

Minutes of the regular meeting of the City Commission held Monday, April 14, 2008, at 7:00 p.m., in the City Commission Room.

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

Commissioners Present: Mayor Joslin and Vice Mayor Holton; Commissioners Kilmer, Ling, McGuire, Palmer and Spycher

Commissioners Absent: None

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

Mayor Joslin proclaimed April 2008 as "Child Abuse Prevention and Awareness Month" and presented the proclamation to Dee Obrecht, Executive Director of the Child And Family Enrichment (CAFÉ) Council.

Mayor Joslin presented a \$500 Neighborhood Mini Gant to John Christens, representing the Pheasant Run Kids Club.

Parks, Buildings & Grounds Director Greg Baderschneider presented an update on the West Broadway Revitalization Project.

Public Input on Agenda

Gary Johnson, Billboards by Johnson, regarding billboard ordinance concerns.

Received the following petitions and communications:

1. Investment Report (First Quarter)
2. Mt. Pleasant Housing Commission Minutes (February)
3. Parks and Recreation Commission Minutes (February)
4. Water Department (March)
5. Petition regarding human rights ordinance.

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

1. Minutes of the special meeting held March 13, 2008; the special meeting held March 24, 2008; the regular meeting held March 24, 2008; the special meeting held April 8, 2008; and the closed meeting held April 8, 2008.
2. Bid of Synagro Central, LLC of DeWitt, Michigan in the amount of \$171,375.00 over a three year period for removal and disposal of biosolids from the City's Wastewater Treatment Plant.
3. Bid of Pat McGuirk Excavating of Mt. Pleasant, Michigan in the amount of \$198,685 for the 2008 Local Street Reconstruction Project.
4. Bid from Spartan Distributors, Inc., of Sparta, Michigan in the amount of \$18,964.40 for the purchase of a new mower for the Parks Department.
5. Bid from Signature Ford of Owosso, Michigan in the amount of \$50,521 for the purchase of two new pick up trucks to be used by Motor Pool.
6. Authorize the City Manager to sign appropriate paperwork and make payment to Consumers Energy in the amount of \$14,070.50 for installation of electric service at the Borden Building.
7. Endorse the Economic Development Action Plan dated March 10, 2008 and support staff on implementing the recommendations contained therein.
8. Bid of Team Elmer of Traverse City, Michigan in the amount of \$22,250 for design of the Access Trail project.
9. Payrolls dated 4/4/08 and 4/11/08, DD740-DD854 and warrants dated March 25 and 27, 2008 and April 3 and 10, 2008, check numbers 1190-1472, all totaling \$1,486,540.07.

Motion unanimously adopted.

A public hearing was held on the necessity of Principal Shopping District activities for Special Assessment District No. 1-09. There being no public comment or communications received the Mayor closed the public hearing.

The following Resolution No. 3 for proposed Special Assessment District No. 1-09 was offered by Commissioner Ling and supported by Commissioner Kilmer as follows:

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed funding for the operations of the Principal Shopping District hereinafter described; and,

WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment No. 1-09.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to provide funding for the Principal Shopping District, in the City, Special Assessment District No. 1-09.

2. The plans, profiles and specifications previously prepared by the City Manager are hereby approved.

3. The Commission hereby approves the detailed estimates of the special assessment district's cost to be \$573,300. \$258,000 shall be spread over the special assessment district as hereinafter described as a result of benefits to be received by the affected properties in the special assessment district. \$315,300 shall be paid by the City-at-large.

4. The City Assessor is directed to prepare a special assessment roll in accordance with the Commission's determination.

5. When the Assessor has completed the assessment roll he shall file the roll with the City Clerk for presentation to the Commission.

6. All resolutions and parts of resolutions conflicting with the provisions of this resolution are and the same hereby are rescinded.

Resolution unanimously adopted.

The following Resolution No. 4 for proposed Special Assessment District No. 1-09 was offered by Commissioner Ling and supported by Commissioner McGuire as follows:

WHEREAS, the Assessor has prepared a revised special assessment roll for Special Assessment District No. 1-09 to special assess to provide funding for the operations of the Principal Shopping District, and the same has been presented to the City Commission by the City Clerk.

WHEREAS, the district is described as all the lots and parcels of land as follows: all lots in the Principal Shopping District, as established by the City Commission at the February 24, 2003 meeting, and amended at the November 14, 2005 meeting.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is accepted and will be on file in the office of the City Clerk for public examination.

2. The City Commission shall meet at City Hall, 401 N. Main Street, Mt. Pleasant, Michigan, at 7:00 p.m., Daylight Savings Time, on April 28, 2008, to hear all persons interested in reviewing the special assessment roll, and shall be afforded an opportunity to be heard, and the City Clerk is directed to publish and mail, in accordance with applicable statutory and ordinance provisions, the notice of hearing.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Resolution unanimously adopted.

The following Resolution to place proposed amendments to Article I and Article IV, Section 1 of the Charter of the City of Mount Pleasant on the August ballot was offered by Commissioner Spycher and supported by Vice Mayor Holton as follows:

WHEREAS, Act No. 279 of the Public Acts of 1909, as amended (“Act 279”), provides that a home rule city may amend its charter in accordance with the provisions of Act 279; and

WHEREAS, varying provisions of the City Charter use the terms “qualified elector” and “registered elector”; and

WHEREAS, the City Commission believes it is important that many City offices be held by registered electors and that certain petition signatures can only be validated against the City’s rolls of registered electors; and

WHEREAS, that can be accomplished by amending Article I of the City Charter to add a new Section 5 to define “qualified elector” and “registered elector,” and to amend Article IV, Section 1 to make it consistent with new Article I, Section 5; and

WHEREAS, it is necessary for the electors of the City to vote on the proposed Charter amendments; and

WHEREAS, Section 21 of Act 279 requires that the form in which proposed amendments to the City Charter shall be submitted on the ballot shall be determined by resolution of the City Commission.

NOW THEREFORE it is resolved that:

1. The City Commission, by a 3/5 vote of its members, proposes that the City Charter be amended by adding a new Article I, Section 5 to read as follows:

Article I

Section 5 Definition of Qualified Elector and Registered Elector.

As used in this Charter, the terms “qualified elector” and “registered elector” are used interchangeably to mean all persons qualified by the Constitution and the laws of this State to vote in the City who have also registered to vote in the City as provided by applicable laws and regulations.

2. The City Commission, by a 3/5 vote of its members, proposes that the City Charter be amended by amending Article IV, Section 1 to read as follows:

Article IV

Section 1 Holding City Elections; Time, Registration, State Law.

(A) The regular City election shall be held on the first Tuesday after the first Monday in November in those years in which an election is required.

(B) The City Clerk may register electors at places outside of the City Clerk’s offices so as to facilitate the registration of all electors of the City.

(C) Except as otherwise provided by this Charter, the Constitution and laws of the State shall apply to the conduct of elections held under this Charter and the registration of electors in the City.

3. The proposed Charter amendments referenced in this Resolution shall be placed on the ballot in the following form, with a provision for voting “yes” or “no” for its adoption:

MOUNT PLEASANT CITY CHARTER AMENDMENT DEFINING
QUALIFIED ELECTOR AND REGISTERED ELECTOR

Shall the City Charter be amended by adding a new Section 5 of Article I, and by amending Section 1 of Article IV, to define the terms "qualified elector" and "registered elector" as used in the Charter to specify that these terms are used interchangeably to mean all persons who have actually registered to vote in the City as City electors as provided by applicable laws and regulations?

4. The foregoing ballot language and proposed Charter Amendment referenced in this Resolution shall be submitted to the electors, the Governor of the state of Michigan and the Attorney General of the state of Michigan as required by law.

5. A certified copy of this resolution shall be submitted to the Governor of the state of Michigan for her approval or disapproval of this amendment, and to the Attorney General, for his review of the proposed ballot language.

6. The foregoing Charter amendment shall be submitted to the electors for their adoption or rejection at an election to be held on August 5, 2008, or such date to which this election may be rescheduled.

7. The City Clerk shall give notice of such election as required by law. The notice shall include the proposed amendment to the City Charter in full with the existing Charter provisions which would be altered or abrogated. The clerk shall also post the amendment as required by law.

8. The City Manager, City Clerk, and City attorneys are authorized and directed to take any and all actions needed to seek voter approval of this Charter amendment.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Commission.

Resolution unanimously adopted.

The following Resolution to place proposed amendment to Article VI, Section 3(A) of the Charter of the City of Mount Pleasant on the August ballot was offered by Vice Mayor Holton and supported by Commissioner Spycher as follows:

WHEREAS, Act No. 279 of the Public Acts of 1909, as amended ("Act 279"), provides that a home rule city may amend its charter in accordance with the provisions of Act 279; and

WHEREAS, the City Commission believes that it is in the best interests of the City to amend the City Charter to require initiative and referendum petitions to be signed by a number of qualified, registered electors which reflects changes in the City's population; and

WHEREAS, it is necessary for the qualified electors of the City to vote on the proposed amendment to City Charter Article VI, Section 3(A); and

WHEREAS, Section 21 of Act 279 requires that the form in which proposed amendments to the City Charter shall be submitted on the ballot shall be determined by resolution of the City Commission.

NOW THEREFORE it is resolved that:

1. The City Commission, by a 3/5 vote of its members, proposes that Article VI, Section 3(A) of the City Charter be amended to read as follows:

Article VI

Section 3 Petition – Signatures Required, Form, Filing Time.

(A) Initiative and referendum petitions must be signed by qualified, registered electors of the City equal to not less than 18% of the number of votes cast for candidates for the office of governor at the last preceding general election in the City.

2. The proposed Charter amendment referenced in this Resolution shall be placed on the ballot in the following form, with a provision for voting “yes” or “no” for its adoption:

MOUNT PLEASANT CITY CHARTER AMENDMENT SETTING INITIATIVE AND REFERENDUM PETITION SIGNATURE REQUIREMENTS

Shall Section 3 of Article VI of the City Charter be amended to state that initiative and referendum petitions must be signed by qualified, registered electors of the City equal to not less than 18% of the number of votes cast for candidates for the office of Governor at the last preceding general election in the City?

This amendment is proposed for the purpose of requiring initiative and referendum petitions to be signed by a number of qualified, registered electors that reflects changes in the City’s population.

3. The foregoing ballot language and proposed Charter Amendment referenced in this Resolution shall be submitted to the electors, the Governor of the state of Michigan and the Attorney General of the state of Michigan as required by law.

4. A certified copy of this resolution shall be submitted to the Governor of the state of Michigan for her approval or disapproval of this amendment, and to the Attorney General, for his review of the proposed ballot language.

5. The foregoing Charter amendment shall be submitted to the electors for their adoption or rejection at an election to be held on August 5, 2008, or such date to which this election may be rescheduled.

6. The City Clerk shall give notice of such election as required by law. The notice shall include the proposed amendment to the City Charter in full with the existing Charter provisions which would be altered or abrogated. The clerk shall also post the amendment as required by law.

7. The City Manager, City Clerk, and City attorneys are authorized and directed to take any and all actions needed to seek voter approval of this Charter amendment.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Commission.

Resolution unanimously adopted.

Moved by Commissioner McGuire and supported by Vice Mayor Holton to announce the start-up of the Owner-Occupied Residential Incentive Program and endorse the parameters as follows:

Total Funds Available:

- \$100,000 paid for rental license rights distributed on a “first come-first served” basis

Target Neighborhood:

- Arnold Street to the Railroad tracks from High Street to Broadway Street, and
- Broadway to Pickard Street as bounded by Arnold Street to Fancher Street

Eligibility Requirements:

- New purchasers of rental property
- Properties must be converted to owner-occupied/primary residence
- Purchasers must be pre-qualified for mortgage
- Purchasers must execute document conveying property's rental license back to the City for a minimum of five years

Price for Rental Licensing Rights (City will pay):

- Single family rental license: 5% of the purchase price not to exceed \$10,000
- "Rooming/boarding" license: 8% of the purchase price not to exceed \$16,000

AYES: Commissioners Holton, Joslin, Kilmer, Ling, McGuire and Spycher

NAYS: Commissioner Palmer

ABSENT: None

Motion carried.

Moved by Vice Mayor Holton and supported by Commissioner McGuire to receive the proposed 2009-2013 Capital Improvement Plan and set public hearing on same for May 27, 2008 at 7:00 p.m. Motion unanimously adopted.

Commissioner Spycher read the following recommendations from the Appointments Committee for appointments to Boards and Commissions:

	<u>Term To Expire</u>
<u>Downtown Development Board</u>	
Jeff Jakeway, property owner	January 31, 2009
Richard Swindlehurst, business owner	January 31, 2009
Norm Curtiss, business owner	January 31, 2010
Kriss Roethlisberger, business owner	January 31, 2010
Tim Brockman, business owner	January 31, 2011
Dave Verwey, resident	January 31, 2011
<u>TIFA/EDC/DDA/BRA</u>	
Richard Swindlehurst, downtown business owner	January 31, 2012

Moved by Commissioner Spycher and supported by Vice Mayor Holton to approve the Appointments Committee's recommendations as presented. Motion unanimously adopted.

Mayor Joslin appointed Commissioner Kathleen Ling to Isabella County Tax Allocation Board.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer to authorize the Mayor and Clerk to sign a new three year agreement with the County for the joint operation and funding of the Material Recovery Facility. Motion unanimously adopted.

Moved by Vice Mayor Holton and supported by Commissioner Spycher to enter into closed session to discuss pending litigation.

AYES: Commissioners Holton, Joslin, Kilmer, Ling, McGuire, Palmer and Spycher

NAYS: None

ABSENT: None

Motion carried.

Announcements on City-Related Issues and Concerns

Commissioner Ling announced film series May 9 at the Broadway Theatre.

Mayor Joslin announced openings on various City boards.

Public Comment on Agenda and Non-Agenda Items

Gary Johnson, Billboards by Johnson, expressed concern about lawsuit filed by the EDC.

A work session was held regarding lawn irrigation alternatives.

The City Commission recessed at 8:00 p.m. and went into a closed session at 8:10 p.m. A separate set of minutes was taken for the closed session. The Commission went back into open session at 10:00 p.m.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer that the meeting adjourn at 10:01 p.m.

Jon Joslin, Mayor

Nancy Ridley, Deputy City Clerk