan Development Corporation (MMDC).

ADDITIONS/ DELETIONS TO AGENDA:

PUBLIC INPUT ON AGENDA ITEMS:

RECEIPT OF PETITIONS AND COMMUNICATIONS:
  4. City Manager report on pending items.
  5. Minutes of the Planning Commission work session and regular meeting (June).
  6. Correspondence received regarding adult-use marihuana establishments. (7)

CONSENT CALENDAR: DESIGNATED (*) ITEMS

CITY COMMISSION MINUTES:
  * 7. Approval of the minutes of the regular meeting held July 22, 2019.

PUBLIC HEARINGS:
  8. Public hearing on the creation of Neighborhood Enterprise Zone (NEZ).
  9. Public hearing on the creation of Commercial Redevelopment District (CRD) and consider resolution designating a Commercial Redevelopment District (CRD) West Broadway Commercial Redevelopment District No. 1.

STAFF RECOMMENDATIONS AND REPORTS:
  10. Consider appeal to the removal of dangerous trees on private property under City ordinance 99.11 Tree maintenance, obstructions prohibited.
11. Consider resolution in support of exploring the creation of a recreational authority as a means to advance community dialogue regarding an aquatic center.

12. Consider resolutions in support of Michigan Department of Transportation (MDOT) Local Agency Pavement Warranty Program.

13. Receive recommended rezoning request from CD-3L to CZ for a parcel at Canal and Riverview and set a public hearing for September 9, 2019 on the same.

14. Receive recommended text change to Section 154.114 to regulate the reconstruction of certain non-conforming parking areas and set a public hearing for September 9, 2019 on the same.

15. Introduce amendment to Chapter 30 Subsection 30.04-Agenda of the Mt. Pleasant City Code regarding the addition and or deletion of agenda items and set a public hearing for August 26, 2019 on the same.


17. Consider appointment of a voting delegate and alternate for the Michigan Municipal League (MML).

18. Consider closed session pursuant to subsection 8(h) of the Open Meetings Act to consider material exempt from discussion or disclosure by state or federal statute.

19. Approval of payrolls and warrants.

ANNOUNCEMENTS ON CITY-RELATED ISSUES AND NEW BUSINESS:

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS:

RECESS:

CLOSED SESSION: (Conference Room E)

RECESS:

STAFF RECOMMENDATIONS AND REPORTS (continued):

20. Accept petition received for adult-use marijuana establishments and consider ballot language for the November 5, 2019 ballot.

RECESS:
WORK SESSION: (Conference Room A-upstairs)
   21. Continued discussion on Recreational Marijuana draft ordinances.

ADJOURNMENT:
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: CITY MANAGER REPORT ON PENDING ITEMS

This report on pending items reflects the current status of tasks that have been agreed to and upcoming priorities.

1. Task Related Issues:

<table>
<thead>
<tr>
<th>SHORT DESCRIPTION OF TOPIC</th>
<th>MEETING TOPIC WAS AGREED TO</th>
<th>REQUESTED DUE DATE</th>
<th>STATUS AS OF 8.7.19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yield to Pedestrian Signage on Broadway</td>
<td>April 8</td>
<td>None</td>
<td>Traffic Control Committee will discuss again in August.</td>
</tr>
<tr>
<td>Non-motorized Plan/Complete Streets</td>
<td>May 13</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Website Content Policy</td>
<td>May 28</td>
<td>Anytime in the next year.</td>
<td></td>
</tr>
<tr>
<td>Assessed Values in Central Business District</td>
<td>July 8</td>
<td>None</td>
<td>Information provided July 22. Based on additional questions, a meeting will be scheduled with the City Assessor for additional discussion.</td>
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<tr>
<td>New Motions/Amended Motions Onscreen</td>
<td>July 8</td>
<td>None</td>
<td></td>
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<tr>
<td>Principal Shopping District</td>
<td>July 8</td>
<td>None</td>
<td></td>
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</tbody>
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Traffic Control Committee will discuss again in August. Information provided July 22. Based on additional questions, a meeting will be scheduled with the City Assessor for additional discussion.
2. Tentatively scheduled work session topics:
   - August 12   Discuss draft recreational marijuana ordinance
   - August 26   To be determined
   - October 14  Operating Budget
   - October 28  Operating Budget
   - November 11 Operating Budget

3. Items that will be scheduled for work session in 2019, but exact timing is unknown at this point:
   - Potential Airport Partners Agreement
   - Results of Charter Committee research into Mayor elected by voters
   - Joint water study results
   - Potential Master Plan topics
   - 2019 Goal status and any direction needed
   - Recreation Authority for aquatics center - on this agenda
   - Rental Housing - additional inspections for converted units
   - 2020 Goal Action Plan review - online survey being reviewed

4. Items that were not prioritized or removed - will need further discussion/direction at some point:
   - Medical Marihuana Ordinance review
   - Property Maintenance Ordinance
   - Conference Room E renovation options
   - Policy issues follow-up from OMA/FOIA Training
   - Building inspection-coordination of inspections with County
   - Dumpsters located in paved alleys
   - Effectiveness of storm water ordinance- (Note: still working with partners county-wide on stormwater matters)
Rental Housing Inspections: frequency based on good inspections
Sustainability goals
Incentives/strategy for owner-occupied conversions
Homeowner loan and emergency program-needs to be coordinated with above topic
Mt. Pleasant Center preferred development
Review of general guidelines used for snow removal on streets and parking lots
Review ordinance application/interpretation related to commercial/industrial properties

5. Items to remove from work session list:
   Indian Pines South-see what Master Plan process and Parks & Recreation Commission recommend

Please note items that have changed since the last report are highlighted in yellow for easy reference.

Absent: Friedrich, Kostrzewa, Ortman.

Staff: Kain

1) The role of the Planning Commission

   Kain provided each Planning Commissioner with a copy of *The Planning Commission*, a publication created by the Michigan Association of Planning which offers a succinct overview of the role of a Planning Commissioner and common work items which come before Planning Commissions in Michigan. Kain reviewed the Planning Commission’s role in making decisions related to site plan reviews, special use permits, and rezoning requests.

2) Effective meetings and decision making

   Kain expressed appreciation for the work the Planning Commission puts in to meeting preparation, including reviewing packets carefully and bringing forward good questions for discussion. Kain reminded the Planning Commission that staff is a support for them and to please contact staff if additional information can be brought forward to a meeting to allow for productive discussion. Kain also reminded the Planning Commission that it is important that decisions be made in accordance with City ordinances and that reasons for nay votes be articulated during discussion on the relevant motion so that they can be included in the record and a more defensible outcome can be produced.

3) Training

   Kain reminded the Planning Commission that there are funds budgeted for training and to notify staff of any opportunities that they wish to take part in. Staff intends to bring forward at least one training per quarter as part of a work session, as time allows.

There being no further business the work session was adjourned by general consent at 8:09 p.m.

jik
I. Chair Hoenig called the meeting to order at 7:00 p.m.

Absent: Friedrich, Ortman

Staff: Kain

II. Approval of Agenda:

Motion by Dailey, support by Kostrzewa, to approve the agenda.

Motion approved unanimously.

III. Approval of Minutes

A. June 6, 2019 Regular Meeting

Motion by Dailey, support by Rise, to approve the minutes from the June 6, 2019 regular meeting as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for June:

Kain reported that the ZBA did not meet in June.

V. Communications:

Kain reported that there were no communications this month.

VI. Public Hearings:

A. TC-19-02

Kain referred to the proposed ordinance amendment introduced to the board last month that would amend Section 154.114 of the zoning ordinance to regulate the reconstruction of certain non-conforming parking lots. Kain noted that if the board recommends approval, this would then go to the City Commission for adoption.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Liesch, support by Dailey to recommend that the City Commission adopt Text Change 19-02.

Motion by Rise, support by Irwin to amend the proposed language to strike “provided it complies with all other standards of the zoning ordinance and is associated with a permitted land use” and add in its place “provided it complies with all other vehicular parking standards and there is no increase in the degree and manner of non-conformance from the zoning ordinance.”
Discussion ensued on the merits of the proposed amendment. Rise clarified that the intent of the amendment was to clarify what standards must be met when a parking lot is reconstructed and that the parking lot could not be expanded or made to be more non-conforming than it already is. Kain recommended that if there was support for such an amendment, that the Planning Commission postpone action tonight to enable preparation of updated language and review of that language by the City Attorney to ensure that attempt is accomplished.

Chair Hoenig called the question on the proposed amendment to the original motion. Motion failed 6-1, with Rise voting in favor.

Chair Hoenig called the question on the original motion to recommend that the City Commission adopt Text Change 19-02. Motion failed unanimously.

Commissioner Dailey requested clarification on the Planning Commission’s intent to review an updated ordinance which reflected the intent of the proposed amendment introduced by Commissioner Rise. Kain confirmed that if the matter is postponed to the August meeting staff will prepare an updated ordinance to that effect for public hearing.

Motion by Dailey, support by Liesch to postpone further action on Text Change 19-02 until the August 1, 2019 regular meeting.

Motion approved unanimously.

VII. Public Comments

Chair Hoenig opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VIII. Site Plan Reviews:

None

IX. Unfinished Business:

None

X. New Business:

A. Discuss and consider setting a public hearing on a proposed rezoning of parcel 17-000-11-606-00 from CD-3L (Sub-Urban Large Lot) to CZ (Civic Zone).

Kain introduced the proposed map amendment which would rezone a parcel owned by the City from CD-3L to CZ, consistent with the manner in which all other City park parcels are zoned. The parcel was erroneously shown as CD-3L when the 2018 zoning map was adopted.

Kain recommended that the Planning Commission set a public hearing on the rezoning at their August 1, 2019 regular meeting.

Motion by Dailey, support by Rise, to set a public hearing to consider rezoning parcel 17-000-11-606-00 from CD-3L to Civic Zone at the August 1, 2019 regular meeting.

Motion approved unanimously.
XI. Other:

A. Staff Report:

Kain indicated that one site plan was approved administratively in June for 1101 W. Broadway. Kain further indicated that there would be several items on the August agenda, including the public hearing item postponed and the public hearing set this evening. Staff may also be bringing 4-5 additional text changes for introduction and discussion. In addition, we may see a SUP for a group day care and possibly a SUP for an amendment to a rooming dwelling that was approved last year. Staff may also bring forward another map amendment/rezoning for 10 parcels on the west side of Mt. Pleasant that would be a better fit for the sites.

XII. Adjournment

Motion by Dailey, support by Liesch, to adjourn.

Motion approved unanimously. Meeting adjourned at 8:30 p.m.
July 29, 2019

City Commission on MRTMA:

Thank you for the opportunity to make comments to the City of Mt. Pleasant Commission on the MRTMA. I appreciate the seriousness with which the commission is providing recommendations and parameters on the establishment of facilities/dispensaries to the City of Mt. Pleasant.

In reviewing locations for facilities/dispensaries, I request you limit the number of dispensaries in the first year or two, allowing for an evaluation of the process, its effects on the community and to make any changes you see as valuable prior to allowing unlimited numbers of facilities/dispensaries in our community.

The State of Colorado enacted statutes similar to MRTMA and a number of unintended consequences resulted, such as an increase in marijuana – intoxicated driving, illegal movement of cannabis products and a spike in “edible” related emergency room visits.

In closing, the CMU campus has a policy which prohibits medical marijuana on campus which is in accordance with the Federal Drug Free Schools and Communities Act. In an effort to honor this policy, we would request that MRTMA facilities/dispensaries not be permitted within 1,000 feet of the CMU campus which is the statutory requirement for K-12.

I appreciate your consideration in these matters and look forward to your response.

Sincerely,

Larry Klaus, Chief of Police
Central Michigan University
From: Jean <office@petesab.com>
Sent: Wednesday, July 31, 2019 12:25 PM
To: city manager
Subject: Marijuana Input

EXTERNAL Message Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regarding permitting recreational/adult use of marijuana; as a property owner and citizen of Mt. Pleasant Michigan, I see no issue in having retailers for this.

However, it should be kept in a industrial area. Keep it away from schools, parks, restaurants, stores, churches and residential.

The tax dollars would be helpful to the City and could be put to good use.

Thanks for asking for our input.

Sincerely,

Pete Rogers

Pete's Auto Body, Inc.
Nancy, In response to your 7/25/2019 letter asking for feedback on marihuana, we strongly oppose any marihuana establishments in the City. It is an illegal substance according to Federal law for good reasons. At a time when the City is encouraging families to live near the downtown area allowing such anti-family businesses is counter-productive. I live near downtown and allow my children to walk downtown after school, which makes Mt. Pleasant special and wholesome for families. These businesses do not attract the healthy culture we all strive for and will push families out of the city limits.

--

Doug Struble

Lease Management
503 Industrial Avenue
Mt. Pleasant, MI 48858

(989) 773-5948 office
(989) 506-2333 cell

dstruble@leaseman.biz
Mr. Samuel Staples
989-772-0359

Voicemail- Monday August 5, 2019 at 10:35 a.m.

Message for City Manager:

I am stressing my concern and total opposition to marijuana in the Industrial District or anywhere in Mt. Pleasant for that matter. It will just get out of control and we can see what is happening now where it is with drunken driving from marijuana and it’s not a good thing and it will just because its medical doesn’t mean that anybody than can’t get it won’t want it. Today’s honesty is not very good anymore and so I am totally opposed to it in the industrial area and I am an industrial property owner and I don’t know where you would put it in the first place but I am opposed to it anywhere in the City of Mt. Pleasant at any time. Thank you.
July 31, 2019

Ms. Nancy Ridley  
City of Mt. Pleasant  
320 W. Broadway  
Mt. Pleasant, MI 48858

Dear Ms. Ridley:

As an industrial property owner in the City of Mt. Pleasant, I strongly oppose permitting any recreational/adult-use marihuana retailers to be located anywhere in the City. As a tax-paying citizen, I would ask that you carefully consider the voice of the people that you represent regarding this issue. I consider this enterprise counter-productive to the values that make Mt. Pleasant “Someplace Special” for families to live and businesses to thrive.

Thank you for your consideration of this matter.

Sincerely,

Rudolph J, Kler  
Owner

RJK:cec
Hello,

My name is Salvatore Viviano. I purchased my property for the purpose of submitting an application for medical marijuana facilities. The State of Michigan application process took so long that I missed the deadline for the Mt Pleasant application.

I received my State of Michigan pre-approval shortly after the deadline.

I am co-owner of Sterling Heights Dodge. Have great standing in the community and I am self funded.

So I do not appose recreational.

But I would like a chance to submit an application to build world class facilities on my property.

Thank You,

Sal
Nancy

I really don’t have any problem.

Thanks for asking.

Alex Hollenbeck
President/CEO
On The Mark, Industries
801 Industrial Dr.
Mount Pleasant, MI 48858
Office: 989-317-8033
Cell: 231-598-8322
alexh@onthemarkindustries.com
http://www.onthemarkindustries.com
Minutes of the regular meeting of the City Commission held Monday, July 22, 2019, at 7:01 p.m., in the City Commission Room.

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

Commissioners Present: Mayor Joseph and Vice Mayor Gillis; Commissioners Kulick, LaLonde, Ling, Perschbacher and Tolas

Commissioners Absent: None

Others Present: City Manager Ridley and City Clerk Howard

Proclamations and Presentations

Assistant Finance Director/IT Director Saladine introduced newly hired IT Specialist Travis Welsh. Parks and Public Spaces Director Bundy introduced newly hired Parks and Grounds I employee Logan Schafer.

Receipt of Petitions and Communications

Received the following petitions and communications:
1. City Manager report on pending items;
   a. Requested information on property sales in Principal Shopping District.
2. Airport Advisory Board Meeting Minutes. (June)
5. Correspondence at dais from Doug LaBelle II, 405 S. Mission St., regarding the City’s residential zoning ordinance.

Item #9: “Consider resolution to create Neighborhood Enterprise Zone (NEZ) and set a public hearing for August 12, 2019 on the same”; and Item #10: Consider resolution to create a Commercial Redevelopment District (CRD) and set a public hearing for August 12, 2019 on the same.” were removed from the consent calendar.

Moved by Commissioner Kulick and supported by Commissioner LaLonde to approve the following items on the Consent Calendar:
1. Minutes of the regular meeting of the City Commission held July 8, 2019.
2. Minutes of the closed session of the City Commission held July 8, 2019.
3. Bid of Fredrickson Supply of Grand Rapids, Michigan for an Articulated Wheel Loader and Snow Blower Attachment in the amount of $82,143 and a budget amendment for the same.
4. Purchase of two Ford F-450 cab and chassis from Jorgensen Ford of Detroit, Michigan and dump bodies from Knapheide Truck Equipment of Flint, Michigan through the MIDeal extended purchasing program for $98,068, and a budget amendment of $14,068.
5. Resolution approving submittal of the grant application to the Michigan Arts Council for the 2020 Paint the Intersection project as presented:
WHEREAS, the City of Mount Pleasant working with community partners wishes to expand the Paint the Intersection public art project in downtown to help serve the community’s arts for the fiscal year 2020, and;

Whereas, the proposed Paint the Intersections project is consistent with the goals and objectives of the City’s current Master Plan, and;

WHEREAS, the proposed 2020 Paint the Intersection project and grant application were discussed at a public meeting of the Mount Pleasant City Commission held July 22, 2019 at 7:00 p.m. at Mt. Pleasant City Hall, and;

WHEREAS, The City of Mount Pleasant has committed to providing $1,000 in-kind funds toward the project cost from City staff for assistance in event planning, logistics, and road closures;

NOW THEREFORE, BE IT RESOLVED, that the Mount Pleasant City Commission hereby approves submittal of a 2020 Michigan Arts Council for the Arts and Cultural Affairs grant application for the 2020 Paint the Intersections project.

6. Warrants dated July 5, 9 and 16, 2019 and Payrolls dated July 12, 2019 all totaling $1,063,133.21.

Moved by Commissioner Kulick and supported by Commissioner Ling to adopt the Resolution of Intent to Designate a Neighborhood Enterprise Zone; Tentative Neighborhood Enterprise Zone; Notice of Public Hearing for August 12, 2019. (CC Ex. 1-2019)

AYES: Commissioners Joseph, Kulick, LaLonde, Ling and Perschbacher
NAYES: Commissioners Gillis and Tolas
ABSENT: None
Motion Carried.

Moved by Commissioner Kulick and supported by Commissioner LaLonde to adopt the Resolution Regarding Intent to Designate a Commercial Redevelopment District; Notice of Public Hearing for August 12, 2019. (CC Ex. 2-2019)

AYES: Commissioners Joseph, Kulick, LaLonde, Ling and Perschbacher
NAYES: Commissioners Gillis and Tolas
ABSENT: None
Motion Carried.

Received 3-hour parking enforcement options. No action taken by the Commission at this time.

Moved by Commissioner Kulick and supported by Commissioner Ling to formally commit $25,000 toward the Interlocal Pathway Connector Project Area B and authorize the City Manager to finalize partnership agreements with the Charter Township of Union on this project. Motion unanimously adopted.

Announcements on City-Related Issues and New Business

Commissioner Tolas thanked staff for getting Assessors worksheet information to the Commission. He expressed concerns with market/sale comps in the report. Discussion ensued amongst the Commission.
Vice Mayor Gillis invited the public to the August 12, 2019 Public Hearings regarding 410 W. Broadway Street tax abatements.

Commissioner Ling announced that the Sister City relationship with Okaya, Japan is celebrating its 54th year. Student exchange will bring students and chaperones here this year. They will be touring City Hall on August 6th and she encourages the public to stop by and welcome them.

Mayor Joseph encouraged public to attend the opening of the Island Parks Arts Pavilion on Monday, August 5, 2019. This free event will begin at 6 p.m. with a short program and ribbon cutting ceremony.

Public Comment on Agenda and Non-Agenda Items

Pierce Daugherty, 206 S. 2nd St. Shepherd, would like to see CMU contribute more funds to the InterLocal Pathway Connector that was discussed earlier in the meeting.

The Commission recessed at 7:52 p.m. and went into a work session at 8:01 p.m.

WORK SESSION

1) Continued discussion on Recreational Marijuana.

Mayor Joseph and City Manager Ridley led a discussion on Recreational Marijuana.

Discussion ensued.

Staff will continue to capture and incorporate generally agreed upon ideas and further discussion will occur at a future work session.

Mayor Joseph adjourned the meeting without objection at 9:48 p.m.

________________________________________  ___________________________________
William L. Joseph, Mayor                Jeremy Howard, City Clerk
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: PUBLIC HEARING ON THE CREATION OF NEIGHBORHOOD ENTERPRISE ZONE (NEZ)

Attached are the materials that were included in the July 22 City Commission packet when this matter was set for public hearing. As you will recall from the last packet, the resolution creating the district cannot be approved until 60 days after the adoption of the first resolution. Therefore, the only action the City Commission will take on Monday evening is to hold the public hearing.

A final resolution for the creation of the Neighborhood Enterprise Zone (NEZ) District will be brought back to the Commission for consideration at the meeting of September 23, 2019.

*Recommended motion:*  
*No action at this time.*

NJR/ap
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: CONSIDER RESOLUTION TO CREATE NEIGHBORHOOD ENTERPRISE ZONE (NEZ) AND SET A PUBLIC HEARING FOR AUGUST 12, 2019 ON THE SAME

Based on the Purchase and Development Agreement for 410 W. Broadway which includes a commitment to approve two tax abatements, attached is a summary document from the Michigan Economic Development Corporation outlining the Neighborhood Enterprise Zone (NEZ) process.

The attached memo from Community Services and Economic Development Director Bill Mrdeza outlines the first resolution that is needed to start the process for the formal approval of the tax abatements. As indicated, this resolution states the need for the district and sets a public hearing for August 12, 2019.

This property qualifies for the Neighborhood Enterprise Zone designation because it is a mixed use building available for rent or lease and is located in a Principal Shopping District.

The final resolution for the creation of the district must occur at least 60 days after the adoption of the first resolution. Therefore, after the public hearing is held on August 12, the next action on this abatement request would not occur until September 23.

Based on the approved Purchase and Development Agreement for this property, we recommend the City Commission approve the Resolution of Intent to Designate the Parcel as a Neighborhood Enterprise Zone District as presented.

Recommended motion:
Move to approve the Resolution of Intent to Designate a Neighborhood Enterprise Zone as presented.

NJR/ap
The Neighborhood Enterprise Zone (NEZ) Program was established by Public Act 147 of 1992, as amended. The program provides a tax incentive for the development and rehabilitation of residential housing. A qualified local unit of government may designate one or more areas as a NEZ within that local unit of government. The program was established to spur the development and rehabilitation of residential housing in communities where it may not otherwise occur. The program also encourages owner-occupied housing and new investment in communities.

Note: This document is offered as a general guide only and the legislation should be reviewed by local officials.

WHO IS ELIGIBLE?
A qualified local unit of government, as defined under Section 2 of the Obsolete Property Rehabilitation Act 2000 PA 146, or a county seat.

HOW DOES IT WORK?
A community will reduce the taxes on property for up to 15 years in designated areas to promote the revitalization of those neighborhoods. Developers and owners must first seek approval for the NEZ benefits before starting a project. There are two different types of projects that can be undertaken in an NEZ:
- A rehabilitated facility is defined as an existing structure or a portion of an existing structure with a current true cash value of $80,000 or less per unit that has or will have as its primary purpose residential housing consisting of 1–8 units.
- A new facility is defined as a new structure or portion of a new structure that has as its primary purpose residential housing consisting of one or two units, one of which will be owner occupied as a principal residence. This definition includes a new individual condominium unit, in a structure with one or more condominium units, that has as its primary purpose residential housing which will be owner-occupied as a principal residence. Except when project meets all of the following items, a new facility does not include apartments:
  - Rented or leased or is available for rent or lease.
  - A mixed-use building or located in a mixed use building that contains retail business space on street level floor.
  - Located in a qualified downtown district (Downtown Development Authority, Principal Shopping District or boundaries identified by the local government in an area zoned and primarily used for business).

WHAT IS THE PROCESS?
Local government process to designate a NEZ
1. The governing body of a qualified local unit of government by resolution may designate one or more NEZs within that local governmental unit. The NEZ must contain, at a minimum, platted parcels of land and the land must be compact and contiguous. Minimum number of parcels and maximum percent of acreage vary depending on type of designation.
2. Written notice is provided to the assessor and to the governing body of each taxing unit not less than 60 days before passing the resolution designating a NEZ.
3. The governing body makes a finding that the proposed NEZ is consistent with the master plan, neighborhood preservation and economic development goals of the local governmental unit.
4. The governing body adopts a statement of the local unit of government’s goals, objectives and policies relative to the maintenance, preservation, improvement and development of housing for all persons regardless of income level living within the proposed NEZ.
5. The governing body passes a housing inspection ordinance that, at a minimum, requires that before the sale of a unit in a new or rehabilitated facility for which a NEZ certificate is in effect, an inspection is made of the unit to determine compliance with any local construction or safety codes and that a sale may not be finalized until there is compliance with those local codes.
6. The governing body holds a public hearing not later than 45 days after the date the notice is sent but before acting upon resolution.
7. Assessor determines and furnishes the governing body the amount of true cash value of the property located within the proposed NEZ and any other information considered necessary by the governing body.
8. The clerk of the governing body notifies the state tax commission of resolution passage, including a copy of the resolution and a listing of each parcel located in the NEZ, showing parcel code numbers and addresses.

Owner/developer process for obtaining a NEZ certificate
1. An owner or developer (or prospective owner or developer) of a proposed new facility or proposing to rehab property in a NEZ files an application for an NEZ certificate with the clerk of the local government. The application must be filed before a building permit is issued for the new construction or rehabilitation of the facility, unless they qualify for the exceptions provided for in Section 4 (2) of the Act.
2. An owner/developer obtains a building permit and submits a copy to the local unit of government
3. Upon project completion, the property owner must submit to the local unit of government the following:
   - New Facility/Homestead Facility—certificate of occupancy and/or an affidavit executed by the owner affirming that the facility is occupied by the owner as a principal residence.
   - Rehabilitated Facility—an affidavit executed by the owner affirming that the facility is occupied by the owner as a principal residence, a certificate that the improvements have met the minimum cost requirements and the local building code standards issued by the local building inspector, and a certificate of occupancy if required by the local building permits or codes.
4. The local government will forward an application approved by resolution and the appropriate documentation (building permit, resolution contractor estimates, legal description and parcel number) to the state tax commission within 60 days of receiving it.
5. The State Tax Commission will issue a certificate to the applicant if it is determined that the facility complies with the NEZ program requirements within 60 days of receipt of the complete application from local government. Copies of the certificate will be sent to the applicant, assessor’s office and each affected taxing unit.

Rehabilitation cost requirements
- Improvements, if done by a licensed contractor, are estimated at more than $5,000 per owner-occupied unit or 50 percent of the true cash value (whichever is less), or $7,500 per non-owner-occupied unit or 50 percent of the true cash value (whichever is less).
- If the owner proposes improvements that would be done by the owner, the cost of the materials must be in excess of $3,000 per owner-occupied unit or $4,500 per non-owner-occupied unit. Improvements estimated by the owner should not include the cost of labor.
- These improvements must bring the structure into conformance with minimum building code standards. A rehabilitated facility does not include a facility rehabilitated with the proceeds of an insurance policy for property or casualty loss.

NEZ certificate
- The NEZ certificate becomes effective December 31 of the year the new facility or rehabilitated facility is substantially completed and for a new facility occupied by an owner as a principal residence; or if a new facility is substantially completed in a year but is not occupied by an owner as a principal residence until the following year, upon the request of the owner, the effective date of the NEZ shall be December 31 in the year immediately preceding the date of occupancy by the owner as a principal resident; or upon the request of the owner, the effective date of the NEZ for a rehabilitated facility shall be December 31 in the year immediately preceding the date on which the rehabilitated facility is substantially completed.
- Certificates are effective for up to 17 years, depending on the local government unit and the type of project.
- A certificate can be transferred to succeeding property owners within the 12 years provided that the new owner meets the NEZ requirements for the program.
- A certificate expires if an owner fails to complete the filing within two years after the certificate is issued.
- A certificate is automatically revoked if any one of the following exists:
  » The new facility is no longer a homestead or residential facility.
  » The NEZ tax is not paid or property tax is not paid.
  » The structure is not in compliance with local construction, building or safety codes.
- Requests for certificate revocation must be made to the State Tax Commission.

NEZ Tax
- The NEZ tax is levied on NEZ certificate holders in place of ad valorem real property taxes on the new or rehabilitated facility (not on the land on which the facility is located). The property taxes levied on the land will continue to be collected as they would without the NEZ designation.
- The NEZ tax is an annual tax payable at the same time, and in the same way, taxes under the general property tax act are collected.
- Until paid, the NEZ tax is a lien on the real property upon which the new facility or rehabilitated facility subject to the certificate is located.
- School taxes are reimbursed by the state.

New facility property tax calculation
- Financial Residence Property: Apply one-half of the previous year’s state average principal residence millage rate to the value of the facility.
- Non-principal Residence Property: Apply one-half of the previous year’s state average non-principal residence millage rate to the taxable value of the facility
- The NEZ tax on new construction attached to an existing facility will only apply to the addition. The rest of the facility will continue to be assessed regular property taxes.

Rehabilitated facility tax calculation
- Apply the current total millage rate to the previous year’s taxable value of the rehabilitated portion of the facility (not including the land).

WHY WOULD A COMMUNITY WANT TO ESTABLISH A NEZ?
A Neighborhood Enterprise Zone provides a tax incentive for the development and rehabilitation of residential housing and to spur the development and rehabilitation of residential housing in communities where it may not otherwise occur. A NEZ also promotes neighborhood revitalization, encourages owner occupied housing and new investment by lowering property taxes.

SUPPORTING STATUTE
Neighborhood Enterprise Zone Act: Public Act 147 of 1992

CONTACT INFORMATION
For more information, contact the Community Assistance Team (CAT) specialist assigned to your territory or visit www.miplace.org.
Memorandum

TO: Nancy Ridley
FROM: William R. Mrdeza
Community Services & Economic Development Director
DATE: July 16, 2019
SUBJECT: Public Hearing on Neighborhood Enterprise Zone

Background:

The City's Economic Development Corporation has entered into a Purchase and Development Agreement with Michigan Community Capital (MCC) to explore a conceptual design for a multi-story, mixed use development at 410 W. Broadway. The project continues to be investigated and to move forward by MCC under the due diligence provision in the agreement, as amended. The proposed project is consistent with the City’s current Master Plan in that it supports the stated goal of encouraging public and private partnership to improve the downtown. The project is also consistent with the plan’s strategies of improving the range of uses in the downtown to include groceries and other uses that keep people downtown, and the strategy of continuing to allow second floor residential uses for a vital mixed use downtown. The Master Plan also includes a pertinent strategy to offer appropriate tax incentives and abatements to lure businesses to the City.

The proposed project also addresses several opportunities identified in the City’s Economic Development Action Plan which was adopted in 2018. These include investing in downtown, working with developers to identify alternatives which help control development costs in order to keep lease rates competitive in the Mt. Pleasant market, prioritizing in-fill over greenfield development opportunities and addressing barriers to these opportunities, promoting the City’s identified priority development sites (410 W. Broadway is the top priority site), and promoting walkability and bikeability in new project designs.

Since the beginning of the project, it has been clear that MCC would request two forms of qualified tax abatements from the City for the project to be feasible. One of these is a Neighborhood Enterprise Zone whereby the taxes on the property are reduced by 50% for up to 15 years. During that time, the City and other taxing jurisdictions would continue to receive the remaining 50% of the taxes generated by the project; after the expiration of the 15 years, the project would be taxed at the full amount of taxes as calculated at that time. This abatement would only pertain to the upper floor residential units proposed by the project.

In addition to state grants and the private financing being provided by MCC, the project continues to require the establishment of a Neighborhood Enterprise Zone in order for it to remain viable. The first step in this process is for the City Commission to adopt a resolution which designates the boundaries of a Neighborhood Enterprise Zone district. After the creation of the district, the developer can then file an application for a NEZ certificate. Considering the
Memorandum

adoption of the resolution establishing the district requires several steps, the first being scheduling a public hearing prior to acting on the resolution.

Requested Action:

It is requested that the City Commission approve the attached resolution which sets a public hearing for the August 12, 2019 Commission meeting to hear comments on the proposal to create a Neighborhood Enterprise Zone for the 410 W. Broadway project as described. Once the public hearing has been held, the Commission will be asked to consider adopting a separate resolution at a subsequent meeting which would establish the NEZ district itself.
RESOLUTION NO. ______

RESOLUTION OF INTENT TO DESIGNATE A NEIGHBORHOOD ENTERPRISE ZONE; TENTATIVE NEIGHBORHOOD ENTERPRISE ZONE; NOTICE OF PUBLIC HEARING

WEST BROADWAY NEIGHBORHOOD ENTERPRISE ZONE NO. 1

At a meeting of the City Commission of the City of Mt. Pleasant, Isabella County, Michigan, held at the City Hall, 320 West Broadway Street, Mt. Pleasant, Michigan 48858, on the 22nd day of July, 2019, at 7:00 p.m.

PRESENT: ______________________________________________________

ABSENT: ______________________________________________________

The following resolution was offered by _____________ and supported by ____________________

WHEREAS, Section 3(1) of Act 147 of the Public Acts of Michigan of 1992, as amended ("Act 147"), provides that the City Commission may, on its own initiative, designate one or more neighborhood enterprise zones within the City; and

WHEREAS, Section 3 of Act 147 requires the City to provide written notice at least 60 days before adopting a resolution designating the neighborhood enterprise zone to the assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed neighborhood enterprise zone; and

WHEREAS, the City wishes to adopt a resolution designating the property described on Exhibit A as the West Broadway Neighborhood Enterprise Zone No. 1; and

WHEREAS, there exists a need for the West Broadway Neighborhood Enterprise Zone No. 1 in the City; and
WHEREAS, the establishment of a West Broadway Neighborhood Enterprise Zone No. 1 is consistent with the City’s master plan and the neighborhood preservation and economic development goals of the City; and

WHEREAS, the public health, safety and welfare will be served by designating a neighborhood enterprise zone in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Commission wishes to designate a neighborhood enterprise zone under Act 147 known as the “West Broadway Neighborhood Enterprise Zone No. 1” (the “NEZ”) consisting of a certain parcel of land, the description of which is set forth in the attached Exhibit A, and which description is incorporated by reference.

2. The City tentatively proposes that the NEZ remain in effect for a period of up to fifteen (15) years, or the maximum permitted under the Act, whichever is less.

3. The City Commission shall hold a public hearing at a meeting of the City Commission at 7:00 p.m. on August 12, 2019 at the City Hall in the City to hear and consider objections to the proposed NEZ and all other matters relating to the NEZ.

4. The City Clerk shall cause to be published a notice of public hearing in a newspaper of general circulation within the City at least one time prior to the public hearing. The publication shall be at least 10 days prior to the time set for the public hearing, and a proof of publication of such notice shall be filed with the City Clerk.

5. The City Clerk must provide notice of the proposed NEZ at least 60 days prior to the date of the adoption of a resolution to officially create the NEZ. The notice shall be provided by first-class mail addressed to each record owner of, or party in interest in, each parcel of land to be included in the NEZ, at the address shown for each record owner or party in interest based upon the last City tax assessment roll for ad valorem tax purposes,
as supplemented by any subsequent changes in the names or addresses of the owners or parties listed. The notice of public hearing shall also be provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed NEZ at least 60 days before the City adopts a resolution designating the NEZ.

6. The form of the notice of hearing to be mailed and published shall be substantially as set forth in Exhibit B, with such modifications as are deemed necessary by the City Manager to ensure that notice is provided to property owners within the proposed NEZ and to other interested parties (including the City Assessor and the applicable taxing units).

7. All actions heretofore taken by City officials, employees, and agents with respect to the proposed NEZ and proceedings under Act 147 are hereby ratified and confirmed.

8. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: _______________________

NAYS: _______________________

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN  
COUNTY OF ISABELLA  

I, the undersigned, the duly qualified and acting City Clerk of the City of Mt. Pleasant, Isabella County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission at a meeting held on the 22nd day of July, 2019, at 7:00 p.m.

Jeremy Howard, City Clerk
EXHIBIT A

CITY OF MT. PLEASANT
COUNTY OF ISABELLA, MICHIGAN

DESCRIPTION OF LAND TO BE INCLUDED WITHIN PROPOSED WEST BROADWAY NEIGHBORHOOD ENTERPRISE ZONE NO. 1

410 W. Broadway, in the City of Mt. Pleasant, and legally described as follows:

ON THE NORTHERLY RIGHT OF WAY LINE OF BROADWAY STREET, WHICH IS NORTH 89'55'33" WEST, ALONG THE EAST AND WEST 1/4 LINE OF SAID SECTION 15, 203.00 FEET AND NORTH 00'01'00" EAST, PARALLEL WITH THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 15, 43.75 FEET FROM THE INTERIOR 1/4 CORNER OF SAID SECTION 15; THEN CONTINUING NORTH 00'01'00" EAST, PARALLEL WITH SAID NORTH AND SOUTH 1/4 LINE, 247.95 FEET; THENCE 83.70 FEET ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF NORTH 56'48'24" EAST, 83.58 FEET, A RADIUS OF 448.69 FEET, A DELTA ANGLE OF 10'41'18" AND A DEGREE OF CURVE OF 12'46'10" THEN NORTH 00'01'00" EAST, PARALLEL WITH SAID NORTH AND SOUTH 1/4 LINE, 125.16 FEET TO A POINT ON A TOP OF BANK RIVER TRAVERSE LINE; THENCE ALONG SAID TOP OF BANK TRAVERSE LINE THE FOLLOWING TWO COURSES: SOUTH 70'17'25" WEST, 259.53 FEET AND SOUTH 76'38'31" WEST 285.37 FEET TO THE END OF SAID TOP OF BANK TRAVERSE LINE; THEN SOUTH 00'08'30 WEST, 252.85 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF BROADWAY STREET; THENCE SOUTH 88'24'37" EAST (RECORDED AS SOUTH 88'17'00" EAST) ALONG SAID NORTHERLY RIGHT OF WAY LINE, 452.75 FEET TO THE POINT OF BEGINNING. PARTIAL SPLIT FOR 2005 FROM 15-826-00.DESCRIPTION EDITED PER ASSR 03-28-18
EXHIBIT B

CITY OF MT. PLEASANT
COUNTY OF ISABELLA, MICHIGAN

NOTICE OF PUBLIC HEARING

WEST BROADWAY NEIGHBORHOOD ENTERPRISE ZONE NO. 1

NOTICE IS HEREBY GIVEN that the City Commission of the City of Mt. Pleasant, Isabella County, Michigan, wishes to designate a West Broadway Neighborhood Enterprise Zone No. 1 (the "NEZ"), pursuant to Act 147 of the Public Acts of Michigan of 1992, as amended.

The City Commission has tentatively determined that the following described parcels shall be included within the NEZ:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Parcel Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development Corporation of the City of Mt. Pleasant</td>
<td>17-000-15-827-00</td>
<td>410 West Broadway Street Mt. Pleasant, Michigan 48858</td>
</tr>
</tbody>
</table>

TAKE NOTICE that the City Commission of the City of Mt. Pleasant will hold a public hearing at a meeting of the City Commission on August 12, 2019 at 7:00 p.m., at the City Hall, 320 West Broadway Street, Mt. Pleasant, Michigan 48858, to hear and consider any objections to the proposed NEZ and all other matters relating to the NEZ.

All interested persons may attend and participate. Persons with disabilities needing assistance to participate may call the City of Mt. Pleasant Office at (989) 779-5314. A 48-hour advance notice is necessary for accommodation.

This Notice was authorized by the City Commission of the City of Mt. Pleasant.

Jeremy Howard, City Clerk
City of Mt. Pleasant
320 West Broadway Street
Mt. Pleasant, MI 48858
(989) 779-5374
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: PUBLIC HEARING ON THE CREATION COMMERCIAL REDEVELOPMENT DISTRICT (CRD) AND CONSIDER RESOLUTION DESIGNATING A COMMERCIAL REDEVELOPMENT DISTRICT (CRD) WEST BROADWAY COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

Attached is the background information from the July 22 City Commission packet when the creation of a Commercial Redevelopment District (CRD) was introduced.

After holding the public hearing it is recommended the City Commission approve the resolution which is attached to the current memo from Economic Development Director Bill Mrdeza. This resolution once approved officially establishes West Broadway Commercial Redevelopment District No. 1. The next step in the process will be to receive a specific application from Michigan Community Capital for the tax abatement specific to their development.

Recommended motion:
Move to approve the resolution designating a Commercial Redevelopment District (CRD) West Broadway Commercial Redevelopment District No. 1 as presented.

NJR/ap
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: CONSIDER RESOLUTION TO CREATE A COMMERCIAL REDEVELOPMENT DISTRICT (CRD) AND SET A PUBLIC HEARING FOR AUGUST 12, 2019 ON THE SAME

Based on the Purchase and Development Agreement for 410 W. Broadway which includes the need for a commitment to approve two tax abatements, attached is a summary document from the Michigan Economic Development Corporation outlining the Commercial Redevelopment District (CRD) process.

The attached memo from Community Services and Economic Development Director Bill Mrdeza outlines the first resolution that is needed to start the process for the formal approval of the tax abatements. As indicated, this resolution states the need for the district and sets a public hearing for August 12, 2019.

This project qualifies for the Commercial Redevelopment District because it is a mixed use facility including high density residential located in a Principal Shopping District.

After holding the public hearing on August 12, the next action for the City Commission will be to consider the resolution officially creating the district.

Based on the approved Purchase and Development Agreement for this property, we recommend the City Commission approve the Resolution of Intent to Designate the Parcel as a Commercial Redevelopment District (CRD) as presented.

**Recommended motion:**
Move to approve the Resolution of Intent to Designate the Parcel a Commercial Redevelopment District as presented.

NJR/ap
Excerpt from E-Packet of July 22, 2019

COMMERCIAL REDEVELOPMENT ACT

Public Act 255 of 1978 encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period up to 12 years. As defined, commercial property means land improvements whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise, including office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities. Mixed-use developments maybe eligible, but the abatement will only apply to the commercial portion of the property. Land and personal property are not eligible for abatement under this act.

WHO IS ELIGIBLE?
“Local governmental unit” means a city or village.

WHAT IS A REPLACEMENT, NEW AND RESTORED FACILITY?
“Replacement facility” means commercial property to be acquired, constructed, altered, or installed for the purpose of being substituted for obsolete commercial property. Property impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect shall be considered obsolete. All other new commercial property is considered a “new facility.”

For purposes of granting the tax abatement, the replacement or new facility must meet all of the following conditions:

1. Is located on property that is zoned to allow for mixed-use, including high-density residential.
2. Is located in a qualified downtown revitalization district as defined in section two of the Neighborhood Enterprise Zone Act (PA 147 of 1992). This requires either being located in a Downtown Development Authority (PA 197 of 1975), a Principal Shopping District or Business Improvement District (PA 120 of 1961) or an area that is zoned and primarily used for business as determined by the local government unit.
3. The city or village establishes and implements an expedited local permitting and inspection process in the Commercial Redevelopment District. In addition, by resolution provides for the walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Commercial Redevelopment District.

A “restored facility” means changes to obsolete commercial property as may be required to restore the property to an economically efficient condition. Restoration must result in improvements aggregating to more than 10 percent of the true cash value of the property at commencement of the restoration. Restoration includes major renovation including, but not limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes.

WHAT IS THE PROCESS?

Before the Commercial Redevelopment Exemption Certificate (i.e., property tax abatement) can be granted for the Facility, the city or village, by resolution of its legislative body, must establish a Commercial Redevelopment District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 75 percent of state equalized value of the property in the proposed district. At the time of the resolution’s adoption, property within the district must meet one of the following:

1. Obsolete commercial property or cleared or vacant land and part of an existing developed commercial or industrial zone. The property must have been zoned commercial or industrial before June 21, 1975, and characterized by obsolete commercial property and a decline in commercial activity.
2. Land cleared as a result of fire damage, or cleared as blighted area under Blighted Area Rehabilitation Act (PA 344 of 1945).
3. Cleared or vacant land included in a redevelopment plan adopted by the Downtown Development Authority (PA 197 of 1975) or Principal Shopping District or a Business Improvement District (PA 120 of 1961).

To establish the Commercial Redevelopment District, the city or village must first hold a hearing to establish a Commercial Rehabilitation District and determine in the resolution the district meets the requirements of the act. Once the district is established, the property owners may file an application...
with the local clerk for a Commercial Facilities Exemption Certificate. Applications are available from the Michigan Department of Treasury. Before acting on the application, the city or village shall hold a public hearing on the application and not more than 60 days after receipt of the application either approved or disapproved by resolution. The local clerk shall provide written notification of the application hearing to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes. If approved, the application and resolution must be sent to the State Tax Commission for filing purposes.

COMMERCIAL FACILITIES EXEMPTION CERTIFICATE
The property owner must pay a Commercial Facilities Tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 12 years. Certificates initially issued for less than 12 years may be extended based upon factors placed in writing at the time the certificate is approved, but shall not exceed 12 years.

DETERMINING COMMERCIAL FACILITIES TAX RATE
For a restored facility: The Commercial Facilities Tax freezes the taxable value of the building at its value prior to restoration, therefore exempting the new investment from local taxes for a period not to exceed 12 years. The school operating tax and the State Education Tax (SET) are also frozen. Land and personal property cannot be abated under this act.

For a new or replacement facility: The Commercial Facilities Tax provides a 50 percent reduction in the number of mills levied as ad valorem taxes, excluding only the State Education Tax (SET). Land and personal property cannot be abated under this act.

Within 60 days after the granting of a new Commercial Facilities Exemption Certificate, the state treasurer may exempt 50 percent of the SET mills for a period not to exceed six years. The state treasurer will not grant more than 25 of these SET exclusions each year.

DISCUSSION
In addition to the Commercial Redevelopment Act (PA 255 of 1978), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Rehabilitation Act (PA 210 of 2005) and the Obsolete Property Rehabilitation Act (PA 146 of 2000). Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

CONTACT INFORMATION
For more information on the Commercial Rehabilitation Act, please contact the CA Team specialist assigned to your territory. For more general information, contact the MEDC customer contact center at 517.373.9808.

SUPPORTING STATUTES
PA 255 of 1978: Commercial Redevelopment Act
Memorandum

TO: Nancy Ridley
FROM: William R. Mrdeza
Community Services & Economic Development Director
DATE: July 16, 2019
SUBJECT: Public Hearing on PA 255

Background:

The City’s Economic Development Corporation has entered into a Purchase and Development Agreement with Michigan Community Capital (MCC) to explore a conceptual design for a multi-story, mixed use development at 410 W. Broadway. The project continues to be investigated and to move forward by MCC under the due diligence provision in the agreement, as amended. The proposed project is consistent with the City’s current Master Plan in that it supports the stated goal of encouraging public and private partnership to improve the downtown. The project is also consistent with the plan’s strategies of improving the range of uses in the downtown to include groceries and other uses that keep people downtown, and the strategy of continuing to allow second floor residential uses for a vital mixed use downtown. The Master Plan also includes a pertinent strategy to offer appropriate tax incentives and abatements to lure businesses to the City.

The proposed project also addresses several opportunities identified in the City’s Economic Development Action Plan which was adopted in 2018. These include investing in downtown, working with developers to identify alternatives which help control development costs in order to keep lease rates competitive in the Mt. Pleasant market, prioritizing in-fill over greenfield development opportunities and addressing barriers to these opportunities, promoting the City’s identified priority development sites (410 W. Broadway is the top priority site), and promoting walkability and bikeability in new project designs.

Since the beginning of the project, it has been clear that MCC would request two forms of qualified tax abatements from the City for the project to be feasible. Besides a Neighborhood Enterprise Zone, the other tax abatement requested by MCC is a Commercial Redevelopment Act or PA 255 abatement whereby the property taxes generated from new commercial property investment are reduced by 50% for up to 12 years. During that time, the City and other taxing jurisdictions would continue to receive the remaining 50% of the taxes generated by the project; after the expiration of the 12 years, the project would be taxed at the full amount of taxes as calculated at that time. This abatement would apply only to the first floor commercial space proposed by the project.

In addition to state grants and the private financing being provided by MCC, the project continues to require the approval of a PA 255 abatement in order for it to remain viable. The first step in this process is for the City Commission to adopt a resolution which establishes a Commercial Redevelopment District (CRD). After the creation of the district, property owners
Memorandum

in the district can then apply for a commercial facilities exemption certificate. Considering the adoption of the resolution establishing the CRD requires several steps, the first being scheduling a public hearing prior to acting on the resolution.

Requested Action:

It is requested that the City Commission approve the attached resolution which sets a public hearing for the August 12, 2019 Commission meeting to hear comments on the proposal to create a Commercial Redevelopment District for the 410 W. Broadway project as described. Once the public hearing has been held, the Commission will be asked to consider adopting a separate resolution at a subsequent meeting which would establish the CRD district itself.
RESOLUTION NO. ______

RESOLUTION REGARDING INTENT TO DESIGNATE A COMMERCIAL REDEVELOPMENT DISTRICT; NOTICE OF PUBLIC HEARING

WEST BROADWAY COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

At a meeting of the City Commission of the City of Mt. Pleasant, Isabella County, Michigan, held at the City Hall, 320 West Broadway Street, Mt. Pleasant, Michigan 48858, on the 22nd day of July, 2019, at 7:00 p.m.

PRESENT: 

ABSENT: 

The following resolution was offered by _____________ and supported by ___________.

WHEREAS, Section 5 of Act 255 of the Public Acts of Michigan of 1978, as amended ("Act 255"), provides that the City Commission may, on its own initiative, designate one or more commercial redevelopment districts within the City; and

WHEREAS, the City wishes to adopt a resolution designating the property described on Exhibit A as the West Broadway Commercial Redevelopment District No. 1; and

WHEREAS, there exists a need for the West Broadway Commercial Redevelopment District No. 1 in the City; and

WHEREAS, the establishment of a West Broadway Commercial Redevelopment District No. 1 is consistent with the City’s master plan and the economic development goals of the City; and

WHEREAS, the public health, safety and welfare will be served by designating a commercial redevelopment district in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:
1. The City Commission wishes to designate a commercial redevelopment district under Act 255 known as the “West Broadway Commercial Redevelopment District No. 1” (the “CRD”) consisting of a certain parcel of land, the description of which is set forth in the attached Exhibit A, and which description is incorporated by reference.

2. The City tentatively proposes that the CRD remain in effect for a period of up to twelve (12) years, or the maximum permitted under the Act, whichever is less.

3. The City Commission shall hold a public hearing at a meeting of the City Commission at 7:00 p.m. on August 12, 2019 at the City Hall in the City at which any owner of real property within the proposed CRD and any other resident or taxpayer of the City may appear and be heard.

4. The City Clerk shall cause to be published a notice of public hearing in a newspaper of general circulation within the City at least one time prior to the public hearing. The publication shall be at least 10 days prior to the time set for the public hearing, and a proof of publication of such notice shall be filed with the City Clerk.

5. The City Clerk, not less than 10 days prior to the public hearing, shall give the owners of all real property within the proposed CRD written notice by certified mail of the public hearing. At least 10 days before the public hearing on August 12, 2019 and before the City adopts a resolution designating the CRD, the notice of public hearing shall also be provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed CRD.

6. The form of the notice of hearing to be mailed and published shall be substantially as set forth in Exhibit B, with such modifications as are deemed necessary by the City Manager to ensure that notice is provided to property owners within the proposed CRD and to other interested parties.
7. All actions heretofore taken by City officials, employees, and agents with respect to the proposed CRD and proceedings under Act 255 are hereby ratified and confirmed.

8. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: ______________________

NAYS: ______________________

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN  )
COUNTY OF ISABELLA  )

I, the undersigned, the duly qualified and acting City Clerk of the City of Mt. Pleasant, Isabella County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission at a meeting held on the 22nd day of July, 2019, at 7:00 p.m.

______________________________
Jeremy Howard, City Clerk
EXHIBIT A

CITY OF MT. PLEASANT
COUNTY OF ISABELLA, MICHIGAN

DESCRIPTION OF LAND TO BE INCLUDED WITHIN PROPOSED WEST BROADWAY COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

410 W. Broadway, in the City of Mt. Pleasant, and legally described as follows:


PARCEL A: A PARCEL OF LAND BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, T14N, R4W, CITY OF MT, PLEASANT, ISABELLA COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE INTERIOR 1/4 CORNER OF SECTION 15; THENCE NORTH 89'56'13" WEST, 203.0 FEET ALONG THE EAST-WEST 1/4 LINE; THENCE NORTH 0'01" EAST, PARALLEL WITH THE NORTH-SOUTH 1/4 LINE, 43.75 FEET TO THE POINT OF BEGINNING, WHICH IS ALSO LOCATED 33 FEET NORTHERLY OF THE CENTERLINE OF BROADWAY STREET; THENCE NORTH 88'17" WEST, 727 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF BROADWAY STREET TO THE EASTERNLY SIDE OF THE MILL RACE; THENCE NORTH 21'58'39" EAST, 152.23 FEET TO A TRAVERSE LINE ALONG, THE EASTERLY BANK OF THE MILL RACE; THENCE NORTH 18'37'55" EAST, 118.49 FEET ON A TRAVERSE LINE ALONG THE EASTERLY BANK OF THE MILL RACE TO THE NORTHERLY RIGHT OF WAY LINE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (ANN ARBOR RAILROAD); THENCE NORTH 71'25'25" EAST, 36.72 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER; THENCE SOUTH 81'39'24" EAST, 146.65 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER; THENCE NORTH 76'38'31" EAST, 285.37 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER; THENCE NORTH 70'17'25" EAST 259.53 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER TO A POINT WHICH IS 133 FEET WEST OF THE NORTH-SOUTH 1/4 LINE OF SECTION 15; THENCE SOUTH 0'01 WEST, 125.16 FEET PARALLEL WITH THE NORTH-SOUTH 1/4 LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (ANN ARBOR RAILROAD); THENCE SOUTHWESTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 448.69 FEET AND A CHORD BEARING SOUTH 56'48"24" WEST, FOR A DISTANCE OF 83.58 FEET; THENCE SOUTH 0'01" WEST 247.95 FEET PARALLEL WITH THE NORTH-SOUTH 1/4 LINE TO THE POINT OF BEGINNING. TOGETHER WITH THE LAND TYING BETWEEN THE TRAVERSE LINE AND THE WATERS EDGE OF THE CHIPPEWA RIVER. EXCEPT PART OF THE SOUTHEAST 1/4 OF THE
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EXHIBIT B

CITY OF MT. PLEASANT
COUNTY OF ISABELLA, MICHIGAN

NOTICE OF PUBLIC HEARING

WEST BROADWAY COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

NOTICE IS HEREBY GIVEN that the City Commission of the City of Mt. Pleasant, Isabella County, Michigan, wishes to designate a West Broadway Commercial Redevelopment District No. 1 (the "CRD"), pursuant to Act 255 of the Public Acts of Michigan of 1978, as amended.

The City Commission has tentatively determined that the following described parcels shall be included within the CRD:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Parcel Number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development Corporation of the City of Mt. Pleasant</td>
<td>17-000-15-827-00</td>
<td>410 West Broadway Street Mt. Pleasant, Michigan 48858</td>
</tr>
</tbody>
</table>

TAKE NOTICE that the City Commission of the City of Mt. Pleasant will hold a public hearing at a meeting of the City Commission on August 12, 2019 at 7:00 p.m., at the City Hall, 320 West Broadway Street, Mt. Pleasant, Michigan 48858, to hear and consider any objections to the proposed CRD and all other matters relating to the CRD. Any owners within the proposed CRD and any other resident or taxpayer in the City, or other interested party, may appear and be heard at the public hearing.

All interested persons may attend and participate. Persons with disabilities needing assistance to participate may call the City of Mt. Pleasant Office at (989) 779-5314. A 48-hour advance notice is necessary for accommodation.

This Notice was authorized by the City Commission of the City of Mt. Pleasant.

Jeremy Howard, City Clerk
City of Mt. Pleasant
320 West Broadway Street
Mt. Pleasant, MI 48858
(989) 779-5374
Memorandum

TO: Nancy Ridley  
FROM: William R. Mrdeza  
     Community Services & Economic Development Director

DATE: August 6, 2019

SUBJECT: Commercial Redevelopment District Designation

Background:

The City’s Economic Development Corporation has entered into a Purchase and Development Agreement with Michigan Community Capital (MCC) to explore a conceptual design for a multi-story, mixed-use development at 410 W. Broadway. The project continues to be investigated and move forward by MCC under the due diligence provision in the agreement, as amended. The proposed project is consistent with a number of goals, objectives, and opportunities identified in the City’s current Master Plan and Economic Development Action Plan as previously identified.

In addition to state grants and the private financing being provided by MCC, the project continues to require both a Neighborhood Enterprise Zone (NEZ) and a Commercial Redevelopment Act or PA 255 abatement. In the latter abatement, the property taxes generated from new commercial property investment are reduced by 50% for up to 12 years. The first step in this process is for the City Commission to adopt a resolution which establishes a Commercial Redevelopment District (CRD). After the creation of the district, property owners in the district can then apply for a commercial facilities exemption certificate. Considering the adoption of the resolution establishing the CRD requires several steps, the first being scheduling a public hearing prior to acting on the resolution. By resolution at the July 22, 2019 regular meeting, the City Commission set a public hearing for August 12, 2019 to hear comments on the intent to create a Commercial Redevelopment District under the provisions of PA 255.

Requested Action:

After hearing comments on the intent to create a Commercial Redevelopment District as described above, it is requested the City Commission approve the attached resolution which establishes the West Broadway Commercial Redevelopment District No. 1 within the boundaries described in the resolution for a period of 12 years as allowed by PA 255.
RESOLUTION NO. ______

RESOLUTION DESIGNATING A COMMERCIAL REDEVELOPMENT DISTRICT

WEST BROADWAY COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

At a meeting of the City Commission of the City of Mt. Pleasant, Isabella County, Michigan, held at the City Hall, 320 West Broadway Street, Mt. Pleasant, Michigan 48858, on the 12th day of August, 2019, at 7:00 p.m.

PRESENT: ______________________________________

ABSENT: ______________________________________

The following resolution was offered by _____________ and supported by ____________.

WHEREAS, Section 5 of Act 255 of the Public Acts of Michigan of 1978, as amended (“Act 255”), provides that the City Commission may, on its own initiative, designate one or more commercial redevelopment districts within the City; and

WHEREAS, the City wishes to adopt a resolution designating the property described on Exhibit A as the West Broadway Commercial Redevelopment District No. 1; and

WHEREAS, there exists a need for West Broadway Commercial Redevelopment District No. 1 in the City; and

WHEREAS, the establishment of a West Broadway Commercial Redevelopment District No. 1 is consistent with the City’s master plan and the economic development goals of the City; and

WHEREAS, on July 22, 2019, the City Commission adopted Resolution No. __, Resolution to Designate a Commercial Redevelopment District; Notice of Public Hearing; and
WHEREAS, the City Commission conducted a public hearing at a meeting of the City Commission at 7:00 p.m. on August 12, 2019 at the City Hall in the City at which any owner of real property within the proposed West Broadway Commercial Redevelopment District and any other resident or taxpayer of the City was permitted to appear and be heard; and

WHEREAS, the City Clerk caused to be published a notice of public hearing in a newspaper of general circulation within the City at least one time 10 days prior to the public hearing, and a proof of publication of such notice was filed with the City Clerk; and

WHEREAS, the City Clerk, not less than 10 days prior to the public hearing, notified by certified mail the owners of all real property within the proposed CRD of the public hearing, and at least 10 days before the public hearing on August 12, 2019, the notice of public hearing was provided to the City Assessor and to the governing body of each taxing unit that levies ad valorem property taxes within the proposed CRD; and

WHEREAS, the public health, safety and welfare will be served by designating a commercial redevelopment district in the City.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Commission hereby designates a commercial redevelopment district under Act 255 known as the “West Broadway Commercial Redevelopment District No. 1” (the “CRD”) consisting of certain parcels of land, the descriptions of which are set forth in the attached Exhibit A, and which descriptions are incorporated by reference.

2. The CRD shall remain in effect for a period of twelve (12) years, or the maximum permitted under the Act, whichever is less.
3. The City Commission finds, as required by Section 5 of the Act and applicable guidelines and information from the Michigan Economic Development Authority, that the real property within the CRD is one or more of the following:

   (a) Obsolete commercial property or cleared or vacant land which is part of an existing, developed commercial or industrial zone which has been zoned commercial or industrial for 3 years before June 21, 1978, and the area is or was characterized by obsolete commercial property and a decline in commercial activity.

   (b) Land which has been cleared or is to be cleared as a result of major fire damage, or cleared or to be cleared as a blighted area under Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws.

   (c) Cleared or vacant land included within a redevelopment plan adopted by a downtown development authority pursuant to Act No. 197 of the Public Acts of 1975, as amended, being sections 125.1651 to 125.1680 of the Michigan Compiled Laws, or adopted by an urban redevelopment corporation pursuant to Act No. 250 of the Public Acts of 1941, as amended, being sections 125.901 to 125.922 of the Michigan Compiled Laws, or Act No. 120 of the Public Acts of 1961, being sections 125.981 to 125.986 of the Michigan Compiled Laws.

4. Permits and inspections for construction on property in the CRD shall be conducted on an expedited basis.

5. All actions heretofore taken by City officials, employees, and agents with respect to the CRD and proceedings under Act 255 are hereby ratified and confirmed.

6. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

   YEAS: ______________________

   NAYS: ______________________

THE RESOLUTION WAS DECLARED ADOPTED.
I, the undersigned, the duly qualified and acting City Clerk of the City of Mt. Pleasant, Isabella County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission at a meeting held on the 12th day of August, 2019, at 7:00 p.m.

Jeremy Howard, City Clerk
EXHIBIT A

CITY OF MT. PLEASANT
COUNTY OF ISABELLA, MICHIGAN

DESCRIPTION OF LAND INCLUDED WITHIN
WEST BROADWAY COMMERCIAL REDEVELOPMENT DISTRICT NO. 1

410 W. Broadway, in the City of Mt. Pleasant, and legally described as follows:


PARCEL A: A PARCEL OF LAND BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, T14N, R4W, CITY OF MT. PLEASANT, ISABELLA COUNTY, MICHIGAN DESCRIBED AS COMMENCING AT THE INTERIOR 1/4 CORNER OF SECTION 15; THENCE NORTH 89′56′13″ WEST, 203.0 FEET ALONG THE EAST-WEST 1/4 LINE; THENCE NORTH 0′01″ EAST, PARALLEL WITH THE NORTH-SOUTH 1/4 LINE, 43.75 FEET TO THE POINT OF BEGINNING, WHICH IS ALSO LOCATED 33 FEET NORTHERLY OF THE CENTERLINE OF BROADWAY STREET; THENCE NORTH 88′17″ WEST, 727 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF BROADWAY STREET TO THE EASTERLY SIDE OF THE MILL RACE; THENCE NORTH 21′58′39″ EAST, 152.23 FEET TO A TRAVERSE LINE ALONG, THE EASTERLY BANK OF THE MILL RACE; THENCE NORTH 18′37′55″ EAST, 118.49 FEET ON A TRAVERSE LINE ALONG THE EASTERLY BANK OF THE MILL RACE TO THE NORTHERLY RIGHT OF WAY LINE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (ANN ARBOR RAILROAD); THENCE NORTH 71′25′25″ EAST, 36.72 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER; THENCE SOUTH 81′39′24″ EAST, 146.65 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER; THENCE NORTH 76′38′31″ EAST, 285.37 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER; THENCE NORTH 70′17′25″ EAST 259.53 FEET ON A TRAVERSE LINE ALONG THE SOUTHERLY BANK OF THE CHIPPEWA RIVER TO A POINT WHICH IS 133 FEET WEST OF THE NORTH-SOUTH 1/4 LINE OF SECTION 15; THENCE SOUTH 0′01 WEST, 125.16 FEET PARALLEL WITH THE NORTH-SOUTH 1/4 LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (ANN ARBOR RAILROAD); THENCE SOUTHWESTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 448.69 FEET AND A CHORD BEARING SOUTH 56′48′24″ WEST, FOR A
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PARTIAL SPLIT FOR 2005 FROM 15-826-00
TO: MAYOR AND CITY COMMISSION AUGUST 7, 2019
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: CONSIDER APPEAL TO THE REMOVAL OF DANGEROUS TREES ON PRIVATE PROPERTY UNDER CITY ORDINANCE 99.11 TREE MAINTENANCE, OBSTRUCTIONS PROHIBITED

Occasionally City staff is contacted by residents regarding concerns with trees or shrubbery which the resident considers hazardous or dangerous. Other times staff may notice similar circumstances throughout the City. If the tree or shrubbery is in the City right-of-way City staff or our contractor will address the concern. In instances where it is on private property, City Ordinance Section 99.11 is followed.

Over the last few years 13 property owners have been sent letters under this section of the ordinance. Thus far nine have complied.

The homeowners at 420 S. Kinney have requested an appeal regarding the request for removal of their tree. The tree in question currently poses an obstruction to the sidewalk. For your reference a photo of the tree and city ordinance are attached.

As outlined in the attached ordinance, property owners are provided the opportunity to appeal the determination made by the Director of Public Works. The ordinance allows for an appeal hearing where the property owners or their agent can verbally present their appeal. Mr. Richard Barber and Ms. Karen Varanauskas will present their appeal Monday evening and have submitted the appeal in writing ahead of time, which is included for your reference.

Attached to the letter from Ms. Varanauskas is an evaluation report from Arborist David Breedlove. Mr. Breedlove’s report speaks to his evaluation of the health of the tree and therefore the unlikely event of it falling. The tree, although healthy according to the arborist, still poses a hazard to users of the sidewalk due to the obstruction it provides. The only options to address the obstruction are to remove the tree or to re-route the sidewalk.

Although no survey work or official estimates have been completed, a rerouting of the sidewalk may require going around the second tree depicted in the picture as well. A best guess at the cost of rerouting sidewalk is likely less than $1,500. It should be noted that removal of the sidewalk and adding new sidewalk could potentially impact the root system of one or both trees. If this option is pursued a decision about who pays for the sidewalk re-routing would be necessary.
After the appeal hearing the City Commission has 15 days to respond to the property owners with a determination. The Commission can either confirm, amend or reverse the request to remove the hazard and determine compliance dates.

It would appear that the following potential options exist and a recommended motion has been drafted for each one.

**Recommended motion:**

**Option 1**
Move to confirm the request for the removal of the tree with the deadline of 15 days from notification as provided for in the ordinance.

OR

**Option 2**
Move to amend the request for the removal of the tree by extending the removal deadline to a (future date Month, Date Year).

OR

**Option 3**
Move to reverse the request for the tree removal and ask that the property owners provide a written report to the DPW Director annually regarding the health of the tree.

OR

**Option 4**
Move to request a more detailed cost estimate for re-routing of the sidewalk provided to the property owners and the City Commission for consideration and determination as to who pays for the change in the sidewalk.

NJR/ap
§ 99.11 TREE MAINTENANCE; OBSTRUCTIONS PROHIBITED.

(A) Any tree, bush or shrub projecting upon or over any public highway or public place shall be kept trimmed by the owner of the property on which said tree, bush or shrub is located to a minimum of nine feet from the natural ground level. No tree, bush or shrub on any private property shall obstruct the light of any public street lighting or obstruct the view of any traffic sign or signs erected by the city or any public governmental unit.

(B) If the Director of Public Works determines that any tree, bush or shrub is a danger to the public health, safety or welfare, the Director shall notify the owner of the private property upon which said tree, bush or shrub is growing, by personal service or certified mail at the owner's last address, as shown in the record of the City Assessor, notifying said owner to trim, treat, prune or remove such tree, bush or shrub.

(C) If an owner of any private property so notified concerning the trimming or removal of any tree, bush or shrub has not removed, trimmed or treated the same within 15 days after mailing of the aforesaid notice, or does not have an appeal pending, the Director of Public Works is authorized or remove, treat to trim the same and to charge the owner for the cost thereof.

(D) Any owner receiving a notice under division (B) above, shall have the right to appeal the determination of the Director of Public Works by submitting a written request for hearing to the Commission within ten days of receipt of the notice. The request for hearing shall be directed to the Commission, at City of Mount Pleasant, City Hall, Mount Pleasant, MI 48858. The request for hearing shall stay the actions of the Director of Public Works until real determination by the Commission. The Commission shall notify the owner, in writing, by personal service or certified mail, at least seven days prior to the regularly scheduled meeting of the Commission of when the public hearing shall be held. The owner may appear before the Commission personally, by agents or may submit his/her objection to the actions of the Director of Public Works in writing. The Commission may confirm, amend or reverse the instructions of the Director of Public Works and shall determine the date for compliance by the owner, with 15 days after the date of the public hearing. The Commission shall transmit in writing the finding of fact and report of its action to the Director of Public Works and the owner.

(E) When the Division of Public Works has removed, trimmed or treated any offending tree, bush or shrub on private property, or has paid for such trimming, treating or removal, the owner shall be charged the actual cost of said removal plus accrued interest at the rate of 1% per month from the date of completion of said work. If the same is not paid by the owner of the private property on which the tree, bush or shrub is located, the same shall be charged to the owner by the city, and said charge shall be due and payable at the time of payment of such tax bill.

(F) Where the full amount due the city is not paid by such owner within 60 days after the trimming, pruning, treatment or removal of such prohibited growth, as set forth in divisions (C) and (E), above, then, the Director of Public Works shall cause to be recorded in the Treasurer's Office of the city a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done. The recording of such statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made and shall be collected in the manner provided by law for the collection of taxes; further, the total amount shall be subject to a delinquent penalty of 1% per month in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent; said sworn statements recorded in accordance with the
provision hereof, shall be notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property described in the statement and that the same is due.

(Ord. 545, passed 3-6-78) Penalty, see § 99.99
August 5, 2019

Ms. Nancy Ridley, City Manager
320 W. Broadway
Mt. Pleasant, MI 48858

Dear Ms. Ridley and Members of the City Commission,

This letter is in response to yours, dated July 15, regarding our tree at 420 S. Kinney, and City Ordinance 99.11 Tree Maintenance, obstructions prohibited.

I’ve included the arborist’s report, and letters from neighbors to help support our bid for keeping the venerable white pine that towers over Kinney Street. The tree has stood for years in its peculiar angle, and is a landmark to many in our town. It must certainly be one of the oldest white pines in the city. Every day, people who walk under it pause to touch the bark and look up at the canopy that stretches across Kinney.

The tree’s angle does cause wonder, but the tree is strong and healthy, and the angle has not changed over many decades. I remember walking under it as a student at CMU in the mid-1970’s.

A few years ago, at the time Kinney was resurfaced, I spoke with Mr. Zang’s predecessor about the tree and the sidewalk under it. She agreed that by replacing three or four squares of concrete, the sidewalk could be re-shaped to make walking under the tree easier, and said she would put it on the calendar for two years later. That has not happened, but I think that would be the best solution to the City’s concern about obstruction. (Just south of us, at the corner of Kinney and Locust, the sidewalk diverts around a huge old oak tree.)

We will be happy to have the tree re-evaluated each year, as Dave Breedlove suggests in his report, and if the tree shows signs of failure, we will have it removed. But as it is, I would hate to cut down a healthy, strong, historically significant tree.

I strongly encourage the Members of City Council to stop by to examine the tree. It is a marvel.

I look forward to our meeting.

[Signature]

Karen Varanauskas
May 23, 2019

Richard Barber and Karen Varanauskas
420 S. Kinney Avenue
Mt. Pleasant, Michigan 48858

Dear Property Owners: Re: 420 S. Kinney Avenue – Tree Removal

The pine tree on your property is leaning over the sidewalk and street. That tree poses an obstruction to the sidewalk and a danger of falling across the sidewalk and street. The pine tree poses a risk to neighbors and residents and, therefore, must be removed in accordance with City Ordinance 99.11. The tree must be removed within 15 days of this notice. A property owner who fails to remove the dangerous tree within 15 days will be held responsible with a municipal infraction, and prosecuted in accordance with the Municipal Civil Infractions ordinance. The fine for a violation of a municipal civil infraction under this chapter shall be $50, the second violation $100, and the third or any subsequent violation within any one calendar year $250. Each day is considered a separate violation. If it is your intention to remove the tree but contractor scheduling falls outside the 15 day limit, please call me to establish a mutually agreeable deadline.

You have the right to appeal the determination of the Director of Public Works by submitting a written request for hearing to the Commission within ten days of the receipt of this notice. The request for hearing shall be directed to the Commission at the City of Mount Pleasant, City Hall, Mount Pleasant, MI 48858. The request for hearing shall stay the actions of the Director of Public Works under real determination of the Commission. The Commission shall notify the owner, in writing, by personal service or certified mail at least seven days prior to the regularly scheduled meeting of the Commission of when the public hearing shall be held. The owner may appear before the Commission personally, by agents or may submit his/her objection to the actions of the Director of Public Works in writing. The Commission may confirm, amend or reverse the instructions of the Director of Public Works and shall determine the date for compliance by the owner, within 15 days after the date of the public hearing. The Commission shall transmit in writing the finding of fact and report of its action to the Director of Public Works and the owner.

If you have any questions, or want me to work with you to allow extra time to line up a tree removal service, I may be reached at jzang@mt-pleasant.org, or at (989) 779-5402.

Sincerely,
City of Mt. Pleasant-Public Works

John Zang, Director
1303 N. Franklin Street
Mt. Pleasant, MI 48858
Tree Evaluation Report

Prepared for
Karen Varanauskas and Richard Barber
420 S. Kinney Avenue
Mt Pleasant, Michigan 48858

By
David A Breedlove
Consulting Arborist
Certified Arborist #MI 522

Purpose and Location
The property owners, Karen Varanauskas and Richard Barber of 420 S. Kinney Avenue, Mt Pleasant, received notice from the City of Mt Pleasant requiring that a large white pine tree growing on the property be removed because it is leaning over and poses a danger of falling across the sidewalk and street, thus endangering neighbors and residents. The homeowners would like to keep the tree but would like to know if the tree is healthy and is likely to fall, thus putting the public at risk of harm.

Field Data
I met with owner, Ms Varanauskas on June 2, 2019 and did a visual evaluation of the tree and site to determine if the tree has any defects or health concerns that would cause the tree to fail, and to identify potential targets, objects or persons that could be damaged or injured if the tree were to fail. The evaluation was conducted from ground level. A below ground inspection of the root system was not part of the evaluation.

Results
The tree is an eastern white pine (Pinus strobus) and has a diameter 40 inches at 4.5 feet above the soil line with an estimated height of 80 to 100 feet. The tree has a 15-degree lean to the east from vertical and extends out over the two-lane Kenney Avenue. A turf median separates the two lanes. Because of the direction lean, the tree would fall to the east, and potential targets are trees in the median, people walking directly under the tree on the sidewalks or in the streets or passing in a motor vehicle at the time of failure. There is a home across the avenue, 421 S Kenney, that would not be hit directly by the tree if there were a whole tree failure but could be struck by debris after the tree contacts the ground, thus is considered a target.

The tree is adjacent to and is in contact with the public sidewalk. The tree has moved and damaged the sidewalk. There is a City tree within 10 feet and on the opposite side of the walkway, and to the south of the pine. There is a remnant soil mound or shelf on the windward side of the tree that likely was the result when a high wind event dislodged the tree’s roots. The absence of wound scars anywhere on the tree would suggest a mechanical force did not dislodge the tree. The homeowner did not know the date of the wind event occurred. The tree had the lean when they purchased the home. Based on the size of
the trunk at the point where the tree developed compression wood to correct the lean after the wind event, approximately 10 feet from the top of the tree, the high wind event was years ago. Possibly the wind event was around 1999 when Mt Pleasant experience wind shear or during a previous event.

The overall health of the tree is good. The tree’s crown is full. There are not any dead or dying branches visible from the ground. The tree trunk is free of cracks or fractures, and areas of swelling, cavities or fruiting bodies that would suggest decay.

There is one area of note: at the base of the trunk above the sidewalk, there is evidence of compression buckling. Compression buckling is the result of the internal stress load exerted on the tree by a bending force. Wood fibers are compressed, potentially compromising the integrity of the trunk, but because the trunk appears to be solid, no evidence of internal decay, and no tension fractures on the opposite side, the tree appears to be stable.

As for the root system, there are no visible indicators of current root damage or disease. Given the current health of the tree and the growth after the tree wind event, it appears that the root system is in good health. That said, because a visual inspection of the root system below ground was not part of the evaluation, it cannot definitively be determined that the roots are healthy.

**Conclusions**

Given a one-year time frame and there are no changes to the site that could alter wind direction or patterns, or an extreme weather event, it is possible but not likely the white pine tree will fail. It is recommended that the tree be reevaluated annually.
Alice Ciccu  
419 S. Fancher  
Mt. Pleasant, MI 48858

To Nancy Ridley and the Mt. Pleasant City Commission:

I am writing in regards to the leaning pine tree located at 420 S. Kinney. I moved on to the block with this tree in 1968 when Sargent Ray Harless and his family lived at this location. Not only did I frequently play in the house and yard, but also rode my bike and walked under that tree on a regular basis until 1980. Although I left Mt. Pleasant in 1980, I moved back to the block in 2012 and the tree seems the same as it always has. The angle appears no straighter nor any more slanted than it was 50 years ago. I have known all the homeowners from the past 50 years and don’t ever recall a concern with the tree from either the occupants nor anyone on the block nor am I aware of anything that has changed to make it a concern now.

Sincerely,

[Signature]

Alice (Sheperdigian) Ciccu
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: CONSIDER RESOLUTION IN SUPPORT OF EXPLORING THE CREATION OF A RECREATIONAL AUTHORITY AS A MEANS TO ADVANCE COMMUNITY DIALOGUE REGARDING AN AQUATIC CENTER

Local community members joined together as the Swim Friends of Mid Michigan for the purpose of looking into the development of a community aquatic center. In an effort to obtain stakeholder information on the need, desire and feasibility of such a project, The Swim Friends of Mid Michigan raised funds and hired a consultant to complete a feasibility study in 2018. The results of the study concluded there is interest and support for a community aquatic center and that the operations of a properly designed facility are sustainable. The creation of a recreation authority was recommended as a method to assist with financing the construction and the ongoing management of the facility. A copy of the executive summary from the feasibility report is attached for reference.

At their meeting of July 24, 2019, the Charter Township of Union approved a resolution committing the Township’s participation on a committee that would determine the feasibility of creating a recreational authority as a means to further the dialogue regarding a community aquatic center. The resolution also committed up to $5,000 for outside professional support contingent upon at least two additional parties providing similar funding and agreeing to form the committee.

A resolution similar to what was approved by the Charter Township of Union is attached for consideration by the Commission. It is important to note that this resolution does not create the authority. The committee will more fully research the feasibility of creating a Recreational Authority and make a recommendation to units of government at the conclusion of their research. Approval of this resolution would demonstrate the City’s concurrence in exploring the creation of a recreational authority for the purpose of advancing the continued research and dialogue.

_Recommended motion:_
*Move to approve the resolution as presented.*

NJR/ap
Mt. PLEASANT AQUATIC CENTER

FEASIBILITY STUDY
Programming, Design, and Financial Analysis

Submitted to
Swim Friends of Mid-Michigan

FINAL REPORT
August 1, 2018

Submitted by the Isaac Sports Group, LLC

ISG
Isaac Sports Group

ISG is a Preferred Professional Provider of the USA Swimming Facilities Department.
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ATTACHMENTS

# 1  Learn to Swim Market Analysis and Comparisons
# 2  Aquatic Center Swim Lesson Projections
# 3  Schedule Matrix Option #1
# 4  User Fee and Membership Market Analysis & Projections
# 5  Space Allocation Worksheet
# 6  Project Cost Estimate Worksheet
# 7  Aquatic Center Financial Projection Detail Option #1
    #7A  Operational Expenses
    #7B  Program Expenses
    #7C  Facility Revenue
    #7D  Program Revenue
    #7E  Program Profit Analysis
# 8  Aquatic Center Financial Projection Detail Option #4
    #8A  Operational Expenses
    #8B  Program Expenses
    #8C  Facility Revenue
    #8D  Program Revenue
    #8E  Program Profit Analysis
# 9  Aquatic Center Financial Projection Detail Option #5
    #9A  Operational Expenses
    #9B  Program Expenses
    #9C  Facility Revenue
    #9D  Program Revenue
    #9E  Program Profit Analysis
#10 Recreation Authority Funding Scenarios
INTRODUCTION

Swim Friends of Mid-Michigan ("Swim Friends") is an advocacy group of aquatic stakeholders and interested citizens founded to explore the development of a multi-purpose community oriented competitive aquatic center (the "Aquatic Center") in Mt. Pleasant, Michigan. In the spring of 2017 the Swim Friends retained the Isaac Sports Group ("ISG") to conduct a Feasibility Study for an aquatic center in the area. This Feasibility Study includes an analysis of existing aquatic facilities and programs in the Mt. Pleasant area and the region. It also included an analysis of community aquatic program and facility needs, partnership opportunities, event potential, and a detailed analysis of projected operating costs and revenue. The study focused on the impact of the recent closing of Central Michigan University’s Rose Pool on the already inadequate pool time and space available for all types of community aquatic programming. The study addresses the unmet need of current aquatic programs but the opportunity and potential for expanded programs, enhanced programs, and new programs that do not currently exist in the local or regional market.

The initial study began in the summer of 2017 with several trips to Mt. Pleasant for community and stakeholder meetings and the presentation of initial findings in November 13, 2017. Additional input and follow up meetings based on the initial findings resulted in the final presentation to Swim Friends, stakeholders and a public meeting of interested parties on February 19, 2018. The Swim Friends provided some additional input and questions following this meeting with the final report submitted in July, 2018.

The report addresses the following key elements and questions:

- What are the aquatic needs of the community
  - All areas of programming
  - Program and space demand of current programs
  - Potential for growth of existing programs and participation
  - Multi-generational aquatic programming and access for the entire community
  - New aquatic programs and trends that are not currently offered in existing area aquatic facilities

- Potential for community partnerships
  - Central Michigan University
  - City of Mt. Pleasant
  - Mt. Pleasant Community Schools
  - Saginaw Chippewa Tribe
  - Health care providers

- Potential for growth of area competitive programs and events
  - Growth in participation, opportunity, and success
  - Potential to host events in all aquatic sports
  - Potential economic impact on the community
    - Sport tourism, especially during slower tourism periods
    - Job creation
• Design options that best support the aquatic program and usage needs and the goals of the community
• Analysis of operating financials, including annual and long-term operating costs and sources of revenue
  o Can an Aquatic Center in the area financially sustain its operation?
• Best practice examples of successful aquatic centers in the region

The report of our research, findings, analysis, and recommendations is a critical tool in planning for, designing, and managing the Aquatic Center. It identifies the goals and objectives of the stakeholders and offers programming recommendations to meet these goals. The facility design concept options are developed to provide the facilities, features, and amenities to support the programming. It provides examples of other facilities as well as comparative program analysis. This report is intended to be a usable tool throughout the next steps in developing the Aquatic Center. These steps include building public support, developing project partnerships, exploring funding options and ultimately funding a game changing Aquatic Center in the region.
CONCLUSION & SUMMARY

The major questions addressed in this study for the Swim Friends of Mid-Michigan and the Mt. Pleasant Aquatic Center has focused on the following:

- What is the need for a new multi-purpose and multi-generational aquatic center in Mt. Pleasant, MI and Isabella County
- What is the right sized aquatic center and the optimum design and scope the an aquatic center that would meet these needs
- What would the cost be to build this aquatic center
- How could this aquatic center be funded
- Can a well designed, programmed and managed aquatic center generate enough revenue to cover the costs of annual operations and long term maintenance and be financially sustainable?
  - Can the aquatic demand, market, and demographics in Isabella County and the City of Mt. Pleasant support this program and revenue model?

Based on the research completed in the study, significant engagement with stakeholders and the study of best practice facilities in comparable communities in the region and nationally the answer to these questions is YES. The need for an aquatic center is great and the demand for aquatic programming and access is large, especially following the closing of the Rose Pool at Central Michigan University in 2017.

The analysis of community needs and demand has generated a program model and scheduling matrix that provides significantly enhanced pool time access for user groups, creates new and enhanced multi-generational aquatic programs for all residents of the area, and provides aquatic facilities and amenities that are not currently available in any other aquatic facility in Mt. Pleasant, Isabella County and the surrounding region.

The revenue projections are based on conservative participation numbers with mid-market rates and fees appropriate to the Mt. Pleasant market and competitive with best practice aquatic center regionally.

The Aquatic Center can provide space and programs to fuel and support long term growth in participation and involvement in aquatics for years to come, creating more opportunities for fitness, recreation, health, training, competition, and family fun for generations to come.

Five designs were initially developed and then reduced to three options during the course of the study. These options are:

- Option #1: 116' x 25 yard stretch 25 yard pool with warm-water teaching/fitness pool
- Option #4: 25 yard x 67' pool with warm-water teaching/fitness pool
- Option #5: 50 meter x 25 yard pool with warm-water teaching/fitness pool
The research points to the optimum sustainable design for a Mt. Pleasant Aquatic Center to be a “stretch” 25 yard main pool (25 yards x 116’ with moveable bulkhead) plus a 60’ x 30’ warm-water teaching pool.

The projected project cost of the preferred Option #1 is $12,000,000 in 2019 dollars. The smaller Option #4 basic 25 yard pool cost is $8,800,000 and the 50 meter Option #5 projected project cost is $15,600,000.

Potential site options were identified, but further research and engagement is needed on determining the availability and suitability of the site options. These options included:

- School District land on Bamber Rd
- Current Site of Morey Courts and ICE Arena (no open or available land at this point)
- City Property: Mt. Pleasant Center adjacent to Indian School site and Tribe land
- Potential for land purchase

Option #1 is the most sustainable option, and the only option that could operate without a net operating loss. By Year Two of operation Option #2 can operate at a breakeven level and can generate a small operating surplus of $67,000 by Year Five. Option #4 never projects to meet operating costs, running an average operating deficit that ranges from $214,000 in Year One to $125,000 by Year Five. Option #5, the 50 meter option, also never sustains its operation, but the increased event and training potential limits the operating deficit to $155,000 in Year One decreasing to $27,600 in Year Five. This operating deficit does not reflect any higher debt service for the added cost of Option #5, assuming the upgrade to 50 meters would be driven largely by private fundraising.

The funding of the facility is based on a combination of public and private funding. The funding model of Option #1 targets $9.5M of public funding and $2.5M of private funding to meet the $12M capital project cost. One potential funding mechanism was based on the establishment of a Recreation Authority with borrowing and taxing authority similar to the model used to fund the Public Library. A 0.75 mill property tax on assessed value of the School District boundaries generated enough annual revenue to support the debt service on a $9,500,000 bond with surplus revenue to support the pre-opening year and Year One, a long term cash reserve for future capital maintenance and replacement, and some additional funds for additional recreation projects.

The events hosted at the Aquatic Center also generate hotel room nights and visitor spending, creating positive economic impact for the city and county. The economic impact is as follows:

Annual Hotel Rooms Nights:

<table>
<thead>
<tr>
<th>Year</th>
<th>Option #1 Projection</th>
<th>Option #4 Projection</th>
<th>Option #5 Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>600</td>
<td>300</td>
<td>1,000</td>
</tr>
<tr>
<td>Year 2</td>
<td>900</td>
<td>450</td>
<td>1,500</td>
</tr>
<tr>
<td>Year 3</td>
<td>1,000</td>
<td>500</td>
<td>2,500</td>
</tr>
</tbody>
</table>

Economic Impact: Year Three

<table>
<thead>
<tr>
<th>OPTION</th>
<th>DIRECT SPEND</th>
<th>TOTAL ECON IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option #1</td>
<td>$850,000</td>
<td>$1,360,000</td>
</tr>
<tr>
<td>Option #4</td>
<td>$425,000</td>
<td>$680,000</td>
</tr>
</tbody>
</table>

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Option #5  $2,006,000  $3,209,600

A multi-purpose, multi-generational Aquatic Center, based on Design Option #1, would effectively meet city, country and regional aquatic needs for the all residents. The cost is within the potential capacity for private/public funding and the annual operational costs can be self-sustaining after Year One. The aquatic center will not only meet current pent up demand for pool programs, time, space and access but will bring new program, health, fitness, recreation, and competitive opportunities to all residents of Mt. Pleasant and Isabella County which are not available in the region today.
A RESOLUTION IN SUPPORT OF EXPLORING THE CREATION OF A RECREATIONAL AUTHORITY AS A MEANS TO ADVANCE COMMUNITY DIALOGUE REGARDING AN AQUATIC CENTER

WHEREAS, Swim Friends of Mid Michigan formed to explore the need, desire and feasibility of the development of a multipurpose community aquatic center; and

WHEREAS, Swim Friends of Mid Michigan commissioned a feasibility study to understand community and stakeholder interest, needs and goals, explore partnership opportunities, develop design concepts, and develop capital and operating cost projections; and

WHEREAS, the feasibility study, completed in August 2018, concluded there is enough community demand for an aquatic center; that a well-designed, programmed and managed aquatic center can produce annual positive net operating income; and

WHEREAS, the creation of a Recreational Authority is recommended in the study to facilitate examining capital financing options, provide governance to the center, design specific operating revenue and expense budgets; and

WHEREAS, for all the reasons stated above the continued exploration of achieving the goals of an aquatic center is the logical next step.

NOW, THEREFORE, BE IT RESOLVED:

We, as members of the Mt. Pleasant City Commission support the exploration of creating a Recreational Authority and request that area stakeholders, including area local governments and educational institutions:

1. Work together to determine the feasibility of creating a recreational authority.
2. Create a report outlining a proposed framework to include governance options, geographic boundaries, the size and composition of the board of the authority, and other matters required of an authority to oversee the building and operations of a community aquatic center.

FURTHER: The Mt. Pleasant City Commission appoint the following two individuals to a study committee to accomplish the above tasks
   1) City Manager Nancy Ridley
   2) City Commissioner to be appointed by the Mayor

FURTHER: The City of Mt. Pleasant commits up to $5,000 to provide funding for outside professional support (e.g. legal, financial advice) to the committee, if needed, in creating the above-mentioned report. This funding commitment is contingent upon at least two additional parties who commit to form the committee providing similar amounts of funding.
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: CONSIDER RESOLUTIONS IN SUPPORT OF MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) LOCAL AGENCY PAVEMENT WARRANTY PROGRAM

Attached is a memo from City Engineer Stacie Tewari outlining the requirement of the City to adopt a pavement warranty program. As her memo indicates, this requirement was part of the 2015 Transportation Funding Package.

The first of the two resolutions presented would commit that the City is adopting the standard warranty program that was developed by the Michigan Department of Transportation. The second resolution commits that the City will implement the warranty requirement for any project that includes $2 million or more in paving related items and that the City will annually report on those projects. As Ms. Tewari’s memo indicates, it is not likely the City will have any projects that meet the threshold of the second resolution.

It is recommended the City Commission approve the two resolutions as presented.

Recommended motion:
Move to approve the resolutions to adopt and implement a local pavement warranty program.

NJR/ap
Memorandum

TO: Nancy Ridley, City Manager
FROM: Stacie Tewari, City Engineer
DATE: August 1, 2019

SUBJECT: 2019 Michigan Department of Transportation (MDOT) Local Agency Pavement Warranty Program Adoption

The City Commission is requested to pass the attached two resolutions adopting MDOT’s 2019 Local Agency Pavement Warranty Program.

As part of the Transportation Funding Package of 2015, the Michigan Legislature created a requirement (MCL 247.662, 247.663) that each local road agency in Michigan adopt a Local Pavement Warranty Program acceptable to MDOT. The resulting Michigan Local Agency Pavement Warranty Program is the statewide accepted format that local agencies can use for hot mix asphalt (HMA) and plain jointed concrete paving projects on public roads and streets, if they opt to utilize a warranty on a project. This Warranty Program must be adopted by every community no later than September 18, 2019, and every community must consider a warranty on each project utilizing any state or federal funding that also includes $2 million or more in paving-related components. Communities must annually report on projects with $2 million or more in paving-related items, regardless of whether they implemented a warranty or not. The overall goal of the Michigan Local Pavement Warranty Program is to have one standardized method for applying pavement warranties on local agency projects, which provides a consistent, quantifiable and transparent program that pavement contractors can recognize and implement.

It is not likely for the City of Mt. Pleasant to have any projects in a year that are over $2 million on paving items alone. The requirement to implement a pavement warranty and reporting only occurs over this dollar threshold. However, the city is still required to adopt the program.

In order to adopt the pavement warranty program, the city must adopt two separate resolutions. The first is needed to adopt the local agency warranty program and its accompanying documents. The second resolution defines the city’s intent to apply the warranty program consistent with the Local Agency Pavement Warranty Guidelines and report annually on each project that includes $2 million or more in paving-related components and includes any state or federal funds. I recommend that the City Commission adopt the attached two resolutions, and authorize the mayor and clerk to sign the documents.
RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the City of Mt. Pleasant hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of City of Mt. Pleasant meeting on August 12, 2019.

Resolution duly adopted.

______________________________
William L. Joseph, Mayor

Certified to be a true copy, ______________
(Date)

_______________________________
Jeremy Howard, City Clerk
RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Mt. Pleasant adopted the Michigan Local Agency Pavement Warranty Program on August 12, 2019;

WHEREAS, the City of Mt. Pleasant agrees to consider a local pavement warranty on each project that includes $2 million or more in paving-related items and includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes $2 million or more in paving-related items and includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Mt. Pleasant agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which City of Mt. Pleasant’s adopted Implementation Policy defines the City of Mt. Pleasant’s intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the City of Mt. Pleasant hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Resolution duly adopted.

__________________________________________
William L. Joseph, Mayor

Certified to be a true copy, _________________
(Date)

__________________________________________
Jeremy Howard, City Clerk
TO:      MAYOR AND CITY COMMISSION              AUGUST 7, 2019
FROM:    NANCY RIDLEY, CITY MANAGER

SUBJECT: RECEIVE RECOMMENDED REZONING REQUEST FROM CD-3L TO CZ FOR
A PARCEL AT CANAL AND RIVIERVIEW AND SET A PUBLIC HEARING FOR
SEPTEMBER 9, 2019 ON THE SAME

The attached memo from City Planner Jacob Kain provides the background and
recommendation from the Planning Commission regarding the proposed map amendment
to rezone a parcel of land located at the northwest corner of Canal and Riverview from
CD-3L, Sub-Urban Large Lot to CZ, Civic Zone. In addition to his memo, attached is the
draft ordinance, map and draft Planning Commission minutes from when the public
hearing on this matter was held. This rezoning will correct the parcel’s zoning to make it
consistent with the zoning of all other city park land.

It is recommended the City Commission accept the proposed map amendment as
recommended by the Planning Commission and set a public hearing for September 9,
2019 on the same.

**Recommended motion:**
Move to accept the proposed map amendment to rezone a parcel at Canal and Riverview
and set a public hearing on for September 9, 2019 on the same.

NJR/ap
TO: Nancy Ridley
City Manager

CC: William R. Mrdeza
Director of Community Services and Economic Development

FROM: Jacob Kain
City Planner

DATE: August 2, 2019

SUBJECT: Z-19-01: Rezone the property located at the northwest corner of Canal and Riverview from CD-3L, Sub-Urban Large Lot to CZ, Civic Zone. The property is legally described as: RIVERVIEW, LOT 6.

The proposed map amendment would rezone a parcel of land owned by the City of Mt. Pleasant – one of two parcels which together constitute Canal Street Park. This parcel was inadvertently zoned as CD-3L (Sub-Urban Large Lot) rather than Civic Zone when the current zoning map was adopted in 2018. All other City owned park land is zoned Civic Zone.

A public hearing on the proposed rezoning was held on August 1, 2019. As indicated in the draft minutes attached, there were no public comments on the subject. Following the public hearing, the Planning Commission unanimously recommended that the City Commission approve Z-19-01.

REQUESTED ACTION:

The City Commission receive the Planning Commission recommendation and set a public hearing on the proposed rezoning for September 9, 2019.

Attachments:
1. Draft ordinance
2. Map of subject property
3. Draft minutes – August 1, 2019 Planning Commission meeting (excerpt)
CITY COMMISSION
CITY OF MOUNT PLEASANT

Isabella County, Michigan

Commissioner _______________, supported by Commissioner _______________, moved adoption of
the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING MAP OF CHAPTER 154: ZONING
ORDINANCES OF THE CODE OF ORDINANCES.

It is Hereby Ordained by the People of the City of Mount Pleasant:

Section 1. That Chapter 154: Zoning Ordinances, is hereby amended as follows:

   Rezone the property located at the northwest corner of Canal and Riverview from CD-3L, Sub-
   Urban Large Lot to CZ, Civic Zone. The property is legally described as:

   RIVERVIEW, LOT 6.

Section 2. That the Zoning Map be corrected to reflect the change in Section 1 above.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption
   of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after
   its adoption.

YEAS: Commissioner(s)__________________________________________

NAYS: Commissioner(s)__________________________________________

ABSTAIN: Commissioner(s)______________________________________

ABSENT: Commissioner(s)_______________________________________

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and
complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting
held on __________, 2019.

William L. Joseph, Mayor

Jeremy Howard, City Clerk

PC Hearing: ________________, 2019
Introduced: ________________, 2019
Adopted: ________________, 2019
Published: ________________, 2019
Effective: ________________, 2019
Map of Subject Parcel 17-000-11-606-00 (outlined in yellow).
I. Chair Hoenig called the meeting to order at 7:00 p.m.


Staff: Kain, Murphy

II. Approval of Agenda:

Motion by Liesch, support by Irwin, to approve the agenda.

Motion approved unanimously.

III. Approval of Minutes

A. June 27, 2019 Regular Meeting

Motion by Kostrzewa, support by Rise, to approve the minutes from the June 27, 2019 regular meeting as submitted.

Motion approved unanimously.

B. June 27, 2019 Work Session

Motion by Dailey, support by Liesch, to approve the minutes from the June 27, 2019 work session as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for July:

Commissioner Friedrich reported that the ZBA did not meet in July.

V. Communications:

Kain reported that there was one communication received from Doug LaBelle II that was included in the packet.

VI. Public Hearings:

A. TC-19-02

Kain introduced TC-19-02, reminding the Board that this was a continuation from the last meeting regarding a proposed ordinance to regulate the reconstruction of non-conforming parking areas. As a result of the discussion at the June 27th meeting, staff worked with the City Attorney to update the language to clarify the terms for any improvements or reconstructions. A revised draft ordinance has been prepared for the Commission.
Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Liesch, support by Irwin, to recommend that the City Commission adopt Text Change 19-02.

Motion approved unanimously.

B. Z-19-01

Kain introduced case Z-19-01. Kain noted the location as the northwest corner of Riverview and Canal Streets. Kain reported that during the process of updating the zoning map in 2018, this parcel, which is owned by the City of Mt. Pleasant and is part of the Canal Street Park, was inadvertently zoned as CD-3L. All other City owned park land is zoned Civic Zone and staff is recommending that the Planning Commission consider amending the map to rezone this parcel to Civic Zone.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Friedrich, support by Liesch, to recommend that the City Commission rezone the property described as RIVERVIEW, LOT 6 from CD-3L to Civic Zone.

Motion approved unanimously.

VII. Public Comments

Chair Hoenig opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VIII. Site Plan Reviews:

None

IX. Unfinished Business:

None

X. New Business:

A. Discuss and consider setting a public hearing on a proposed rezoning of McGuirk Subdivision, Lots 1-10 from CD-3 (Sub-Urban) to CD-4 (General Urban) with a Residential/Dwelling Use Only Special Requirement.

Kain introduced the proposed map amendment which would rezone 10 lots which together comprise McGuirk Subdivision. Kain noted that the subject properties are located on Patrick Court, south of Sunnyside Park. Kain explained that the property was platted in 1982 and at that time, deed restrictions were recorded which require that two-family dwellings be constructed on each lot in the subdivision.

At this time, five lots have been developed and five remain vacant. Kain noted that the subdivision was zoned R-3 under the previous zoning map and transitioning to CD-3, which was the equivalent district, under the current ordinance.
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: RECEIVE RECOMMENDED TEXT CHANGE TO SECTION 154.114 TO REGULATE THE RECONSTRUCTION OF CERTAIN NON-CONFORMING PARKING AREAS AND SET A PUBLIC HEARING FOR SEPTEMBER 9, 2019 ON THE SAME

In October 2018 the City Commission referred three matters to the Planning Commission. It was requested the three matters be considered by the Planning Commission and recognized that general agreement has previously been reached to not review significant changes until the zoning ordinance had been in place one full year. This referred item is the first matter the Planning Commission addressed.

The attached memo from City Planner Jacob Kain outlines a text change to Section 154.114 (Non-Conforming Lots, Uses, Structures & Improvements) to permit the reconstruction or improvement of certain non-conforming parking areas. This amendment would allow for parking lot reconstruction in instances where the parking lot does not meet the location requirements of the current zoning ordinance. The reconstructed lot will need to comply with all other zoning standards and there can be no increase in the manner of non-conformance. It should be noted that the stormwater ordinance requirements will still need to be met as part of the reconstruction.

The Planning Commission held a public hearing on this matter and unanimously recommended the changes to the City Commission for consideration.

It is recommended the City Commission accept the recommendation from the Planning Commission to amend Section 154.114 and set a public hearing for September 9, 2019 on the same.

Recommended motion:
Move to accept the proposed amendment to Section 154.114 to permit the reconstruction or improvement of certain non-conforming parking areas and set a public hearing for September 9, 2019 on the same.

NJR/ap
TO: Nancy Ridley  
City Manager  

CC: William R. Mrdeza  
Director of Community Services and Economic Development  

FROM: Jacob Kain  
City Planner  

DATE: August 2, 2019  

SUBJECT: Text Change 19-02  

The proposed ordinance would amend Section 154.114 (Non-Conforming Lots, Uses, Structures & Improvements) to permit the reconstruction or improvement of certain non-conforming parking areas.

A public hearing on the proposed text change was held on June 27, 2019. As indicated in the attached minutes, there were no public comments on the subject. Following the public hearing, the Planning Commission unanimously postponed action on the item to the August 1, 2019 meeting so that the proposed amendment language could be revised for clarity and reviewed by the City Attorney before further consideration.

The public hearing continued at the August 1, 2019 meeting. As indicated in the draft minutes attached, there were also no public comments on the subject at this meeting. Following the public hearing, the Planning Commission unanimously recommended that the City Commission approve Text Change 19-02.

REQUESTED ACTION:

The City Commission receive the Planning Commission recommendation and set a public hearing on the proposed text change for September 9, 2019.

Attachments:
1. Draft ordinance
2. Minutes – June 27, 2019 Planning Commission meeting (excerpt)
3. Draft minutes – August 1, 2019 Planning Commission meeting (excerpt)
CITY COMMISSION
CITY OF MOUNT PLEASANT

Isabella County, Michigan

Commissioner ________________, supported by Commissioner ________________, moved adoption of the following ordinance:

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTION 154.114 OF THE MOUNT PLEASANT ZONING ORDINANCES TO REGULATE THE RECONSTRUCTION OF CERTAIN NON-CONFORMING PARKING AREAS.

It is Hereby Ordained by the People of the City of Mount Pleasant:

Section 1. Addition. A new subsection 154.114.B.3 is added to the Mount Pleasant Zoning Ordinances to read as follows:

3. A Parking Area lawfully existing upon the effective date of this Chapter that does not meet the parking locations requirements of Table 154.405.A may be reconstructed provided it complies with all other vehicular parking standards and there is no increase or enlargement in the degree or manner of non-conformance.

Section 2. Renumbering. The subsection currently labeled 154.114.B.3 and all subsequent subsections within subsection 154.114.B are renumbered (4 through 7) to accommodate the new subsection provided above.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

YEAS: Commissioner(s)
NAYS: Commissioner(s)
ABSTAIN: Commissioner(s)
ABSENT: Commissioner(s)

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on __________, 2019.

William L. Joseph, Mayor

Jeremy Howard, City Clerk

PC Hearing: ________________, 2019
Introduced: ________________, 2019
Adopted: ________________, 2019
Published: ________________, 2019
Effective: ________________, 2019
I. Chair Hoenig called the meeting to order at 7:00 p.m.

Absent: Friedrich, Ortman

Staff: Kain

II. Approval of Agenda:

Motion by Dailey, support by Kostrzewa, to approve the agenda.

Motion approved unanimously.

III. Approval of Minutes

A. June 6, 2019 Regular Meeting

Motion by Dailey, support by Rise, to approve the minutes from the June 6, 2019 regular meeting as submitted.

Motion approved unanimously.

IV. Zoning Board of Appeals Report for June:

Kain reported that the ZBA did not meet in June.

V. Communications:

Kain reported that there no communications this month.

VI. Public Hearings:

A. TC-19-02

Kain referred to the proposed ordinance amendment introduced to the board last month that would amend Section 154.114 of the zoning ordinance to regulate the reconstruction of certain non-conforming parking lots. Kain noted that if the board recommends approval, this would then go to the City Commission for adoption.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Liesch, support by Dailey to recommend that the City Commission adopt Text Change 19-02.

Motion by Rise, support by Irwin to amend the proposed language to strike “provided it complies with all other standards of the zoning ordinance and is associated with a permitted land use” and add in its place “provided it complies with all other vehicular parking standards and there is no increase in the degree and manner of non-conformance from the zoning ordinance.”
Discussion ensued on the merits of the proposed amendment. Rise clarified that the intent of the amendment was to clarify what standards must be met when a parking lot is reconstructed and that the parking lot could not be expanded or made to be more non-conforming than it already is. Kain recommended that if there was support for such an amendment, that the Planning Commission postpone action tonight to enable preparation of updated language and review of that language by the City Attorney to ensure that attempt is accomplished.

Chair Hoenig called the question on the proposed amendment to the original motion. Motion failed 6-1, with Rise voting in favor.

Chair Hoenig called the question on the original motion to recommend that the City Commission adopt Text Change 19-02. Motion failed unanimously.

Commissioner Dailey requested clarification on the Planning Commission’s intent to review an updated ordinance which reflected the intent of the proposed amendment introduced by Commissioner Rise. Kain confirmed that if the matter is postponed to the August meeting staff will prepare an updated ordinance to that effect for public hearing.

Motion by Dailey, support by Liesch to postpone further action on Text Change 19-02 until the August 1, 2019 regular meeting.

Motion approved unanimously.

VII. Public Comments

Chair Hoenig opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VIII. Site Plan Reviews:

None

IX. Unfinished Business:

None

X. New Business:

A. Discuss and consider setting a public hearing on a proposed rezoning of parcel 17-000-11-606-00 from CD-3L (Sub-Urban Large Lot) to CZ (Civic Zone).

Kain introduced the proposed map amendment which would rezone a parcel owned by the City from CD-3L to CZ, consistent with the manner in which all other City park parcels are zoned. The parcel was erroneously shown as CD-3L when the 2018 zoning map was adopted.

Kain recommended that the Planning Commission set a public hearing on the rezoning at their August 1, 2019 regular meeting.

Motion by Dailey, support by Rise, to set a public hearing to consider rezoning parcel 17-000-11-606-00 from CD-3L to Civic Zone at the August 1, 2019 regular meeting.

Motion approved unanimously.
Motion by Liesch, support by Irwin, to recommend that the City Commission adopt Text Change 19-02.

Motion approved unanimously.

B. **Z-19-01**

Kain introduced case Z-19-01. Kain noted the location as the northwest corner of Riverview and Canal Streets. Kain reported that during the process of updating the zoning map in 2018, this parcel, which is owned by the City of Mt. Pleasant and is part of the Canal Street Park, was inadvertently zoned as CD-3L. All other City owned park land is zoned Civic Zone and staff is recommending that the Planning Commission consider amending the map to rezone this parcel to Civic Zone.

Chair Hoenig opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Motion by Friedrich, support by Liesch, to recommend that the City Commission rezone the property described as RIVERVIEW, LOT 6 from CD-3L to Civic Zone.

Motion approved unanimously.

VII. **Public Comments**

Chair Hoenig opened the floor for public comments. There being no one who wished to speak, the public comments portion of the meeting was closed.

VIII. **Site Plan Reviews:**

None

IX. **Unfinished Business:**

None

X. **New Business:**

A. **Discuss and consider setting a public hearing on a proposed rezoning of McGuirk Subdivision, Lots 1-10 from CD-3 (Sub-Urban) to CD-4 (General Urban) with a Residential/Dwelling Use Only Special Requirement.**

Kain introduced the proposed map amendment which would rezone 10 lots which together comprise McGuirk Subdivision. Kain noted that the subject properties are located on Patrick Court, south of Sunnyside Park. Kain explained that the property was platted in 1982 and at that time, deed restrictions were recorded which require that two-family dwellings be constructed on each lot in the subdivision.

At this time, five lots have been developed and five remain vacant. Kain noted that the subdivision was zoned R-3 under the previous zoning map and transitioned to CD-3, which was the equivalent district, under the current ordinance.

Staff initiated the proposed map amendment because the CD-4 zoning district, which allows two-family dwellings by right, would seem a better match to the intent of the development as platted. CD-4 zoning
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER

SUBJECT: INTRODUCE AMENDMENT TO CHAPTER 30 SUBSECTION 30.04-AGENDA OF THE MT. PLEASANT CITY CODE REGARDING THE ADDITION AND OR DELETION OF AGENDA ITEMS AND SET A PUBLIC HEARING FOR AUGUST 26, 2019 ON THE SAME

The Charter Committee recently reviewed the changes that were made to Chapter 30 last year. As a result of that review, the committee is recommending an additional change to Section 30.04 which address additions and deletions to the agenda. This change would allow additions or deletions related to work sessions and closed sessions to be approved with a simple majority of the Commission in attendance, instead of the two-thirds vote needed for all other changes.

Since this is an ordinance change, a public hearing is required before the changes can be considered. We are recommending the public hearing be set for August 26, 2019.

**Recommended motion:**
Move to set a public hearing for August 26, 2019 on the proposed changes to Section 30.04 of the Code of Ordinances.

NJR/ap
§ 30.04 AGENDA.

(A) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Commission as part of the agenda shall be delivered to the City Manager five working days preceding the Commission meeting. The City Manager, after consultation with the Mayor and/or Vice Mayor, shall prepare the agenda. The City Manager shall furnish Commissioner, the Mayor, the City Clerk and the City Attorney with a copy of the agenda prior to the Commission meeting and as far in advance of the Commission meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Commission by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation. During the Commission meeting,

- Items other than work sessions and closed sessions may be added to the agenda or removed from the agenda with a two-thirds vote of the entire Commission then serving.
- Work sessions and recommendations for closed sessions may be added to the agenda or removed from the agenda with a majority vote of the Commission in attendance.

(B) On a periodic basis, the Commission shall, by resolution, approve the form of the agenda for Commission meetings.

(Ord. 513, passed 12-20-76; Am. Ord. 890, passed 6-9-03; Am. Ord. 941, passed 2-25-08; Am. Ord. 1041, passed 10-8-18)
TO:       MAYOR AND CITY COMMISSION   AUGUST 7, 2019

FROM:     NANCY RIDLEY, CITY MANAGER

SUBJECT:  CONSIDER CONTRACT WITH RENAISSANCE PUBLIC SCHOOL ACADEMY
          FOR PEAK SERVICES FOR THE 2019-2020 ACADEMIC YEAR

The attached memo from Director of Recreation and Sports Ryan Longoria and PEAK
Coordinator Mary LaChance outlines a recommendation to continue the agreement with
Renaissance Public School Academy (RPSA) for PEAK services.

This will be the third year that RPSA and the City have agreed to such a contract. This
program has been a success and both entities are recommending a continuation into the
current year.

Recommended motion:
Move to authorize the Mayor and Clerk to sign the agreement with Renaissance Public
School Academy for PEAK services for the 2019-2020 academic year.

NJR/ap
MEMO TO: Nancy Ridley, City Manager

FROM: Ryan Longoria, Director of Recreation
      Mary LaChance, PEAK Coordinator

DATE: August 7, 2019

SUBJECT: PEAK-RPSA Agreement

CC: Bill Mrdeza, Director of Community Services

The PEAK Program began operating an after-school program at Renaissance Public School Academy (RPSA) during the 2017-2018 school year. This program was done on a pilot basis and with the agreement that it was on a year-to-year renewal basis.

The 2017-2018 and 2018-2019 school years were a success. The original agreement stated that PEAK would hire a Site Coordinator and one Lead Assistant and RPSA would have two full-time teachers (rotating flex schedule with an art, music and PE teacher) each day as PEAK Program Assistants at no cost to the City. During an evaluation of that first year, it was agreed by both PEAK staff and RPSA that utilizing PEAK staff members who are hired and supervised by PEAK would be better than relying on teachers. Because of this, RPSA has agreed to the following operations, which include a reimbursement for additional PEAK staff to be hired, trained, and held accountable by the City.

Proposed Operations:

- Families will be charged current PEAK rates. Households would need to qualify for the scholarship rate (based on free/reduced lunch income guidelines) by completing a scholarship form and providing proof of income. Registrations would be handled by MPPR.
- RPSA will reimburse the City $12,800 to cover the cost of two additional PEAK staff.
  - This cost is for two (2) staff hired at $10/hr. for 20 hrs./week for 39 weeks.
- RPSA will provide use of cafeteria, library/open space, office and storage space also at no cost.
- RPSA will provide all on-going program supplies, field trip costs and custodial fees.

RPSA PEAK will continue to run similar to other sites, running from dismissal to 6:00 p.m., offering snack, homework assistance, and enrichments. Other advantages include increased opportunity to market City programs to RPSA students/parents and partnering on future programs through cost sharing (day camps).

Recommendation:
The Mt. Pleasant Parks and Recreation Department and the PEAK Program recommend renewal of the agreement with Renaissance Public School Academy to operate an afterschool PEAK program at their site for the 2019-2020 school year for grades K-6 using approved PEAK afterschool rates and with the agreement that RPSA will reimburse the City for the hiring of two (2) additional staff.

RML/Imw
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: CONSIDER APPOINTMENT OF A VOTING DELEGATE AND ALTERNATE FOR THE MICHIGAN MUNICIPAL LEAGUE (MML)

The Annual Convention of the Michigan Municipal League (MML) will be held in Detroit September 25-27, 2019. During this convention an annual meeting will occur for the purpose of reviewing policy positions to be supported by the League in the upcoming legislative session. Every MML member community is encouraged to appoint a voting delegate and alternate for the meeting. MML has requested notification of the delegate names by August 21, 2019. Therefore it is recommended the Commission appoint a delegate and alternate for the purpose of representing the City of Mt. Pleasant at the annual meeting.

At this time Mayor Joseph, Vice Mayor Gillis, Commissioner Perschbacher and I are registered to attend the upcoming conference.

Recommended motion:
Move to approve the appointment of Mayor Will Joseph as the voting delegate, representing the City of Mt. Pleasant at the Michigan Municipal League annual member’s meeting and appoint Vice Mayor Lori Gillis as the alternate.

NJR/ap
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Total of 128 Disbursements: $1,560,848.41
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$84,216.84 491
TO: Mayor and City Commission  
FROM: Nancy Ridley, City Manager  
SUBJECT: Accept Petition Received for Adult-Use Marijuana Establishments and Consider Ballot Language for the November 5, 2019 Ballot

On July 30, 2019 the City Clerk’s Office received an initiative petition for a municipal ordinance to provide for the regulation of marijuana establishments under the Michigan Regulation and Taxation of Marijuana Act (MRTMA). The petition included signatures from 544 individuals in support of the proposed ordinance. Of those signatures, the City Clerk’s Office has verified that 324 are valid City registered voters. 324 signatures equates to 5.1% of the votes cast for governor in the last election. Under the MRTMA, greater than 5% is the threshold needed for an initiative petition. Based on the signatures received we are recommending the initiative be placed on the November 5, 2019 ballot as required by MRTMA. A copy of the initiative petition and the proposed ordinance is attached for reference.

To be included on the November 5, 2019 ballot, ballot language must be submitted to the Isabella County Clerk by Tuesday, August 13, 2019 at 4:00 p.m. Attached is the recommended ballot language as drafted by the City Attorney. This ballot language provides a summary of the proposed initiative ordinance. We recommend the City Commission approve the ballot language as presented.

Recommended motion:
Move to accept the initiative petition received under the MRTMA and approve the ballot language as presented for the November 5, 2019 election.

NJR/ap
7-19-19

We are hereby filing an affidavit with the Mt. Pleasant City Clerk stating that we will constitute the petitioner's committee and will be responsible for circulating this petition and filing it in proper form.

Brandon McQueen -
614 S Oak st, apt A, Mt Pleasant, MI 48858
Send all notices to the above person and address.

Travis Swett - 308 E. Andry, Mt Pleasant, MI 48858
Kayla Carr - 308 E. Andry, Mt. Pleasant, MI 48858
Quinton Kittles - 1005 N. Kirksey Ave, Mt. Pleasant, MI 48858
Nick Strauss - 511 S. Franklin, Mt. Pleasant, MI 48858

Brandon McQueen

989-506-6737
McQueenb11@gmail.com
PETITION FOR INITIATION OF MUNICIPAL ORDINANCE

To the City Clerk of Mount Pleasant: We, the undersigned qualified and registered electors, residents in the city of Mount Pleasant, in the county of Isabella, in the state of Michigan, respectively petition for initiation of a municipal ordinance to provide for the regulation of and number of marihuana establishments allowed within a municipality. THE FULL TEXT OF THE MUNICIPAL ORDINANCE TO BE INITIATED APPEARS ON THE REVERSE SIDE.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

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CIRCULATOR - Do not sign or date certificate until after circulating petition.

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

WARNING: A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator, is guilty of a misdemeanor.

The body, organization, or person primarily interested in and responsible for the circulation of this petition and the securing of the amendment is the Coalition for a Safer Mount Pleasant.
1. The City intends to issue permits for and regulate marijuana facilities and establishments including for small use, social consumption and events to the extent they are permitted under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) by requiring a permit and compliance with the requirements of this chapter. The City intends to protect the public health, safety and welfare and to prevent corruption in the licensing process by City officials.

2. This Chapter contains some words and phrases that are defined in the Michigan Regulation and Taxation of Marihuana Act. As used in this Chapter, they have the same meaning as provided in the MRTMA, except that if at any time the definition of a word or phrase set forth in this section conflicts with the definition in the MRTMA, then the definition in the MRTMA shall apply.

3. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, the City of Mount Pleasant hereby enacts this ordinance to set the number of state licensed marijuana establishments allowed within its boundaries, as follows:

   i. Marihuana safety compliance facility - no limit
   ii. Marihuana secure transporter - no limit
   iii. Marihuana microbusinesses (150 plants) - no limit
   iv. Designated consumption establishment - no limit
   v. Marihuana retailer - limit 5
   vi. Marihuana processor - no limit
   vii. Class A Marihuana grower (100 plants) - no limit
   viii. Class B Marihuana grower (1,000 plants) - no limit
   ix. Class C Marihuana grower (2,000 plants) - no limit

4. No members of the public shall be allowed entry into any marijuana establishment except for a marijuana retailer, designated consumption establishment, or marijuana microbusinesses that are not accessible to persons under 21 years of age. Marijuana retailers or marijuana microbusinesses are authorized to allow access to any state laws in designated areas not accessible to persons under 21 years of age.

5. The municipality shall establish an application for a marijuana establishment permit, and may adopt related police power ordinances that are not unreasonably impracticable and do not conflict with the Michigan Regulation and Taxation of Marihuana Act, the Medical Marihuana Facilities Licensing Act (MMFLA), the Michigan Medical Marihuana Act (MMMA), with any rule promulgated pursuant thereto, and may charge an annual fee of not more than $5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in this municipality.

6. Property where the proposed marihuana establishment is to be located may not be within an area zoned exclusively for residential use, nor adjacent to any pre-existing public or private school providing education in kindergarten or any of grades 1 through 12.

7. Any person issued a permit by the municipality pursuant to the Michigan Regulation and Taxation of Marihuana Act shall be eligible for approval for a medical marihuana facility license at the discretion by giving written notice to the Clerk of receiving prequalification with the state for a medical marihuana facility license. The Clerk shall issue a medical marihuana facility license to the person, notwithstanding any other parts or clauses of any ordinance in the Code of ordinances. Any part of any ordinance which conflicts with this Section shall be deemed invalid and this Section pre-empts any previously enacted ordinances of the City of Mount Pleasant regulating marijuana facilities.

8. An application for a new annual permit for a marijuana establishment shall be submitted to the City Clerk on a form provided by the city, which shall fulfill all of the requirements indicated on the form, including but not limited to:
   i. The name and address of the facility and any other contact information requested on the application form.
   ii. The name and address of all owners of the real property where the facility is located.
   iii. Name and address of all business managers of the facility.
   iv. Proof of applicant's ownership or legal possession of the premises.
   v. Payment of a non-refundable application fee of $5,000.

9. Renewal or amendment of existing permits.
   i. An application for renewal of an existing permit shall be submitted no sooner than 90 days before the existing permit expires.
   ii. An amended application shall be submitted under both of the following circumstances:
      a) When there is a change in any information the permit applicant was required to provide in the most recent application on file with the city; and,
      b) When there is a change in any information the permit applicant was required to provide in the most recent application on file with the city.

10. A permit issued under this chapter shall be valid for 1 year after the date of issuance. To renew a permit, the permittee shall submit a renewal application in the same manner as is required to apply for a new permit no sooner than 90 days before the expiration date and no later than 60 days before the expiration date. A permit issued by the city under this chapter, shall be conspicuously posted in the facility where it is easily open to public view.

11. A permit issued under this chapter is valid only for the location and type of facility that is listed on the permit application and is valid only for the operation of the facility at that location by the permit applicant.

12. A permit issued under this chapter is valid only if the permit holder also holds a valid current state operating license and a copy of the valid current license and application for license has been provided to the City Clerk by the license holder and is in compliance with all other requirements in this chapter.

13. The expiration date of the state operating license that corresponds to a permit issued under this chapter constitutes the expiration date of the permit, however, operation of the facility under the expired state operating license is permitted under the MRTMA.

14. A permit issued under this chapter may be suspended or revoked for any of the following violations:
   i. Marihuana is dispensed on the business premises in violation of this chapter or any other applicable state or local law, rule or regulation.
   ii. The facility is operated or is in operation in violation of state or local law, rule or regulation.
   iii. The city, the county, or any other governmental entity with jurisdiction, has closed the facility temporarily or permanently or has issued any sanction for failure to comply with health and safety provisions of this chapter or any other applicable state or local laws related to public health and safety.
   iv. The facility is determined by the city to have become a public nuisance.
   v. The facility's state operating license has been suspended or revoked.

15. Nothing in this chapter shall be deemed to prohibit or restrict the ability of adults over 21 to consume marihuana or marihuana-infused products outside of marijuana social consumption facilities in accordance with the MRTMA or MMMA.

16. In order to prevent corruption in the licensing process by City officials, both the City, the City Council, and any other governing agency within the City, are prohibited from:
   i. Amending the number of facilities or regulating consumption of marihuana or marihuana products in this Ordinance without placing such amendment as a ballot question with a public vote at a general election at least one year in the future from the time the City Council unanimously votes to make such an amendment and publishes notice by first-class mail to every registered voter in the City.
   ii. Establishing any special use permits for marijuana establishments;
   iii. Considering, requiring, or accepting any contribution of any value from applicants to the City, to any Arts programs, or to local charities;
   iv. Enacting any moratorium on marijuana licensing or establishments;
   v. Zoning marihuana establishments differently than any similar uses of other businesses such as retail, restaurants, manufacturing, or agriculture.

17. The City is prohibited from regulating marijuana establishments or any other persons in a manner which prohibits otherwise lawful activity. Persons which may sell food for consumption on-site, tobacco, or alcohol are not prohibited from operating a marihuana establishment or allowing the consumption of such products on-site if otherwise allowed by state law.

18. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, or other section or clause is adjudged unconstitutional or the same location by giving written notice to the Clerk of receiving an amendment and publishes notice by first-class mail to any court declared to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
Local Proposal No. _____

A proposed initiated ordinance in the City of Mount Pleasant to provide for the regulation and number of recreational marihuana establishments. The ordinance would:

- authorize within the City an unlimited number of marihuana growers, marihuana processers, marihuana secure transporters, marihuana microbusinesses, and designated consumption establishments;
- authorize within the City up to five marihuana retailers;
- eliminate the 1,000-foot minimum distance between a marihuana establishment and a K-12 school (minimum distance established by state law), and instead provide that an establishment may not be located adjacent to a K-12 school;
- prohibit the City from imposing any special land use requirements on marihuana establishments;
- prohibit the City from zoning such establishments differently than any similar uses;
- prohibit the City from amending the ordinance without placing such amendment as a ballot question with a public vote at a general election at least one year in the future from the time the City Council unanimously votes to make such an amendment and publishes notice by first-class mail to every registered voter in the City; and
- require the City to also issue a medical marihuana facility license for the same location to any person authorized to operate a marihuana establishment under the ordinance.

Should this ordinance be adopted?

☐ YES

☐ NO