

Minutes of the regular meeting of the City Commission held Monday, February 25, 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 Kornexl and City Attorney Martineau

Mayor Joslin recognized the following appointed board and commission members whose terms of service ended on December 31 or January 31:

<u>Member</u>	<u>Board or Commission</u>	<u>Years of Service</u>
Ade Baumgardner	Parks and Recreation	2002 – 2008
Bob Joynt	TIFA/DDA	1982 – 2008
Frances Lichtman	Planning Commission	2000 – 2008
Frances Lichtman	Zoning Board of Appeals	2007 – 2008
Lori Lumbert-Gillis	Planning Commission	2005 – 2008
Paul Murray	Zoning Board of Appeals	2002 – 2008
Susan Pyecroft	TIFA/DDA	2004 – 2008
Samuel W. Staples	Zoning Board of Appeals	2001 – 2008

Presentation by Public Safety Director Bill Yeagley of the Public Safety 2007 Annual Report.

Presentation by City Treasurer Mary Ann Kornexl regarding new utility bill format.

#### Additions to Agenda

Mayor Joslin requested that item #22 – set special meeting with City Commission, Planning Commission and Zoning Board of Appeals for March 13, 2008 at 5:30 p.m. be added to the agenda.

#### Public Input on Agenda Items

Isabella County Board of Commissioners Vice Chair Frances Lichtman 1212 Tomah presented memo from Timothy Dolehanty, Isabella County Administrator/Controller regarding CRDL Tax Capture motion.

Received the following petitions and communications:

1. E-mail correspondence from Marie Kopin, Genia Hunter, John Dinse, Sean Novak and Mary Irvine in support of request for creation of committee to consider non-discrimination ordinance
2. Charter Township of Union Board of Trustees Minutes (January)
3. Charter Township of Union Planning Commission Minutes (January)
4. Downtown Development Board Minutes (January, February)
5. Planning Commission Minutes (January)
6. Street Department and Motor Pool (January)
7. Wastewater Treatment Plant (January)

**Moved by Commissioner McGuire and supported by Commissioner Spycher to approve the following items on the Consent Calendar:**

1. Minutes of the regular meeting held February 11, 2008; the closed meeting held February 11, 2008; and the special meeting held February 13, 2008.
2. Exercise option to extend custodial contract for one year commencing March 1, 2008 thru February 28, 2009 with Royal Cleaning Services, Hemlock, MI, in the amount of \$87,310.88.

3. Bid of Brechtel Radial Collector Wells, LLC of Sparta, OH in the amount of \$287,784.12 to provide Ranney Well rehabilitation services.
4. Bid of ASPLUNDH Tree Expert Company of Mt. Pleasant, MI in the amount of \$26,910.90 for the provision of tree trimming and removal services in the City rights-of-way from May 1, 2008 through April 30, 2009.
5. Payrolls dated 02/15/08 and 02/22/08, check numbers 1117-1217 and DD418-525 and warrants dated 01/31/08, check numbers 060631-060772, all totaling \$810,533.52.

**Motion unanimously adopted.**

A public hearing was held on proposed text changes to Section 154.066 "C-2 Central Business Districts" of the Zoning Ordinance of the Code of Ordinances of the City of Mt. Pleasant to allow merchandise sales on downtown sidewalks. There being no public comments or communications received, the Mayor closed the hearing.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer that Ordinance 940 having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

A public hearing was held on the plans and estimates to install sidewalk from Williams Street to the City limits, Special Assessment District 1-08. Edwin Gray, 1800 E. Broadway spoke in support of sidewalk on both sides and crosswalks. Mr. Gray also questioned results of traffic study on Broadway. No additional comments were heard or communications received.

The following Resolution No. 3 was offered by Commissioner McGuire and supported by Vice Mayor Holton:

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described;

AND, WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment No. 1-08;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to install sidewalk from Williams St. to the City limits in the City, Special Assessment District No. 1-08.
2. The plans, profiles and specifications previously prepared by the City Manager are hereby approved.
3. The Commission hereby approves the detailed estimates of cost and determines that of said total estimated cost of \$24,940, \$8,205 shall be paid by special assessments upon the properties specially benefited, and that \$16,735 shall be the obligation of the city-at-large because of the benefit to 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 be and the same hereby are rescinded.

Resolution unanimously adopted.

The following Resolution No. 4 was offered by Commissioner McGuire and supported by Vice Mayor Holton:

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 1-08 to special assess that portion of the cost of the public improvements to the properties specially benefited by said public improvements, and the same has been presented to the City Commission by the City Clerk.

WHEREAS, the district is described as: install sidewalk from Williams St. to the City limits, in the City,

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., Eastern Standard Time, on March 10, 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.

A public hearing was held on the plans and estimates to install curb and gutter on Williams Street from Broadway Street to Michigan Street, in the City, Special Assessment District 2-08. Edwin Gray, 1800 E. Broadway spoke in support of the project but questioned how assessments would be handled for those who paid assessment for Michigan St. curb and gutter. No additional comments were heard or communications received, the Mayor closed the hearing.

The following Resolution No. 3 was offered by Vice Mayor Holton and supported by Commissioner Kilmer:

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described;

AND, WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment No. 2-08;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to install curb and gutter on Williams St. from Broadway St. to Michigan St. in the City, Special Assessment District No. 2-08.

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

3. The Commission hereby approves the detailed estimates of cost and determines that of said total estimated cost of \$82,425, \$9,510 shall be paid by special assessments upon the properties specially benefited, and that \$72,915 shall be the obligation of the city-at-large because of the benefit to 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 be and the same hereby are rescinded.

Resolution unanimously adopted.

The following Resolution No. 4 was offered by Vice Mayor Holton and supported by Commissioner Kilmer:

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 2-08 to special assess that portion of the cost of the public improvements to the properties specially benefited by said public improvements, and the same has been presented to the City Commission by the City Clerk.

WHEREAS, the district is described as: install curb and gutter on Williams St. from Broadway St. to Michigan St., in the City,

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., Eastern Standard Time, on March 10, 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.

A public hearing was held on the plans and estimates to pave the alley located between Lansing Street and Franklin Street from Bellows Street to dead end, in the City, Special Assessment District 3-08. There being no comments heard or communications received, the Mayor closed the hearing.

The following Resolution No. 3 was offered by Commissioner McGuire and supported by Vice Mayor Holton:

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described;

AND, WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment No. 3-08;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to pave the alley located between Lansing St. and Franklin St., from Bellows to dead end in the City, Special Assessment District No. 3-08.

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

3. The Commission hereby approves the detailed estimates of cost and determines that of said total estimated cost of \$33,000, \$17,160 shall be paid by special assessments upon the properties specially benefited, and that \$15,840 shall be the obligation of the city-at-large because of the benefit to 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 be and the same hereby are rescinded.

Resolution unanimously adopted.

The following Resolution No. 4 was offered by Commissioner McGuire and supported by Vice Mayor Holton:

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 3-08 to special assess that portion of the cost of the public improvements to the properties specially benefited by said public improvements, and the same has been presented to the City Commission by the City Clerk.

WHEREAS, the district is described as: pave the alley located between Lansing St. and Franklin St., from Bellows St. to dead end, in the City,

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., Eastern Standard Time, on March 10, 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.

Moved by Vice Mayor Holton and supported by Commissioner Spycher to direct the City Manager and staff to negotiate a contract to be executed by the Mayor and City Clerk with Lynch, Gallagher, Lynch, Martineau and Hackett of Mt. Pleasant, MI for prosecutorial services until December 31, 2009 in the amount of \$5900 per month to be increased 2% in January, 2009. Motion unanimously adopted.

Moved by Vice Mayor Holton and supported by Commissioner Spycher to direct the staff to negotiate a contract to be executed by the Mayor and City Clerk with Clark Hill, PLC of Grand Rapids, MI to serve as the City's general municipal counsel until December 31, 2009 at a cost of \$6800 per month until July, 2008 when the staff will evaluate a per hour rate. Clark Hill, PLC will also be paid \$175.00 per hour for individual matters requiring more than 10 hours service and \$195.00 per hour for matters involving court action. Motion unanimously adopted.

Moved by Vice Mayor Holton and supported by Commissioner Spycher to authorize the Mayor and City Clerk to sign an agreement with Lynch, Gallagher, Lynch, Martineau and Hackett of Mt. Pleasant, MI for current legal matters they retain at a cost of \$125.00 per hour. Motion unanimously adopted.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer that the City Commission pass, ordain and cause to be published Ordinance 941 amending Chapter 30, Section 30.04 "Agenda" to provide for adding or removing items from the agenda by a majority vote of the entire Commission then serving. Motion unanimously adopted.

Moved by Commissioner Ling and supported by Commissioner Kilmer that the recommendation from Tax Increment Finance Authority (TIFA) Board regarding Chippewa River District Library millage capture request be referred back to the TIFA Board for clarification. Motion unanimously adopted.

Vice Mayor Holton abstained from the following discussion on the issue of confirmation of sale of real property by the Mt. Pleasant Economic Development Corporation due to a conflict of interest.

Moved by Commissioner McGuire and supported by Commissioner Spycher to confirm sale of real property by the Mt. Pleasant Economic Development Corporation to Holton Investments, LLC. Discussion ensued.

Moved by Commissioner Ling and supported by Commissioner Kilmer to postpone making a decision until a written legal opinion from Clark Hill is received.

AYES: Commissioners Kilmer and Ling  
NAYS: Commissioners Joslin, McGuire, Palmer and Spycher  
ABSTAINED: Commissioner Holton  
Motion denied.

Discussion continued on the matter and proceeded to a vote.

AYES: Commissioners Joslin, McGuire, Palmer and Spycher  
NAYS: Commissioners Kilmer and Ling  
ABSTAINED: Commissioner Holton  
Original Motion carried.

Commissioner Holton returned to the dias.

Moved by Commissioner Spycher and supported by Commissioner Palmer to appoint Kim Ellertson as the Planning Commission representative on the Zoning Board of Appeals until January 31, 2009. Motion unanimously adopted.

Moved by Vice Mayor Holton and supported by Commissioner Palmer to receive request from Planning Commission and set special joint meeting regarding goals and accomplishments for 6:00 p.m. on Monday, March 24, 2008. Motion unanimously adopted.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer to set special joint meeting of the City Commission, Planning Commission and Zoning Board of Appeals for 5:30 p.m. on March 13, 2008. Motion unanimously adopted.

#### Announcements on City-Related Issues and Concerns

Mayor Joslin reported that he and Commissioner Holton will ask the joint City/County Liaison Committee to discuss the appropriate place to have Human Rights Commission requests reviewed.

#### Public Comment on Agenda and Non-Agenda Items

Attorney Steve Martineau, 500 Kane Street, thanked the City on behalf of Lynch, Gallagher, Lynch, Martineau & Hackett, P.L.L.C. for allowing them to serve as City Attorney for past decades.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer that the meeting adjourn at 8:39 p.m.

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Jon Joslin, Mayor

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Mary Ann Kornexl, Deputy City Clerk