Regular Meeting of the City Commission  
Monday, August 26, 2019  
7:00 p.m.

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PROCLAMATIONS AND PRESENTATIONS:
1. Departmental presentation by Street Superintendent Matt Weaver.

ADDITIONS/ DELETIONS TO AGENDA:

PUBLIC INPUT ON AGENDA ITEMS:

RECEIPT OF PETITIONS AND COMMUNICATIONS:
2. City Manager report on pending items.
   a. Monthly report on police related citizen complaints received.
   b. Information on Principal Shopping District (PSD) sales study concerns.
3. Minutes of the Airport Advisory Board (July).
4. Minutes of the Brownfield Redevelopment Authority/Economic Development Corporation (June).
5. Resignation of Lori Irwin from the Parks and Recreation Commission (term to expire December 31, 2021).
7. Correspondence received regarding adult-use recreational marijuana establishments.
8. Correspondence received regarding rerouting M-20 to Pickard Street.

CONSENT CALENDAR: DESIGNATED (*) ITEMS

CITY COMMISSION MINUTES:
* 9. Approval of the minutes of the regular meeting held August 12, 2019.
* 10. Approval of the minutes of the closed session held August 12, 2019.

PUBLIC HEARINGS:
11. Public hearing on amendment to Chapter 30 Subsection 30.04-Agenda of the Mt. Pleasant City Code regarding the addition and or deletion of agenda items and consider approval of the same.

STAFF RECOMMENDATIONS AND REPORTS:

All interested persons may attend and participate. Persons with disabilities who need assistance to participate may call the Human Resources Office at 989-779-5313. A 48-Hour advance notice is necessary for accommodation. Hearing or speech impaired individuals may contact the City via the Michigan Relay Service by dialing 7-1-1.
12. Consider resolution recognizing the Isabella Community Soup Kitchen as a non-profit organization for the purpose of obtaining a charitable gaming license.

13. Consider resolution supporting fee recommendation for Neighborhood Enterprise Zone (NEZ) and Commercial Redevelopment District (CRD) applications.

14. Introduce an ordinance to amend Chapter 115 Entitled “Recreational Marihuana Establishments”, Title XI of the Mt. Pleasant City Code to allow certain establishments to be operated in accordance with state law and set a public hearing for September 9, 2019.

15. Consider resolution for referral to the Planning Commission to introduce an ordinance to add a new subsection 154.410.B.4.b and to amend table 154.410.A of the Mt. Pleasant Zoning Ordinances to regulate marihuana establishments as special uses.

16. Consider amended resolution authorizing electronic submission of Economic Development Administration (EDA) grant application and commit required matching grant funds.

17. Consider closed session pursuant to subsection 8(c) of the Open Meetings Act for strategy and negotiation session connected with the negotiation of a collective bargaining agreement.

18. Consider appointments as recommended by the Appointments Committee for various board and commission vacancies.

19. Approval of payrolls and warrants.

ANNOUNCEMENTS ON CITY-RELATED ISSUES AND NEW BUSINESS:

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS:

RECESS:

WORK SESSION: (Conference Room A-upstairs)

20. Competitive criteria for recreational marijuana applications.

RECESS:

CLOSED SESSION: (Conference Room A-upstairs)

ADJOURNMENT:
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 8.21.19</th>
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| **Yield to Pedestrian Signage on Broadway**  
  Staff to review sign placement; effectiveness and whether a different option exists to minimize cars/trucks hitting sign. | April 8 | None | Traffic Control Committee will discuss again in August |
| **Non-motorized Plan/Complete Streets**  
  Recommend amendments to ordinances, plan and/or guidelines to reduce requirement to implement on all streets | May 13 | None | |
| **Website Content Policy**  
  Develop draft policy regarding purpose of website and what information should/should not be posted | May 28 | Anytime in the next year. | |
| **Assessed Values in Central Business District**  
  Provide market sales data to support change in assessed values in the Principal Shopping District | July 8 and July 22 | None | Meeting held; Summary included in this agenda packet. |
| **New Motions/Amended Motions Onscreen**  
  Staff to investigate ability to put typed version of new and amended motions on big screen | July 8 | None | |
| **Principal Shopping District**  
  Investigate for next assessment roll whether new businesses can be granted a lower special assessment amount in first years of business | July 8 | None | |
2. Tentatively scheduled work session topics:
   
   August 26       Recreational marijuana competitive based criteria
   September 9     Update/discussion on 2019 goals status
   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—tentatively scheduled for September 9
   Rental Housing—additional inspections for converted units
   2020 Goal Action Plan review—will be included in proposed 2020 Operating Budget

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.
# Mt. Pleasant Police Department

## Citizen Complaint Summary

**DATE:** August 8, 2019  
**TO:** Nancy Ridley, City Manager  
**FROM:** Paul Lauria, Director of Public Safety  
**SUBJECT:** Citizen Complaint Update

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*Pending
A meeting was held on Thursday, August 15 with City Assessor Chris Coucke to clarify questions/concerns raised on the downtown sales study. Commissioners in attendance were Mayor Joseph, Commissioners Ling, Perschbacher and Tolas. An informal conversation took place discussing the assessment process and the sales study in general as well as addressing specific questions/concerns that were previously raised by Commissioner Tolas at the July 22nd City Commission meeting. The following provides a brief response to the questions/concerns raised July 22nd.

1. The following sales were not included in the sales study for the reasons stated in blue:
   
   o 102 S Main & 104,106 (17-000-00247-00)
      
      ▪ It was purchased through an amortization/leaseback process via land contract and was therefore not considered a market sale. It was noted that inclusion of this sale in the study would have raised the value in downtown.

   o 309 W Broadway/Lacrosse Building (17-000-00472-00 & 17-000-00471-000)
      
      ▪ Sale was a tax foreclosure with an IRS lien and tax foreclosures are never considered in sales studies
      
      ▪ The 2019 assessed value of this property is $87,800 which would imply a market value of $175,600 which was also questioned
         
         • The property owner appealed the 2019 assessed value to the Board of Review and the Board of Review adjusted the adjusted value from $110,800 to $87,800.
1. 221 W Michigan (17-000-00450-00)
   - Since sales study is intended to provide information on the value of buildings and the building purchased was immediately demolished and split into two parcels, one of which was within the boundary for medical marihuana and an application for the site was submitted, it was determined that the sale prices was not likely related to the building and was therefore excluded from the sales study.

2. 120 S Main (17-000-00230-00) is a parcel that sold on 5/25/16 for $219,000. The couple is now going thru a divorce and it is back up for sale with two other parcels that these individuals are trying to sell
   - Once the sale of this property and the other two properties owned by this couple occur, the actual sales will be included in future sales studies

3. 300 W Michigan St & 304-310 W Michigan (17-000-00469-00) left out 311 W Broadway St (17-000-00473-00)
   - A mistake was made and one of the sold parcels was not included in the calculations of the assessed value. Even though it is too late to correct the sales study for 2019, Chris re-calculated the sales study to determine the impact of the missing parcel. The sales ratio changed with the correction. Even with the correction, it would not have affected the general increase that was applied to assessed values for downtown properties.

It was noted that 10 property owners in downtown appealed their 2019 values to the Board of Review and one property owner appealed to the Michigan Tax Tribunal.

At the conclusion of the meeting, all commissioners in attendance indicated that they felt their questions had been addressed.
I. Call to Order / Roll Call
The meeting was called to order at 5:32 p.m.
Present: Mark Drumheller, Glen Irwin, Patty Stangle-Krcmarik, Sam Staples, and Cathy Tilmann
City Staff Present: Bill Brickner, Airport Manager

II. Approval of Agenda
Motion by Staples, support by Stangle-Krcmarik to approve the agenda
Motion passed unanimously

III. Public Comment on Agenda Items
None

IV. Approval of Meeting Minutes
Motion by Drumheller, support by Stangle-Krcmarik, to approve the minutes of the June 2019 meeting
Motion passed unanimously

VI. Airport Manager’s Report
Airport Manager Bill Brickner gave the manager’s report.

VII. Old Business
Motion by Staples, support by Stangle-Krcmarik, to accept the Airport Board Rules and Regulations as written
Motion passed unanimously

VIII. New Business
Cutting of the grass is being kept up and Bill has a good tan

IX. Announcements on Airport Related Issues and Concerns
All of the oversized T-hangars are leased

X. Adjournment
Motion by Staples, support by Tilmann, to adjourn the meeting.
Motion passed unanimously
Meeting adjourned at 5:50 p.m.
I. Call to Order

The meeting was called to order by Chair Brad Wahr at 1:00 p.m.

Present: Will Joseph, Mary Ann Komexl, Tom Krapohl, Margaret McAvoy, Nancy Ridley, Jennifer Verleger, Bradley Wahr (Chair)

Absent: Joshua Agardy, Jeff Smith (Vice Chair)

Also attending: (Staff): William Mrdeza, Michelle Sponseller
(Guests): Marilyn Crowley, Michigan Community Capital; Jim McBryde, Middle Michigan Development Corporation

II. Approval of Agenda

It was moved by McAvoy, seconded by Krapohl, to approve the agenda as presented. The motion passed unanimously.

III. Approval of the May 14, 2019 Meeting Minutes

It was moved by Krapohl, seconded by Ridley, to approve the May 14, 2019 meeting minutes as presented. The motion passed unanimously.

IV. Old and New Business:

A. BRA

1. Approve the 2019 Amended and 2020 Proposed Budgets for the Brownfield Redevelopment Authority

Komexl presented the 2019 amended and 2020 proposed budgets for the Brownfield Board to consider. After noting and explaining any major differences between budget years, it was moved by Joseph, seconded by Verleger, to approve the 2019 amended and 2020 proposed budgets for the Brownfield Redevelopment Authority as presented. The motion passed unanimously.
B. EDC

1. Approve the 2019 Amended and 2020 Proposed Budgets for the Economic Development Corporation

Kornexl presented the 2019 amended and 2020 proposed budgets for the EDC Board to consider. After noting and explaining any major differences between budget years, including an upcoming balloon payment due on the Gingko Tree Inn, it was moved by Joseph, seconded by Verleger, to approve the 2019 amended and 2020 proposed budgets for the Economic Development Corporation Board as presented. The motion passed unanimously.

2. Consider an Amendment to the 410 W. Broadway Purchase and Development Agreement with Michigan Community Capital to Allow for a Fourth Extension of the Due Diligence Period

Mrdeza presented a request from Michigan Community Capital (MCC) to extend the due diligence period of their project on the 410 W. Broadway site. The amendment would extend the Due Diligence Period until 30 days after the CDBG Grant Agreement is signed between the MEDC and the City of Mt. Pleasant, with a $10,000 Earnest Money deposit required from MCC before the extension becomes effective. After discussion, which included some concerns about parking associated with the final project, it was moved by Ridley, seconded by Joseph, to amend the Purchase and Development Agreement between the EDC and Michigan Community Capital as described above, and to authorize the Chair and Secretary to sign the amendment to the agreement. The motion passed unanimously.

V. Other Business

There was no Other Business that came before the Board.

VI. Public Comment

There were no public comments.

VII. Adjourn

There being no other comments or business, the meeting adjourned at 1:43 p.m.
Ryan and Chris,

I want to thank you both for the opportunity to serve on the Mt. Pleasant Parks and Recreation Commission. I love the ability to stay connected to the community through parks and recreation. I have been very impressed with all of the hard work and accomplishments of your departments. I am very proud to be a resident of Mt. Pleasant and to share all of the wonderful opportunities available to our residents and visitors.

At this time however I think it is best for me to resign my position. I have already missed meetings this spring/summer and will miss two more meetings this fall due to our RPL-COAPRT accreditation hearing and a conference presentation. Unfortunately my responsibilities as a faculty have increased and I have to prioritize those in my schedule. I don't feel like I am honoring the position or giving you the quality focus you deserve from a commission representative. Both you and your departments deserve better and I honestly don't like not being able to give you my best. I am very sorry and apologize for any inconvenience. Thank you very much for the opportunity to have served with you - I hope to work with you again!

Sincerely,

-Lori Irwin
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: NOTICE OF TEMPORARY TRAFFIC CONTROL ORDER #3-2019

The City Commission will be asked for final consideration of the following Temporary Traffic Control Order at the City Commission meeting of October 28, 2019.

**#3-2019**- Reconfigure stop signs at Hopkins and Washington Streets to create a 4-way stop at the intersection. Place stop bars on Washington. Place “All Way” signs on all 4 stop signs.

NJR/ap
City of Mt. Pleasant, Michigan
Traffic Control Order

TRAFFIC CONTROL ORDER NO. 3-2019

Issued By: Traffic Engineer

Date: 6-27-19

Signs/work by: Street Department

Date: 8/5/19

Filed/ Attested: City Clerk

Date: ____________

This Traffic Control Order shall be presented to the City Commission and may receive final approval not more than 90 days from the date the work was performed by the Street Department. It shall not be renewed or extended except upon action by the City Commission.

Content: Reconfigure stop signs at Hopkins and Washington to create a 4-way stop at the intersection. Place stop bars on Washington. Place “All Way” signs on all 4 stop signs.
Dear Mt. Pleasant City Commission,

I am happy to hear that the city of Mt. Pleasant is considering allowing recreational marijuana businesses to open. I hope to have the opportunity to be one of the businesses. From what I understand the process to choose will be a merit based system. I was born and raised in Mt. Pleasant. I have three sons and two grandsons that live in Mt. Pleasant. I have been paying property taxes continuously in Mt. Pleasant or Union Township since 1974. I have opened the first licensed medical marijuana provisioning center in Mt. Pleasant. As of today, I have the only medical marijuana business in Mt. Pleasant that has completely gone through licensing. I own the building in which the provisioning center is located. In the beginning of the state licensing process, the only businesses that can apply for a recreational license at the state level had to have a medical marijuana license also. I hope these factors give me a strong case for being one of the recreational businesses.

Sincerely,

Deborah Anne Cary
Subject: FW: Route 20/High Street

From: Cochrane, Laura Lynn [mailto:cochr1ll@cmich.edu]
Sent: Friday, August 16, 2019 9:36 AM
To: Kain, Jacob <jkain@mt‐pleasant.org>
Subject: Route 20/High Street

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.

Dear Mr. Kain,

I am writing about re-routing Route 20 via Pickard. I believe that road planning is under Planning and Community Development - if you need to forward this elsewhere, please do.

This morning, I heard the crunch of yet another accident in front of my house, at the corner of High and Franklin (my address is 221 E High Street). I have a routine: I check to make sure everyone is okay and not hurt, make sure someone has called 911, then retreat back inside my house. The car and truck involved in this accident stayed in the road, but cars have ended up in my yard, in my neighbor's yard, and once a transport truck flipped over into my neighbor's yard, taking out her front porch.

While transport trucks are of course not to blame for all accidents, re-routing Route 20 to Pickard would relieve some of the traffic on High Street. If that is not possible, adding more stoplights - or anything to slow the traffic down - would be great. While I enjoy living on a busy street, I am concerned for the safety of all the pedestrians, drivers, and bicyclists who use the road.

Thank you for your attention!

Best regards,
Laura

Laura L. Cochrane, Ph.D.
Professor of Anthropology
Chair, Dept of Sociology, Anthropology, and Social Work
142 Anspach Hall
Central Michigan University
Mt. Pleasant, MI 48859
Minutes of the regular meeting of the City Commission held Monday, August 12, 2019, at 7:00 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, City Clerk Howard and City Attorney Homier

Proclamations and Presentations

Jim MacLean and Curt Wager with Mt. Pleasant Little League gave an update on the 2019 Major Baseball Little League State Tournament that was recently held in Mt. Pleasant.

Lisa Diaz Sytsema, representing Swim Friends of Mid-Michigan, gave a presentation regarding the status of the aquatic center.

Jim McBryde, President, Middle Michigan Development Corporation (MMDC), gave a quarterly update on the status of the MMDC.

Receipt of Petitions and Communications

Received the following petitions and communications:
1. City Manager report on pending items.
2. Planning Commission work session and regular meeting minutes. (June)
3. Correspondence received from Larry Klaus, Chief of Police, Central Michigan University; Pete Rogers, Pete’s Auto Body, 617 W. Pickard; Doug Struble, Lease Management, 503 Industrial Ave.; Sam Staples, 300 N. Russell; Rudolph Kler, Kler Land, LLC, 503 Industrial Ave.; Sal Viviano, Industrial Dr., and Alex Hollenbeck, President/CEO, On The Mark, Industries, 801 Industrial Dr., regarding adult-use marihuana establishments.
4. Letters at the dais from Angela Pritt, 1303 E. Illinois Ct.; Kathleen Mumford, Mumford Oil and Gas Supply LLC, 1300 N. Fancher; and Andy Theisen, Konwinski Construction Inc., 1900 Gover Pkwy, regarding adult-use marihuana establishments in industrial zones.
5. Letter at the dais from Brandon McQueen, 614 S. Oak St., regarding adult-use marihuana establishments and initiative petition.

Moved by Commissioner Kulick and supported by Vice Mayor Gillis to approve the following items on the Consent Calendar:
1. Minutes of the regular meeting of the City Commission held July 22, 2019.
2. Resolutions to adopt and implement a Michigan Department of Transportation (MDOT) Local Agency Pavement Warranty Program as follows:
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 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.

3. Receive proposed amendment to the Zoning Map of Chapter 154: Zoning Ordinances of the Code of Ordinances of the City of Mt. Pleasant to rezone a parcel of land at Canal and Riverview from CD-3L, Sub-Urban Large Lot to CZ, Civic Zone and set a
public hearing for September 9, 2019 at 7:00 p.m. in the City Commission Chambers, Mt. Pleasant City Hall, 320 W. Broadway St., Mt. Pleasant, on the same.

4. Receive recommended text change to Chapter 154 Subsection 154.114 - Non-Conforming Lots, Uses, Structures & Improvements of the Code of Ordinances of the City of Mt. Pleasant to regulate the reconstruction of certain non-conforming parking areas and set a public hearing for September 9, 2019 at 7:00 p.m. in the City Commission Chambers, Mt. Pleasant City Hall, 320 W. Broadway St., Mt. Pleasant, on the same.

5. Receive proposed amendment to Chapter 30 Subsection 30.04 - Agenda of the Code of Ordinances of the City of Mt. Pleasant regarding the addition and or deletion of agenda items and set a public hearing for August 26, 2019 at 7:00 p.m. in the City Commission Chambers, Mt. Pleasant City Hall, 320 W. Broadway St., Mt. Pleasant, on the same.

6. Authorize the Mayor and Clerk to sign the Agreement with Renaissance Public School Academy for PEAK services for the 2019-2020 academic year.

7. Approve the appointment of Mayor William 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.

8. Warrants dated July 23, 30 & 31, 2019 and Payrolls dated July 26, 2019 all totaling $1,830,326.28.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde, Ling and Perschbacher
NAYS: Commissioner Tolas
ABSENT: None
Motion carried.

A public hearing was held on intent to designate a Neighborhood Enterprise Zone. There being no public comment or communications, the Mayor closed the public hearing. No action taken at this time.

A public hearing was held on intent to designate a Commercial Redevelopment District (CRD) West Broadway Commercial Redevelopment District No. 1. There being no public comment or communications, the Mayor closed the public hearing.

Moved by Commissioner Kulick and supported by Commissioner Ling to approve the resolution designating a Commercial Redevelopment District (CRD) West Broadway Commercial Redevelopment District No. 1 as presented. (CC Exh. 3-2019)

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

Karen Varanauskas, 420 S. Kinney, spoke in regard to her appeal to the removal of dangerous trees on private property under City Ordinance 99.11.

Moved by Commissioner Kulick and supported by Commissioner Tolas 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. Motion unanimously adopted.
Moved by Commissioner Kulick and supported by Vice Mayor Gillis to approve a resolution in support of exploring the creation of a recreational authority as a means to advance community dialogue regarding an aquatic center as follows:

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.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde, Ling and Perschbacher
NAYS: Commissioner Tolas
ABSENT: None
Motion carried.

Moved by Commissioner Kulick and supported by Commissioner Ling to conduct a 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.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde, Ling, Perschbacher & Tolas
NAYS: None
ABSENT: None
Motion unanimously adopted.
Announcements on City-Related Issues and New Business

Commissioner Ling thanked those involved with the Sister City visit, IRC, host families, city staff and local businesses including Isabella Bank and Krapohl Ford.

Commissioner Perschbacher announced that the Broadway Theatre will be showing the 1977 Stars Wars: IV Episode - A New Hope on August 23rd and 24th.

Mayor Joseph echoed Commissioner Ling’s sentiments with regard to the recent Sister City visit and commented that he enjoyed spending time with the group. He thanked city staff and Taylor Idema for their efforts with the Arts Pavilion and recent ribbon cutting; announced the Dancing in the Streets event taking place August 17th and announced that the ICRH will be renovating their new facility on Pine Street on August 18th and could use volunteer help if public is interested.

Vice Mayor Gillis commented that the Arts Pavilion ribbon cutting and musical acts were excellent and thanked city staff and Taylor Idema and donors who helped make it possible.

Public Comment on Agenda and Non-Agenda Items

Doug Collins, 2001 Elva St., Apt 413, thanked staff again for naming street after his father Larry Collins whose 94th birthday would have been today. Mr. Collins was instrumental in working with IRC as well.

Ben McQueen, 2270 Theatre Tr., #74, would like to be put on the Parks and Recreation Commission agenda to appeal his being banned from City parks.

The Commission recessed at 8:10 p.m. and went into closed session at 8:15 p.m. A separate set of minutes was taken for the closed session. The Commission went back into open session at 8:31 p.m.

Moved by Commissioner Kulick and supported by Commissioner Perschbacher to accept the initiative petition received under the MRTMA and approve the ballot language as presented for the November 5, 2019 election. (CC Exh. 4-2019) Motion unanimously adopted.

The Commission recessed at 8:33 p.m. and went into a work session at 8:40 p.m.

WORK SESSION

1) Discussion on recreational marijuana.

Mayor Joseph and City Manager Ridley led a discussion on recreational marijuana.

Discussion ensued.
Staff will incorporate generally agreed upon ideas into a draft ordinance which will be brought to the Commission at the next meeting.

Mayor Joseph adjourned the meeting without objection at 10:17 p.m.

William L. Joseph, Mayor  Jeremy Howard, City Clerk
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: PUBLIC HEARING ON AMENDMENT TO CHAPTER 30 SUBSECTION 30.04-AGENDA OF THE MT. PLEASANT CITY CODE REGARDING THE ADDITION AND OR DELETION OF AGENDA ITEMS AND CONSIDER APPROVAL OF THE SAME

Attached are the materials from the August 12 City Commission agenda packet when this ordinance amendment was introduced.

After holding the public hearing it is recommended the City Commission approve the ordinance amendment as presented.

Recommended motion:
Move to approve the ordinance amendment to Section 30.04 (A) as presented.

NJR/ap
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  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: CONSIDER RESOLUTION RECOGNIZING THE ISABELLA COMMUNITY SOUP KITCHEN AS A NON-PROFIT ORGANIZATION FOR THE PURPOSE OF OBTAINING A CHARITABLE GAMING LICENSE

The Isabella Community Soup Kitchen has requested approval of the attached resolution for the purpose of obtaining a charitable gaming license from the State of Michigan. The State of Michigan requires charitable organizations wishing to apply for a gaming license seek recognition from the local governing body. It is recommended the City Commission approve the standard resolution recognizing Isabella Community Soup Kitchen as a non-profit organization for the purpose of obtaining a charitable gaming license.

Recommended motion:  
Move to adopt the resolution recognizing the Isabella Community Soup Kitchen as a non-profit organization for the purpose of obtaining a charitable gaming license as presented.

NJR/ap
Hello Nancy. My name is Sarah Adkins and I am the Executive Director of the Isabella Community Soup Kitchen.

On September 28, we are planning to host a charity event to help support our upcoming renovation project. We will be selling raffle tickets and have applied for the appropriate state license. One of the requirements is a resolution passed by the City stating that we are recognized as a non-profit. I have attached the form for your review.

Can you please tell me how I can go about this and what you may need from me? I can be reached either by email or by phone- (989) 802-1426, whatever is most convenient for you.

Thank you for your assistance.

Sarah Adkins
Executive Director
Isabella Community Soup Kitchen

Sent from Mail for Windows 10
Dear Sir or Madam:

This is in response to your letter dated February 5, 2003, regarding your organization's tax exempt status.

Our records indicate that a determination letter issued in March 1992 granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than $25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of $20 a day, up to a maximum of $10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.
Isabella Community Soup Kitchen
38-3017929

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

The law requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. You are also required to make available for public inspection a copy of your organization's exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of $20 a day for each day you do not make these documents available for public inspection (up to a maximum of $10,000 in the case of an annual return).

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,

[Signature]
John E. Ricketts, Director, TE/GE
Customer Account Services
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(K)(ii))

At a ________________________ meeting of the ________________________
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
called to order by __________________________________ on ____________
DATE at ___________ a.m./p.m. the following resolution was offered:

Moved by ________________________ and supported by ________________________
that the request from ________________________ of ________________________,
NAME OF ORGANIZATION CITY
county of ________________________, asking that they be recognized as a
COUNTY NAME nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for ________________________.
APPROVAL/DISAPPROVAL

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I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the ________________________ at a ________________________
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
meeting held on ________________________.
DATE

SIGNED: __________________________________
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R9/09)
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: CONSIDER RESOLUTION SUPPORTING FEE RECOMMENDATION FOR NEIGHBORHOOD ENTERPRISE ZONE (NEZ) AND COMMERCIAL REDEVELOPMENT DISTRICT (CRD) APPLICATIONS

Attached is a recommendation from Finance Director Mary Ann Kornexl regarding the establishment of fees for applications for Neighborhood Enterprise Zone tax abatement certificates and Commercial Redevelopment District tax abatement certificates.

As the memo indicates, the recommended $375 fee for each type of application is expected to cover the estimated staff time for processing applications and the required publication costs. It is recommended the City Commission approve the two new fees as presented.

Recommended motion:
Move to approve the resolution establishing application fees for Neighborhood Enterprise Zone and Commercial Redevelopment District applications as presented.

NJR/ap
TO: Nancy Ridley, City Manager
FROM: Mary Ann Kornexl, Finance Director
DATE: August 16, 2019
SUBJECT: Abatement Fee

Currently the fee for submitting an application for an Industrial Facilities (IFT) Tax Abatement is $200. We have never had a Neighborhood Enterprise Zone (NEZ) or Commercial Rehabilitation District (CRD) to receive an application for an abatement under these statutes. Unlike the IFT Abatement statute, neither the NEZ or CRD statute specifically provide for an application fee. The City Attorney feels while these statutes are silent, the City may charge a reasonable fee that is proportionate to the service rendered.

The staff that will be involved in accepting and processing the abatement application estimate the cost to be $375. The IFT abatement application doesn’t require publication therefore the current fee of $200 adequately covers the cost to process the application.

Requested Action:

I recommend the City Commission adopt the attached resolution, prepared by the City Attorney, to set the fee for NEZ and CRD abatements.
RESOLUTION ESTABLISHING APPLICATION FEES FOR NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATES AND COMMERCIAL REDEVELOPMENT DISTRICT CERTIFICATES

WHEREAS, Section 3(l) 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 ("NEZ") within the City; and

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 ("CRD") within the City; and

WHEREAS, the City has established or will establish one or more NEZs or CRDs in the City; and

WHEREAS, Michigan law permits a municipality to charge a reasonable fee for services it provides, so long as the fee is proportionate to the services rendered;

WHEREAS, the City will incur costs, including publication costs, when it processes a NEZ application; and

WHEREAS, the City will incur costs, including publication costs, when it processes a CRD application.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Commission establishes a fee to be charged for each NEZ application in the amount of $375.

2. The City Commission establishes a fee to be charged for each CRD application in the amount of $375.

3. All actions heretofore taken by City officials, employees and agents with respect to NEZs and CRDs are hereby ratified and confirmed.

4. 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.
TO: MAYOR AND CITY COMMISSION  
FROM: NANCY RIDLEY, CITY MANAGER  
SUBJECT: INTRODUCE AN ORDINANCE TO AMEND CHAPTER 115 ENTITLED “RECREATIONAL MARIHUANA ESTABLISHMENTS”, TITLE XI OF THE MT. PLEASANT CITY CODE TO ALLOW CERTAIN ESTABLISHMENTS TO BE OPERATED IN ACCORDANCE WITH STATE LAW AND SET A PUBLIC HEARING FOR SEPTEMBER 9, 2019

Initiated Law 1 of 2018, the Michigan Regulation and Taxation of Marihuana Act (recreational marijuana), passed on November 6, 2018. This law made marijuana legal under state and local law for adults 21 years of age or older, made industrial hemp legal and controlled the commercial production and distribution of marijuana. Local municipalities are assumed to automatically allow recreational marijuana establishments in their municipality unless action is taken to opt-out. The state was given one year to establish the regulations and procedures for the licensing of recreational marijuana establishments. The state presentations after the passage of the law consistently indicated the state would be ready to license on or about December 1, 2019. We originally based our timeline for discussions and ordinance considerations on that date.

Late in April, the state’s Marijuana Regulatory Agency (MRA) indicated they expected the regulations would be issued in June and were working toward being ready to start accepting licensing applications on September 1, 2019. Staff indicated at that time based on the regular meeting dates, it would not be possible to have local regulations in place by September 1. On June 10 the City Commission therefore passed an ordinance to temporarily prohibit recreational marijuana establishments in the City. During those discussions, a timeline to discuss local regulations was agreed upon based on the June publication of the state regulations.

The state regulations were issued on July 3, 2019 and the City Commission moved forward with work session discussions on local regulations for recreational establishments on July 8, July 22 and August 12, 2019. The work session discussions provided general guidance on the desired local regulations for the City to opt-in to allowing such establishments in the City.

Based on the general direction provided at those work sessions, attached is both a draft regulatory ordinance and draft zoning ordinance for consideration.
We recommend the City Commission set a public hearing on the regulatory ordinance for September 9, 2019 and the zoning ordinance be formally referred to the Planning Commission by approving the resolution as presented.

Based on the August 12 work session discussion, this agenda includes another work session discussion on the draft ordinance to more specifically discuss the competitive process. This competitive process will be used if more applications are received for retailers, growers and microbusinesses than the numerical limits established in the ordinance. If the City Commission desires changes to the competitive process, those changes can be drafted and included in the September 9, 2019 City Commission agenda packet for review prior to the public hearing.

It is recognized that an initiative petition was accepted by the City Commission at the August 12 meeting and ballot language was approved for the initiative petition. As indicated at that meeting, we recommend moving forward with our locally drafted ordinances for two primary reasons. It is uncertain whether the initiative petition ballot language will pass on November 5 and secondly, the proposed ordinances outline the local regulations the elected officials have discussed as being in the overall best interests for our City.

Recommended motion:
Move to set a public hearing for September 9, 2019 on Chapter 115-Recreational Marijuana Establishments as presented.

NJR/ap
CITY COMMISSION
CITY OF MOUNT PLEASANT

Isabella County, Michigan

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

ORDINANCE NO. ___

AN ORDINANCE TO AMEND CHAPTER 115, ENTITLED “RECREATIONAL MARIHUANA FACILITIES”, TITLE XI OF MOUNT PLEASANT CITY CODE TO ALLOW CERTAIN FACILITIES OPERATED IN ACCORDANCE WITH STATE LAW

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

Section 1. Amendment. Chapter 115, entitled “Recreational Marihuana Facilities,” is hereby amended to read in its entirety as follows:

RECREATIONAL MARIHUANA ESTABLISHMENTS

§ 115.01. Definitions.

The following words and phrases have the meanings ascribed to them when used in this chapter:

(a) Co-location or co-located means the siting and operation of a combination of multiple establishments or establishment types at a single location.

(b) Designated consumption establishment means a commercial space that is licensed by LARA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

(c) Edible marihuana product means any marihuana-infused product containing marihuana that is intended for human consumption in a manner other than smoke inhalation.

(d) Emergency Rules means the emergency rules for adult-use marihuana establishments issued by LARA on or about July 3, 2019.

(e) Excess marihuana grower means a license issued by LARA to a person holding five class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(f) LARA means the Department of Licensing and Regulatory Affairs and any successor department or agency within the department, including the Marihuana Regulatory Agency.
(g) Licensee means a person holding a state operating license for a marihuana establishment.

(h) Marihuana means all parts of the plant genus cannabis, growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp.

(i) Marihuana establishment means a marihuana grower, marihuana safety compliance establishment, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by LARA.

(j) Marihuana event organizer means a person licensed to apply for a temporary marihuana event license under the Emergency Rules.

(k) Marihuana grower means a person licensed by LARA to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(l) Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

(m) Marihuana microbusiness means a person licensed by LARA to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance establishment, but not to other marihuana establishments.

(n) Marihuana processor means a person licensed by LARA to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(o) Marihuana retailer means a person licensed by LARA to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(p) Marihuana secure transporter means a person licensed by LARA to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

(q) Marihuana safety compliance establishment means a person licensed by LARA to test marihuana, including certification for potency and the presence of contaminants.
§ 115.02. Authorized Establishments.

(a) Authorization and special use permit required. No person shall operate a marihuana establishment in the City without an authorization issued by the City pursuant to the provisions of this Ordinance and a special use permit pursuant to this Ordinance and the City Zoning Ordinance. No person shall operate a temporary marihuana event in this City without an authorization issued by the City pursuant to the provisions of this Ordinance.

(b) Number of establishments eligible for authorization. The following numbers of marihuana establishments may be authorized to operate in the City, subject to this Ordinance:

(1) Not more than five (5) growers operating under Class A licenses;

(2) Not more than three (3) growers operating under Class B or Class C licenses;

(3) Not more than three (3) retailers;

(4) Processors (unlimited);
(5) Secure transporters (unlimited);
(6) Safety compliance establishments (unlimited);
(7) Not more than 2 microbusinesses;
(8) Zero designated consumption establishments;
(9) Zero excess marihuana growers.

(c) **Co-location and stacked licenses.** Co-location and stacked grower licenses (with up to 3 grower licenses per zoning lot) are permitted in the City. For purposes of the limitations provided in subsection (a):

(1) An establishment with a stacked grower license counts as a single grower;
(2) On a site with co-location, each license (other than stacked grower licenses) authorized to operate within a single location counts as a separate establishment.

(d) **Final authorization from City required.** The authorization process described in section 115.03 determines the locations in the City at which establishments may operate. A proposed establishment is not eligible to operate until the clerk grants final authorization pursuant to section 115.03(f) and until the applicant receives a special use permit under the City Zoning Ordinance and all required approvals and licenses from LARA.

§ 115.03. Application for Authorization.

(a) **Timing of Submission.** Beginning on January 6, 2020, a person may apply for authorization to operate an establishment within the City by complying with the requirements of this section.

(b) **Required Application Materials.** An application is not considered complete until all of the following are received by the City Clerk:

(1) A nonrefundable application fee in an amount established by resolution of the City Commission.
(2) An advance of the annual administrative fee established in section 115.05(d).
(3) A photocopy of a valid, unexpired driver’s license or state issued identification card for all owners, directors, and officers of the proposed establishment.
(4) A signed application (available in the clerk’s office), which must include all of the following information and documents:
(A) If the applicant is an individual, the applicant’s name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;

(B) If the applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;

(C) The name, address, tax identification number, and current zoning designations of the proposed marihuana establishment;

(D) The name and address of the current property owner of record;

(E) If the current property owner is different than the applicant (e.g. where the applicant has a lease, option, land contract, or other future interest in the property), the property owner’s signature is required in addition to the applicant’s.

   i. An applicant may submit applications for multiple properties.

   ii. However, only one application shall be submitted per property, unless the applications are for proposed co-located establishments.

(F) The proposed establishment type;

(G) If the proposed establishment type involves stacked growing licenses, the number of licenses sought;

(H) A complete list of all marihuana permits and licenses held by the applicant;

(I) Written consent for the City to inspect the establishment at any time during normal business hours to ensure compliance with applicable laws and regulations;

(J) A location area map of the marihuana establishment and surrounding area that identifies the relative locations and the distances (closest property line
to the subject marihuana establishment’s building) to the closest real property comprising a public or private elementary, vocational or secondary school;

(K) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MRTMA (including documents submitted for prequalification);

(L) A copy of all documents submitted by the applicant to LARA in connection with the application for a state operating license under the MMFLA, if applicable;

(M) A copy of all documents issued by LARA indicating that the applicant has been prequalified for a state operating license under the MRTMA;

(N) Any other information reasonably requested by the City relevant to the processing or consideration of the application.

(c) *Initial receipt period.* For any establishment type subject to numerical limitations under Section 115.02, the initial receipt period shall commence on January 6, 2020, and shall end at the close of business on Friday, February 28, 2020.

(d) *Clerk action upon receipt.* The clerk will accept and receive any complete application that includes the information and documents required by Section 115.03(b), unless the City has already received an application for the same property (other than an application for a proposed co-located establishment) from another applicant. Upon receiving a complete application, the clerk will time- and date-stamp the application and inform the applicant of the following:

1. The number of existing establishments of the proposed establishment type currently operating within the City;

2. The number of pending applications for the desired establishment type; and

3. The process by which an applicant will be selected pursuant to subsection (e).

(e) *Conditional authorization and competitive process.* The clerk will conditionally authorize establishments as follows:

1. If, after close of business on the end date of the initial receipt period, the City has received more applications for a given establishment type than would be permitted under Section 115.02, the City will decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with the MRTMA in the City. The City will provide applicants with twenty-one (21) calendar days’ notice that the applicants
must provide supplemental written information and documentation to the City indicating whether the applicant satisfies each of the following criteria:

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<th>Scoring category</th>
<th>Available points</th>
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<td>Background of the applicant, including past ownership interest in a business or businesses operating in the State of Michigan; past compliance with business licensing requirements, including marihuana business licenses issued by LARA; current medical marihuana facility license status in the City; history of compliance with City and state regulations associated with existing medical marihuana facility licenses held in the City; and residency in the City, county, or region.</td>
<td>Twenty (20) points</td>
</tr>
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<td>Human resources, including the number of full-time equivalent employees; the percent of such employees that are residents of the City; and the proposed minimum rate of pay for all employees.</td>
<td>Twenty (20) points</td>
</tr>
<tr>
<td>Physical investment, including the applicant’s proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant’s ownership stake in the physical location of the establishment.</td>
<td>Twenty (20) points</td>
</tr>
<tr>
<td>Area impact, including the proximity of the establishment to properties zoned or used residentially; and plans for litter control, loitering, neighborhood outreach, noise mitigation, odor mitigation, resident safety, and traffic mitigation.</td>
<td>Ten (10) points</td>
</tr>
<tr>
<td>Business operations, including a business plan; charitable giving plan; financing plan; marketing and promotion plan, with an emphasis on reducing exposure to minors; and strategic plan.</td>
<td>Ten (10) points</td>
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<tr>
<td>Establishment design, including the provision of glazing, landscaping, and screening above City minimum requirements; the use of durable building materials; compliance with the Americans with Disabilities Act; and implementation of Crime Prevention Through Environmental Design (CPTED) principles.</td>
<td>Ten (10) points</td>
</tr>
<tr>
<td>Energy efficiency, including Energy Star certification; Michigan Energy Code compliance; use of energy from carbon-free sources; and use of WaterSense fixtures.</td>
<td>Five (5) points</td>
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<tr>
<td>Infrastructure impact, including the utilization of green infrastructure or low-impact development design principles to manage stormwater; and the provision of non-motorized transportation infrastructure in excess of City requirements.</td>
<td>Five (5) points</td>
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(2) Upon timely receipt of the supplemental information described in subparagraph (1), the City Commission or its designees shall assign points for each criterion that is satisfied and shall, based on the resulting scores, select applicants who are best suited to operate in compliance with the MRTMA in the City. The City shall notify the selected applicants that they have been granted conditional authorization. In the event of a tied score, the City Commission or its designee...
shall select the applicant who, based on the totality of the circumstances, the City finds is best suited to operate in compliance with the MRTMA the City.

(3) If an applicant does not timely submit the supplemental information described in subparagraph (1), then the application shall be discarded and shall not be considered under subparagraph (2).

(4) For any establishment type not subject to numerical limits under Section 115.02, or otherwise not subject to the competitive process described in subsection (e)(1), the clerk will conditionally authorize establishments in the order in which applications are received.

(5) Once the clerk has issued conditional authorizations for all of the establishments of a given establishment type that would be permitted under Section 115.02, the clerk will place subsequent applications at the end of the waiting list for that establishment type. Applications shall be included on the waiting list in the order designated by the City Commission or its designees under subparagraph (2).

(f) **Final authorization.** The clerk will grant final authorization for the establishment if the applicant:

(1) Submits the paperwork for the establishment-specific step of the application for a state operating license (and all related applications for stacked licenses) to LARA within 30 days of receiving conditional authorization;

(2) Submits an application for special use authorization pursuant to section 154.410.B.4.b of the zoning ordinance within 30 days of receiving conditional authorization; and

(3) Obtains special use authorization within 6 months of receiving conditional authorization.

(4) Receives all required operating licenses and approvals from LARA within 18 months after conditional authorization is granted.

(5) Enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, and all other operational standards described by the applicant in the application and in any supplemental materials submitted under subsection (e). The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City.

(g) **Expiration of conditional authorization.** If the applicant for a conditionally authorized establishment fails to satisfy any of the deadlines established above, the conditional
authorization will expire. The City Commission may extend any of the deadlines upon a showing of good cause.

(h)  

*Waiting list and refund of administrative fee.* The clerk will keep and maintain the waiting lists established pursuant to subsection (e) until the maximum number of establishments of the type to which the list pertains are operating in the city (at which time the clerk will discard the waiting list). If a conditional authorization for a proposed establishment of that establishment type expires, the clerk will conditionally authorize the next application on the waiting list. Upon discarding the waiting list, the clerk will refund the advance of the annual administrative fee established in section 115.05(d) to all applicants remaining on the waiting list.

(i)  

*Newly available authorizations.*

(1)  

For establishment types for which the maximum number of establishments specified in Section 115.02 are operating in the City, an authorization will become available when:

(A)  

The state operating license for an establishment with final authorization expires or is revoked by LARA; or

(B)  

This chapter is amended to authorize additional establishments of that establishment type.

(2)  

When an authorization becomes available as described in subsection (i)(1), the city clerk will select a date within the next 60 days on which the city will begin accepting applications from interested persons, and will publish notice of the selected date in a newspaper of general circulation.

(3)  

On the selected date, the clerk will begin accepting applications using the same process described in subsections (c) and (d) above. If multiple applications are received on that date, the City Commission or designee will request supplemental information and conduct a competitive selection process as outlined in section 115.03(e) above.

§ 115.04.  

*Relocation of Establishments, Transfers of Licenses, and Expansion of Grow Operations.*

(a)  

An existing establishment may be moved to a new location in the city, subject to applicable zoning regulations, prior City Commission approval, and approval by LARA. In deciding whether to approve a new location for an existing establishment, the City Commission shall consider the following nonexclusive factors:

(1)  

The impact of the establishment's new location on the community as a whole; and
(2) The existing establishment's compliance with City ordinances and with state law and administrative rules.

(b) A license for an existing establishment may be transferred to a new licensee that intends to continue operating at the same location, subject to approval by City Commission and LARA.

(c) A licensee may expand growing operations by upgrading the class of the license (e.g., from class A to class B, or from class B to Class C), or by obtaining a stacked license, subject to all the limitations established in Section 115.02. To do so, the licensee must submit a new application to the City satisfying the requirements in 115.03(b), which shall include payment of the application fee and an advance of any additional annual administrative fee that will be owed due to the addition of stacked licenses. The application shall be conditionally approved upon receipt of all required materials.

§ 115.05. General Regulations.

(a) Submission of supplementary information to the city. Applicants for city authorization and persons operating existing establishments in the city must provide the city clerk with copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA. The documents must be provided to the clerk within 7 days of submission to LARA, and may be submitted by electronic media unless otherwise requested by the clerk.

(b) Compliance with applicable laws and regulations. Adult-use marihuana establishments must be operated in compliance with the MRTMA, MRTMA rules, all conditions of the establishment’s state operating licenses, and all applicable city ordinances. Compliance with the foregoing does not create immunity from prosecution by federal authorities or other authorities of competent jurisdiction.

(c) No consumption on premises. No smoking, inhalation, or other consumption of marihuana shall take place on or within the premises of any establishment. It shall be a violation of this chapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all of the following gives rise to a rebuttable presumption that a person allowed the consumption of marihuana on or within a premises in violation of this section:

(1) The person had control over the premises or the portion of the premises where the marihuana was consumed;

(2) The person knew or reasonably should have known that the marihuana was consumed; and

(3) The person failed to take corrective action.
(d) Annual fee. A licensee must pay a fee of $5,000, for each license used within the city in order to help defray administrative and enforcement costs. The holder of a stacked grower license must pay a separate fee in the amount of $5,000 for each license. The initial annual fee(s) must be paid to the city clerk when the application for City approval is submitted. In each subsequent year, fees are due on the date on which the licensee submits an application to LARA for renewal of the state operating license.

§ 115.06. Temporary Marihuana Events.

(a) Authorization. Temporary marihuana events are permitted in the City only as provided in this section.

(b) Prelicensure Conditional Approval. Pursuant to Emergency Rule 62, temporary marihuana events may only be held at a venue expressly approved by the City for the purpose of holding a temporary marihuana event. Prior to obtaining a temporary marihuana event license from LARA, a licensed marihuana event organizer may apply to the City for prelicensure venue and event approval. The application must include all of the following information:

1. The name of the applicant. For applicants who are business entities, the applicant shall provide the legal business name of the applicant.

2. Verification that the marihuana event organizer holds a valid license from LARA.

3. A non-refundable application fee in an amount established by resolution of the City Commission.

4. Verification that the applicant has been licensed by LARA as a marihuana event organizer.

5. The proposed date(s) and hours of operation of the temporary marihuana event;

6. The proposed venue of the temporary marihuana event, including the street address, parcel number, and zoning designation;

7. A list of all marihuana retailers and marihuana microbusinesses who are expected to participate in the temporary marihuana event, and verification that each retailer and microbusiness is licensed by LARA and authorized to operate in the City under this Ordinance;

8. A diagram of the physical layout of the temporary marihuana event, which must clearly indicate:

   (A) Where the temporary marihuana event will be taking place on the location grounds.
(B) All entrances and exits that will be used by participants during the event.

(C) All marihuana consumption areas.

(D) All marihuana retail areas where marihuana products will be sold.

(E) Where marihuana waste will be stored.

(F) All areas where marihuana products will be stored.

(G) The specific location of each marihuana retailer or marihuana microbusiness licensee who will be participating in the event.

(9) A description of all proposed event security and signage.

(10) An attestation from the applicant that the temporary marihuana event will comply with the requirements of this section, the MRTMA, the Emergency Rules, and any other administrative rules or guidelines promulgated by LARA.

(11) An acknowledgment from the applicant that only edible marihuana products will be sold or used at the temporary marihuana event.

(12) Any other information or documentation related to the proposed temporary marihuana event requested by the City.

(c) Upon receipt of a complete application for preliminary approval, the City Commission or its designee may determine whether to approve or disapprove the proposed venue and proposed temporary marihuana event. In making this determination, the City shall consider the following nonexclusive factors:

(1) Whether the applicant and the application satisfies the requirements of subparagraph (b);

(2) The proximity of the temporary marihuana event to residential homes, schools, daycare facilities, parks, and locations likely to be occupied by individuals younger than 21 years of age;

(3) The impact of the temporary marihuana event on surrounding properties and businesses, including but not limited to noise, odor, and traffic impacts;

(4) The impact of the temporary marihuana event on the community as a whole; and

(5) The sufficiency of the proposed security measures.
If the proposed venue and event are approved, then the City shall provide a written attestation to the applicant on the form provided by LARA indicating that the applicant is authorized to engage in onsite marihuana sales to, and onsite consumption by, persons 21 years of age or older at the temporary marihuana event at the proposed location, conditioned on the applicant obtaining all required licenses from LARA and complying the MRTMA, Emergency Rules, and any other administrative rules or guidelines promulgated by LARA.

Requirements. All temporary marihuana events must satisfy the following requirements at the time of the commencement of the event and through the duration of the event:

1. The applicant must hold a valid marihuana event organizer license issued by LARA.
2. The applicant must hold a temporary marihuana event license from LARA for the temporary marihuana event.
3. A temporary marihuana event may be held for a maximum of 7 consecutive days.
4. A temporary marihuana event may only operate between the hours of 8 A.M. and 11 P.M.
5. The temporary marihuana event, and all sales and consumptions that occur during the temporary marihuana event, must comply with the requirements of the MRTMA, the Emergency Rules, and any other administrative rules or guidelines promulgated by LARA.
6. In addition to the sign requirements imposed by LARA, all signs for the temporary marihuana event must comply with the City’s zoning requirements for Temporary Signs.
7. Marihuana sale and consumption at temporary marihuana events shall be limited to edible marihuana products.

§ 115.07. Violations.

(a) Request for revocation of state operating license. If at any time an authorized establishment violates this chapter or any other applicable city ordinance, the City Commission may request that LARA revoke or refrain from renewing the establishment's state operating license.

(b) Civil infraction. It is unlawful to disobey, neglect, or refuse to comply with any provision of this chapter. A violation of this chapter is a municipal civil infraction. Each day the violation continues shall be a separate offense. Notwithstanding any other provision of this ordinance to the contrary, violators shall be subject to the following fines:
(1) First violation = $500

(2) Second offense = $2,500

(3) Each subsequent offense = $5,000

(c) Other remedies. The foregoing sanctions are in addition to the city’s right to seek other appropriate and proper remedies, including actions in law or equity.


On or before December 31, 2020, City staff shall submit a report to the City Commission regarding the administration of this ordinance and the provisions of the zoning ordinance pertaining to adult-use marihuana, and regarding any other pertinent information relating to the operation of adult-use marihuana establishments in the City. The report may include proposed ordinance amendments or other proposed policy changes.

Section 2. Publication and Effective Date. The City Clerk will cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance will 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.

Date: ____________, 2019

William L. Joseph, Mayor

Date: ____________, 2019

Jeremy Howard, City Clerk

Introduced: ____________, 2019

Adopted: ____________, 2019
TO: MAYOR AND CITY COMMISSION

FROM: NANCY RIDLEY, CITY MANAGER

SUBJECT: CONSIDER RESOLUTION FOR REFERRAL TO THE PLANNING COMMISSION TO INTRODUCE AN ORDINANCE TO ADD A NEW SUBSECTION 154.410.B.4.B AND TO AMEND TABLE 154.410.A OF THE MT. PLEASANT ZONING ORDINANCES TO REGULATE MARIHUANA ESTABLISHMENTS AS SPECIAL USES

Please see the prior memo for background information on this agenda item.

Recommended motion:

Move to approve the resolution as presented to formally refer the proposed zoning ordinance to the Planning Commission for action.

NJR/ap
CITY OF MOUNT PLEASANT, MICHIGAN

RESOLUTION PETITIONING PLANNING COMMISSION TO CONSIDER AND MAKE RECOMMENDATION REGARDING ZONING ORDINANCE AMENDMENTS CONCERNING RECREATIONAL MARIHUANA ESTABLISHMENTS

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 26th day of August, 2019, at 7:00 p.m.

PRESENT: ________________________________________________________________

ABSENT:  ________________________________________________________________

The following preamble and resolution were offered by __________________________ and supported by ________________________________.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 et seq., as amended ("MZEA"), the City has the authority to regulate the use of land within the City; and

WHEREAS, Chapter 154 of the City Code regulates amendments to the Zoning Ordinance; and

WHEREAS, the MZEA sets forth the procedures for the City Planning Commission to hold a public hearing on proposed amendments including that “[t]he legislative body may refer any proposed amendments to the [Planning Commission] for consideration and comment within a time specified by the legislative body” (MCL 125.3401(3)); and

WHEREAS, the City Commission wishes to initiate amendments to the Zoning Ordinance to regulate marihuana establishments as special uses; and

WHEREAS, the City Commission finds that initiating such amendments is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:
1. Pursuant to the City’s Zoning Ordinance and the MZEA, the City hereby petitions and requests that the City Planning Commission consider and make a recommendation to the City Commission on proposed amendments to the Zoning Ordinance concerning the regulation of marihuana establishments as special uses, which proposed amendments are attached as Exhibit A and are incorporated by reference.

2. The City requests that the Planning Commission transmit its recommendation to the City Commission within 60 days after the date of this Resolution.

3. Any and all resolutions in conflict with this Resolution are repealed, but only to the extent necessary to give this Resolution full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: _______________________

NAYS: _______________________

STATE OF MICHIGAN   
) SS
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 26th day of August, 2019, at 7:00 p.m.

________________________________________
Jeremy Howard, City Clerk
EXHIBIT A

[INSERT PROPOSED ZONING ORDINANCE AMENDMENTS]
CITY COMMISSION
CITY OF MOUNT PLEASANT

Isabella County, Michigan

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

ORDINANCE NO. ___

AN ORDINANCE TO ADD A NEW SUBSECTION 154.410.B.4.b AND TO AMEND TABLE 154.410.A OF THE MOUNT PLEASANT ZONING ORDINANCES TO REGULATE MARIHUANA ESTABLISHMENTS AS SPECIAL USES

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

Section 1. Addition. A new subsection 154.410.B.4.b is added to the Mount Pleasant Zoning Ordinances to read as follows:

b. Adult-use marihuana establishments must comply with the following regulations. All terms defined in section 115.01 have the same meaning when used in this subsection:

i. Establishments must comply with the MRTMA and the MRTMA rules.

ii. Co-located marihuana establishments and stacked grower licenses may be permitted, subject to the regulations of this section and any applicable rules promulgated by LARA.

iii. Establishments shall be sufficiently setback from property lines or screened or buffered with a fence, wall, or landscape screen to minimize light spillage, odor, and noise (including noise associated with truck traffic or other machinery), affecting adjacent properties.

iv. Special use applicants must provide a plan for the storage and disposal of marihuana or chemicals associated with marihuana cultivation, so as to minimize the risk of theft or harm resulting from chemical exposure.

v. No marihuana may be stored overnight outside of an enclosed building. By way of example and without limitation, it is unlawful to store marihuana overnight in an outdoor waste bin or a secure transport vehicle parked outdoors.

vi. Signage for marihuana establishments will be approved pursuant to the generally applicable procedures and standards provided in section 154.414, with the additional restriction that establishment signage may not depict marihuana, marihuana-infused products, or marihuana-related paraphernalia.
vii. Marihuana establishments must control and eliminate odor as follows:

I. The building must be equipped with an activated air scrubbing and carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter and air scrubbing system.

II. The filtration system must consist of one or more fans, activated carbon filters and be capable of scrubbing the air prior to leaving any building. At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

III. The air scrubbing and filtration system must be maintained in working order and must be in use at all times. The filters must be changed per manufacturers’ recommendation to ensure optimal performance.

IV. Negative air pressure must be maintained inside the building.

V. Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

VI. An alternative odor control system is permitted if the special use applicant submits a report by a mechanical engineer licensed in the state of Michigan sufficiently demonstrating that the alternative system will eliminate odor as well or better than the air scrubbing and carbon filtration system otherwise required.

viii. The following minimum-distancing regulations apply to all medical marihuana facilities:

I. An establishment may not be located within 1,000 feet of a public or private K-12 school.

II. An establishment generally may not be located within 500 feet of the SD-U University Special District, unless the establishment is located to the east of the Central Michigan University main campus, east of Mission Street.

III. The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection to the nearest property line of the parcel used as a medical marihuana establishment.

ix. Establishment types in the city are limited as follows:
I. Not more than 5 growers operating under Class A licenses;

II. Not more than 3 growers operating under Class B or Class C licenses;

III. Not more than 3 retailers;

IV. No limit on the number of processors;

V. No limit on the number of secure transporters;

VI. No limit on the number of safety compliance establishments;

VII. Not more than 2 microbusinesses;

VIII. Zero designated consumption establishments; and

IX. Zero excess marihuana growers.

x. For retailers:

I. Retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.

II. Retailers may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.

III. Retailers in commercial (as opposed to industrial) character districts must be located within the boundaries of the city’s Mission-Pickard Downtown Development District or Central Business Tax Increment Financing Authority District. Retailers would be incompatible with the portions of the commercial character districts outside these designated areas.

IV. Retailers are allowed in industrial districts only if the establishment is collocated with a grower or processor.

V. The exterior appearance of a retailer must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.

VI. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.

VII. Consumption of marihuana shall be prohibited in the retail establishment, and a sign shall be posted on the premises of each retail center indicating
that consumption is prohibited on the premises.

VIII. Retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.

IX. The public or common areas of the retail establishment must be separated from restricted or non-public areas of the marihuana establishment.

X. No drive-through window on the portion of the premises occupied by a retail establishment shall be permitted.

XI. Retailers shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

er

xii. Establishments other than retailers may operate only in areas zoned SD-I.

xiii. For growers:

I. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials cannot be used to construct any component of the building’s exterior structure.

II. Cultivation must be conducted in a manner to minimize adverse impacts on the city’s sanitary sewer. The city’s public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

III. For each zoning lot, no more than 3 stacked grower licenses may be in operation.

xiv. For processors:

I. Cultivation must be conducted in a manner to minimize adverse impacts on the city’s sanitary sewer. The city’s public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

xv. For safety compliance facilities:
I. Cultivation must be conducted in a manner to minimize adverse impacts on the city’s sanitary sewer. The city’s public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

xv. For microbusinesses:

I. Microbusinesses may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.

II. Microbusinesses may not receive deliveries between the hours of 8:00 p.m. and 7:00 a.m.

III. The exterior appearance of a microbusiness must be compatible with surrounding businesses with respect to façade type, ground floor opacity, size and placement of signage, site layout, etc.

IV. The interior of the establishment must be arranged in a way such that neither marihuana nor marihuana-infused products are visible from the exterior of the establishment.

V. Consumption of marihuana shall be prohibited in the establishment, and a sign shall be posted on the premises of each microbusiness indicating that consumption is prohibited on the premises.

VI. Microbusinesses shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings shall be maintained in a secure, off-site location for a period of 14 days.

VII. The public or common areas of the microbusiness establishment must be separated from restricted or non-public areas of the marihuana establishment.

VIII. No drive-through window on the portion of the premises occupied by a microbusiness establishment shall be permitted.

IX. Microbusinesses shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises.

X. Cultivation must occur within an enclosed building with exterior facades consisting of opaque materials typical of an industrial or commercial building. The roof of the building may be constructed of a rigid transparent or translucent material designed to let in light, such as glass or rigid polycarbonate or fiberglass panels. Films or other non-rigid materials
cannot be used to construct any component of the building’s exterior structure.

XI. Cultivation must be conducted in a manner to minimize adverse impacts on the city’s sanitary sewer. The city’s public works department shall review all pertinent information relating to sewer discharges and shall provide any pertinent comments on to the planning commission.

xvi. Notwithstanding any other provision to the contrary, penalties for violations of this subsection shall be as follows:

I. If at any time an authorized establishment violates this subsection, any condition imposed through a special use permit, or any other applicable city ordinance, the City Commission may request that LARA revoke or refrain from renewing the establishment's state operating license.

II. It is unlawful to disobey, neglect, or refuse to comply with any provision of this subsection b or any condition of a special use permit issued pursuant to this subsection. A violation is a municipal civil infraction. Each day the violation continues shall be a separate offense, subject to the following fines:

First violation = $500

Second offense = $2,500

Each subsequent offense = $5,000

III. The foregoing sanctions are in addition to the city’s right to seek other appropriate and proper remedies, including actions in law or equity.

Section 2. Renumbering. The subsection currently labeled 154.410.B.4.b, which provides special use standards for automotive repair garages, and all subsequent subsections within subsection 154.410.B.4 are renumbered (c through y) to accommodate the new subsection provided above.

Section 3. Amendment to Table. The portion of Table 154.410.A pertaining to “commercial, retail, professional, and service” uses shall be amended to indicate that adult-use marihuana establishments are permitted as special uses in the SD-I district, and that retailers are also permitted as special uses in the CD-4 and CD-5 character districts. Accordingly, that portion of the table shall appear as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>CD-3L</th>
<th>CD-3</th>
<th>CD-4</th>
<th>CD-5</th>
<th>SD-H</th>
<th>SD-I</th>
<th>SD-RC</th>
<th>SD-A</th>
<th>CZ</th>
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ADULT-USE MARIHUANA USES
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<td>SUP</td>
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<tr>
<td>Grower, Class C</td>
<td>SUP</td>
</tr>
<tr>
<td>Microbusiness</td>
<td>SUP</td>
</tr>
</tbody>
</table>

* Retailers are permitted in the SD-I district only if they are collocated with an authorized grower or processor.

Section 4. **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.

Date: ____________, 2019  
William L. Joseph, Mayor

Date: ____________, 2019  
Jeremy Howard, City Clerk

PC Hearing: ____________, 2019
Introduced: ____________, 2019
Adopted: ____________, 2019
Published: ____________, 2019
Effective: ________________, 2019

85714:00005:4380448-1
TO: MAYOR AND CITY COMMISSION
FROM: NANCY RIDLEY, CITY MANAGER
SUBJECT: CONSIDER AMENDED RESOLUTION AUTHORIZING ELECTRONIC SUBMISSION OF ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT APPLICATION AND COMMIT REQUIRED MATCHING GRANT FUNDS

On June 24 the City Commission approved a resolution authorizing the submission of an economic development grant application and committed the required matching funds. The application review has proceeded through the next stage of the process toward approval. The Economic Development Administration (EDA) has requested the resolution be amended to address two items as outlined in the attached memo from Economic Development Director Bill Mrdeza.

The attached revised resolution commits the full 20% match from the City as the applicant and authorizes Michelle Sponseller to submit the grant application through the grants.gov portal.

It is recommended the City Commission approve the amended resolution as presented.

Recommended motion:
Move to approve the amended resolution for the EDA grant application for Industrial Park South detention pond as presented.

NJR/ap
Memorandum

TO: Nancy Ridley, City Manager
FROM: William R. Mrdeza
Community Services & Economic Development Director
DATE: August 20, 2019
SUBJECT: Supplemental Resolution for EDA Grant

Background:

The City has made application to the U.S. Department of Commerce, Economic Development Administration, for funds available through a special disaster appropriation as a result of major flooding experienced by Isabella, Midland, Bay, and Gladwin Counties in 2017. The purpose of the grant is to fund the expansion of the detention pond in the City’s Industrial Park South. The application requests a federal match of 80% of the total projected cost and a local match of 20%, the highest federal to local matching combination that would be considered under the competitive grant process. In an earlier resolution passed by the City Commission, the City committed 10% (or one half) of the local match from general fund resources and identified a written commitment of the other 10% match from the private property owners in the industrial park. The resolution also authorized the City Manager to sign or otherwise execute the documents required for the submission of the EDA grant application, as well any additional documents associated with a subsequent grant award.

As part of the grant review process, EDA has recently required additional documentation from the City. Since the private property owners in the industrial park are not the applicants for the grant funds, EDA is requiring a subsequent resolution from the City Commission which commits that the entire 20% match is immediately available from the City and is otherwise unencumbered. The City can rely on the signed written commitments from the private property owners to be reimbursed for 10% of the 20% match.

Staff is also recommending that the subsequent resolution contain an authorization for Michelle Sponseller to submit the required forms and documents that satisfy the requirements of the EDA grant application. Grants.gov is the federal government portal through which applications for federal assistance must be filed and Michelle is the City’s Grants.gov registered user. This authorization would be limited only to the submittal of the grant documents and does not convey any additional authority for subsequent action unless specifically empowered by separate resolution of the City Commission. This action will allow the previously submitted application material to be officially received without further action. Authorizing Michelle to simply submit the documents is more of a formality, would save the City time and expense, and would require no additional action on the staff’s part other than to address the additional information requested by EDA.

Requested Action:

Staff recommends the City Commission adopt the attached subsequent resolution for the EDA grant which specifies that the 20% matching funds are unencumbered and immediately available from the City and that Michelle Sponseller is authorized to submit the required grant forms and documents through the Grants.gov portal. The commitment of match funds would come from the City’s Economic Initiatives Assigned Fund Balance account.
Whereas: The City of Mt. Pleasant is a municipal corporation, is governed by a City Charter, and is
granted all of the powers which a City may possess under the State Constitution and laws
of the State of Michigan; and

Whereas: The City of Mt. Pleasant and Isabella County experienced a severe weather event in June,
2017, resulting in widespread flooding and property damage throughout the county;

Whereas: The President of the United States issued a Major Disaster Declaration on August 2, 2017
recognizing four counties in Michigan (including Isabella) as eligible for federal disaster
relief; and

Whereas: Funds were appropriated by Congress to the Economic Development Administration
(EDA) in February, 2018 for the purpose of addressing disaster relief from this and other
natural disaster events during 2017; and

Whereas: On April 10, 2018, a FY 2018 EDA Disaster Supplemental Funding Opportunity Notice
was announced which allocated funding to eligible entities impacted by declared natural
disasters in 2017; and

Whereas: The City of Mt. Pleasant has been invited by EDA to submit a full application for
assistance under this Notice of Funding Opportunity to expand the detention pond in its
Industrial Park South; and

Whereas: Such expansion of the detention pond will bring the pond and subsequent private
properties in the park into current and future compliance with the City’s Storm Water
Management Ordinance, will allow for future investment in the industrial park, and will
protect properties, including those downstream, from the impact of future severe flooding
events; and

Whereas: The City is required to provide matching funds at the ratio of 20% of those requested from
EDA for the total estimated cost of the project; and

Whereas: The estimated total project cost of the detention pond expansion is $288,420 with
$230,736 of federal funding requested and $57,684 in local matching funds required; and

Whereas: The City has received signed written commitments from the property owners in the
industrial park and Middle Michigan Development Corporation that exceeds 10% of the
required local match and is available for reimbursement to the City should the EDA grant
be awarded; and

Whereas: The City will make available funds in the amount $57,684 to meet its total 20% match
requirement upon the award of the EDA grant; and

Whereas: The City’s 20% match commitment is unencumbered and available immediately from the
City’s Economic Initiatives Assigned Fund Balance account.

And Now, Therefore Be it Resolved: The City Commission of the City of Mt. Pleasant does hereby
commit its $57,684 share of the match required for the EDA Disaster Supplemental grant
from its Economic Initiatives Assigned Fund Balance account and also agrees to make
this amount available for the project at the time of grant submittal.

Be it Further Resolved: The City Commission designates the City Manager as the authorized
representative of the City and conveys upon her the authority to sign or otherwise execute
the documents required for the submission of the EDA grant application, as well any
additional documents associated with a subsequent grant award.

Be it Further Resolved: The City Commission authorizes Michelle Sponseller, as the registered user
of the City’s Grants.gov account, to submit the required forms and documents that satisfy
the requirements of the EDA grant application. This authorization is limited to the
submittal of the grant documents and does not convey any additional authority for
subsequent action unless specifically empowered by separate resolution of the City
Commission.
TO:       MAYOR AND CITY COMMISSION

FROM:     NANCY RIDLEY, CITY MANAGER

SUBJECT:  CONSIDER APPOINTMENTS TO THE VARIOUS CITY BOARDS AND
COMMISSIONS AS RECOMMENDED BY THE APPOINTMENTS
COMMITTEE

Attached is a communication from the Appointments Committee recommending appointments to fill the vacant seats on the Historic District Commission (HDC) and the Parks and Recreation Commission.

Unanimously supported appointments to fill vacant seats

Historic District Commission (HDC)
Jonathan Korpi partial term to expire December 31, 2020
Applicants: Karen Breedlove and Lisa McKessy

Parks and Recreation Commission
Brian Sponseller partial term to expire December 31, 2020
Applicants: Kristin Batzner, Karen Breedlove, Lisa McKessy, Jonathon Breithaupt, Michael Conway, Shane Guenin and Desirea Woodworth

Should you have any questions regarding the recommendations, please contact the Appointments Committee.

Recommended motion:
Move to approve the appointments as recommended by the Appointments Committee.

NJR/ap
Hi Addie,

The appointments committee unanimously agreed on the following recommendations for consideration by the City Commission on August 26th.

Historic District: Jonathan Korpi - term ending December 31, 2020

Parks and Recreation: Brian Sponseller - term ending December 31, 2020

Thank you Addie for all you do for us and the city of Mt. Pleasant!

Lori Gillis
Vice Mayor
Chair: Appointments Committee
In accordance with the City Charter, Michigan Constitution, and U.S. Constitution, an individual must be a registered voter in the City of Mt. Pleasant. By submitting this application you affirm that you meet this requirement. Limited exceptions for certain boards exist as indicated on the attached listing. For a complete description of each board and commission please see attached listing. Applications will be kept on file for three calendar years.

Please note that all information submitted in this application is public information and subject to disclosure.

Name: Jonathan Korpi
Date: Tuesday, July 9, 2019 14:40
Residence: 1502 Flynn LN B
Mt. Pleasant, MI. 48858
Telephone: 906-361-2407
E-mail jonpkorpi@gmail.com

Please check all that apply: I rent property

Boards or Commissions in which you are interested. You may list more than one. Please list preferences in order. If your first choice is unavailable we may contact you for service on

I am interested in the Historic District Commission
Why are you interested in this particular board or boards?

I am particularly interested in this as I have a passion for the history of Mount Pleasant. I have a masters in history from CMU and had previously worked on developing a historic district commission in my home town.

Please list any community service and/or prior board or commission service, including the name of the board and term of service.

I was on the Promotions Committee of the Ishpeming DDA, a board member for 10 years of the Ishpeming Area Historical Society, President of several chapter Phi Alpha Theta's (National Historians Honors Society), and former youth in government advisor at various schools.

What experience or training do you have which might be of special value on this board or commission (i.e. education, job experience, length of residency, life in another community, etc.)?

Both my bachelors and masters degree focus on history. I primarily look at rural Michigan in a lot of my research. I helped move the Ishpeming Area Historical Society to become more of a public face in the community that it was in.

Please list three personal or business references, including contact information. (Please note if applying for the Principal Shopping District Board, one reference should be the name of business nominating/supporting your appointment.)

T.J. Flemming +19892847269
Dennie Korpi +19062364953
Jon Baker +15178987866

Based on the board you are applying for, please check the appropriate box or boxes to indicate whether you have the stated experience or professional expertise that may be needed to fill a specific skillset. Please note these are desired qualifications. Some boards and commissions are a mix of citizens with certain qualifications and others are citizens representing the general public. Even if you do not have the desired experience or expertise, you are urged to apply for consideration as the community is well served by citizens with diverse backgrounds.

Building, Fire, Housing and Sanitary Sewer Board of Appeals -Experience and/or training in matters relating to construction.

Citizen Advisory Board

City/CMU Student Liaison Committee -Experience with communication and problem solving.
Historic District Commission -Interest or knowledge in historic preservation.

Architecture

Building Construction/Engineering

Historic Preservation
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<tr>
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| **Residence:** | 1001 Glenwood  
Mt. Pleasant MI. 48858 |
| **Telephone:** | 989-621-8240 |
| **Cell Phone:** | same |
| **E-mail** | spons473@gmail.com |
| **I own** | property |
| **Boards or Commissions in which you are interested. You may list more than one.**  
**Please list preferences in order. If your first choice is unavailable we may contact you for service on another board.** | Parks and Recreation Commission |
| **Why are you interested in this particular board or boards?** | I am a lifelong resident of Mt. Pleasant and enjoy using the Parks system. I have an interest in the growth and continued use of the parks by the residents of the City of Mt. Pleasant. |
| **Please list any community service and/or prior board or commission service, including the name of the board and term of service.** | Volunteer for various community functions like the food bank, Downtown Christmas celebration and current high school coach. |
| **What experience or training do you have which might be of special value on this board or commission (i.e. education, job experience, length of residency, life in another community, etc.)?** | I was an employee of the City of Mt. Pleasant about 23 years ago in the Parks and Recreation Department in the Special Recreation Services Program. I have a degree in Therapeutic Recreation and use the parks many times a year as a Cross Country Coach at the High School. |
| **Please list three personal or business references, including contact information.** | Jim Conway- Mt. Pleasant Athletic Director 989-621-5371  
Josh Hicks- Mt. Pleasant High School Track Coach 989-231-349-6473  
Linda Boyd- Fancher Elementary Principal 989-775-2230 |
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## Check Register for City of Mt Pleasant

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COMM TOTALS:
Total of 134 Checks: $1,293,401.12
Less 0 Void Checks: 0.00
Total of 134 Disbursements: $1,293,401.12