

Minutes of the regular meeting of the City Commission held Monday, January 26, 2009, at 7:01 p.m., in the City Commission Room.

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

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

Commissioners Absent: Commissioner Joslin (excused)

Others Present: City Manager Grinzinger, City Clerk Howard and City Attorney Smith

Proclamations and Presentations

Mayor Holton read and presented proclamation in support of St. John's Episcopal Church 125th Anniversary Month, January 2009 to Rev. Wayne Nicholson.

Received the following petitions and communications:

1. Charter Township of Union Board of Trustees Minutes (December)
2. Charter Township of Union Planning Commission Minutes (December)
3. Cultural and Recreational Commission of Isabella County Minutes (January)
4. Minutes of the Parks and Recreation Commission (October)
5. Revised PACT Employee Policies
6. Street/Motor Pool Activity Report (December)
7. Wastewater Activity Report (November)
8. Wastewater Activity Report (December).

Item #12a "2009 Sanitary Sewer Relining Project" was removed from the consent calendar.

The following items were approved on the Consent Calendar:

1. Minutes of the regular meeting held January 5, 2009.
2. Bid for 2009 Airport Diesel Ground Power Unit awarded to Tronair, Inc., of Holland, Ohio in the amount of \$31,900.00.
3. Performance Resolution For Governmental Agencies and authorize the City Clerk to execute same.
4. St. Henry/St. Charles Catholic Parish request for a one-day liquor license for April 25, 2009.
5. Payrolls dated 1/9/09; 1/14/09; 1/15/09; and 1/23/09 check Nos. 3852-3984 and DD3428-DD3679 and warrants dated 1/8/09; 1/15/09; 1/16/09; and 1/22/09 check numbers 4913-5168, all totaling \$1,399,103.13.

Motion unanimously adopted by consent.

A public hearing was held on Proposed Ordinance to Amend Title XI: Business Regulations, Chapter 112: "Taxicabs" of the Code of Ordinances.

Comments were received from Robert Wheeler, Chippewa Cab, 1608 N. Fancher St.; Darla Ball, Mt. Pleasant Cab, 1033 S. Mission Rd.; and Alberta McBride, Chippewa Cab, 1608 N. Fancher St. There being no other comments or correspondence, Mayor Holton closed the public hearing.

Moved by Commissioner McGuire and supported by Commissioner Tilmann that Ordinance No. 945 having been introduced and read, be amended to include "independent" to the certified mechanic and state licensed facility requirement of §112.05 and add to the definition of limousine in §112.01 to include "(i.e., a vehicle regulated by the Limousine Transportation Act, PA 271 of 1990, as amended, MCL 257.1901 *et seq.*)" now be passed, ordained and ordered published. Motion unanimously adopted.

Moved by Commissioner Tilmann and supported by Commissioner Ling to award the 2009 Sanitary Sewer Relining project to Reynolds Inliner of Hilliard, Ohio in the amount of \$238,585.00. Motion unanimously adopted.

Moved by Vice Mayor Kilmer and supported by Commissioner Tilmann to approve a one year extension of the Royal Cleaning contract for custodial services until February 28, 2010 in the amount of \$95,902. Motion unanimously adopted.

The following Resolution was offered by Commissioner Ling and supported by Commissioner Tilmann:

WHEREAS, In September 1989 the City attempted to create a Local Development Finance Authority (the "1989 LDFA") without designating an authority district; and

WHEREAS, On December 11, 2000 the City Commission established a Local Development Finance Authority, which provided for an authority district which was commonly known as University Park (the "University Park LDFA"), and

WHEREAS, To the extent the 1989 LDFA was created it has ceased to function;

NOW, THEREFORE, BE IT RESOLVED, That to the extent that it was established, the 1989 LDFA is dissolved, effective immediately, according to Section 20 of the Local Development Financing Act, Michigan Compiled Laws 125.2170.

BE IT FURTHER RESOLVED, That this resolution shall in no way affect the University Park LDFA, the existence of which is hereby ratified and confirmed.

Resolution unanimously adopted.

The following Resolution was offered by Commissioner McGuire and supported by Commissioner Tilmann:

WHEREAS, The Local Development Finance Authority (LDFA) has been established for the property referred to as University Park, now known as the Mt. Pleasant Center for Applied Research and Technology (CART); and

WHEREAS, The City Commission wants to confirm the membership of the LDFA Board and to assure that appointments to the LDFA Board are made according to state law requirements;

NOW, THEREFORE, BE IT RESOLVED, That the Mt. Pleasant CART LDFA Board membership shall, as a policy, consist of the following:

- One member appointed by the Isabella County Board of Commissioners
- One member appointed by the Mt. Pleasant Public Schools Board of Education
- One member nominated by Central Michigan University or Central Michigan Research Corporation
- The City Manager or designee or a City Commission member
- One member representing the business interests of the Park
- Two at-large members who are registered voters of the City of Mt. Pleasant

All LDFA Board members shall be appointed by the City Manager with the approval of the City Commission, for staggered four-year terms in duration with the possibility of continued reappointments.

BE IT FURTHER RESOLVED, That the Mt. Pleasant CART Authority be staffed by the City Treasurer and Middle Michigan Development Corporation.

BE IT FURTHER RESOLVED, That all resolutions and parts of resolutions are to the extent of any conflicts with this resolution, rescinded and the City staff are directed to take actions to amend the articles of incorporation or bylaws as needed to be consistent with this resolution.

Resolution unanimously adopted.

The following Resolution was offered by Vice Mayor Kilmer and supported by Commissioner McGuire:

WHEREAS, The Tax Increment Finance Authority (TIFA) Act allows the City Commission to designate the Downtown Development Authority (DDA) Board also serve the TIFA Board; and

WHEREAS, The existing DDA and TIFA have statutory board membership requirements; and

WHEREAS, The City Commission has determined that designating the DDA Board to constitute the TIFA Board is in the best interests of the City; and

WHEREAS, The DDA Act and TIFA Act call for appointments to the DDA/TIFA Board to be for staggered four-year terms and do not limit the number of terms that can be served; and

WHEREAS, City Code Section 32.20 and the DDA Act provide certain requirements for composition of the DDA Board;

NOW, THEREFORE, BE IT RESOLVED, That the Mt. Pleasant City Commission hereby establishes the following policy regarding the membership of the DDA/TIFA Board. Membership of the DDA/TIFA Board shall, as a policy, consist of the following; including at least three registered voters of the City:

- The City Manager
- Six members having an interest in property located in or who are officers, members or employees of a legal entity having an interest in property located in the Mission/Pickard Street district
- Three members having an interest in property located in or who are officers, members or employees of a legal entity having an interest in property located in the Central Business District and/or North Industrial Park
- One resident of the downtown district who is a registered voter of the City.

BE IT FURTHER RESOLVED, That the DDA/TIFA be staffed by the City Treasurer and either the Economic Development Director or the Director of Planning and Community Development.

BE IT FURTHER RESOLVED, That, effective immediately, the City Council Resolution of December 21, 1981, which established the TIFA, is amended in part to read as follows:

Board. The Tax Increment Finance Authority shall be under the supervision and control of a Board consisting of the Board of Directors of the Downtown Development Authority of the City of Mt. Pleasant (the "DDA Board") established pursuant to 1975 P.A. 197, as amended, and § 32.20 of the Mt. Pleasant City Code, as it may be amended from time to time, with the terms of office of members of the Board being co-terminus with the terms of their office as members of the DDA Board.

BE IT FURTHER RESOLVED, That all resolutions and parts of resolutions are to the extent of any conflicts with this resolution, rescinded and the City staff and City legal counsel are directed to take actions to file amendments to the articles of incorporation or bylaws as needed to be consistent with this resolution.

Resolution unanimously adopted.

The following Resolution was offered by Vice Mayor Kilmer and supported by Commissioner Tilmann:

WHEREAS, The Mt. Pleasant Economic Development Corporation (EDC) was originally formed in 1998, and the Brownfield Redevelopment Authority (BRA) in 1997; and

WHEREAS, The EDC and BRA are public bodies corporate that make use of economic development tools anywhere in the City to benefit the overall economic health of the City; and

WHEREAS, Management of the BRA may be assigned to the EDC in accordance with the Act; and

WHEREAS, Neither the EDC nor the BRA has specific boundaries; and

WHEREAS, The EDC and BRA meet only as necessary and each would benefit from the knowledge of the other authority;

NOW, THEREFORE, BE IT RESOLVED, That, pursuant to the Michigan Brownfield Redevelopment Authority Act, 1996 PA 381, as amended, the Mt. Pleasant City Commission hereby designates the Mt. Pleasant Economic Development Corporation Board of Directors to serve as the Brownfield Redevelopment Authority Board.

BE IT FURTHER RESOLVED, That the membership of the EDC Board shall, as a general policy, consist of the following:

- The City Manager
- City Director of Finance and Administrative Services
- Mayor or City Commissioner
- One registered voter of the City representing the financial/banking interests in the community
- One registered voter of the City nominated by the Isabella County Board of Commissioners
- One registered voter of the City nominated by the Mt. Pleasant Public Schools
- Three other at-large registered voters of the City

All Board members shall serve staggered six-year terms, may be appointed to additional terms, and shall hold office until a successor is appointed.

BE IT FURTHER RESOLVED, That the Economic Development Authority be staffed by the Director of Economic Development and Community Services.

BE IT FURTHER RESOLVED, That all resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded, and the City staff legal counsel are directed to take all actions necessary to amend any organizational documents of the BRA and EDC necessary to implement the provisions of the resolution.

Moved by Commissioner Ling and supported by Commissioner Tilmann to amend the motion to allow Isabella County and the Mt. Pleasant Public Schools to nominate a member who is not necessarily a registered voter of the City.

AYES: Commissioner Ling
NAYS: Commissioners Holton, Kilmer, McGuire, Palmer and Tilmann
ABSENT: Commissioner Joslin
Motion failed.

Discussion ensued on original resolution.

Resolution unanimously adopted.

The following Resolution was offered by Commissioner Ling and supported by Vice Mayor Kilmer:

WHEREAS, Title XI, Chapter 110 of the Code of Ordinances of the City of Mt. Pleasant requires that the City Commission from time to time set by resolution the annual fees for the several businesses, activities or things requiring licenses under this chapter

NOW, THEREFORE, BE IT RESOLVED, that the annual fees for taxicab businesses, vehicles, and drivers requiring licenses under Section 110.11 of the Code of Ordinances of the City of Mt. Pleasant are set as follows:

Taxicab company	\$50.00
Taxicabs, each	\$25.00
Drivers Permit	\$40.00

AYES: Commissioners Holton, Kilmer, Ling, McGuire and Tilmann
NAYS: Commissioner Palmer
ABSENT: Commissioner Joslin

Moved by Commissioner McGuire and supported by Vice Mayor Kilmer to enter into closed session pursuant to subsection 8(e) of the Open Meetings Act to consult with the City Attorney regarding pending litigation, and subsection 8(h) of the Open Meetings Act to discuss a legal opinion from legal counsel.

AYES: Commissioners Holton, Kilmer, Ling, McGuire, Palmer and Tilmann
NAYS: None
ABSENT: Commissioner Joslin
Motion carried.

Announcements on City-Related Issues and Concerns

Commissioner Tilmann announced that the Isabella County Council of Governments will be meeting on February 18th at 7:00 p.m. at City Hall.

Commissioner Ling asked if the meeting with Dan Burden on February 4th at 4:00 can be taped? Staff responded that it would be looked into.

Mayor Holton attended the MEDC lunch and announced that they have many interesting new tools available.

Public Comment on Agenda and Non-Agenda Items

David Kerr, owner of property at 205 S. Main St., spoke regarding the Housing Board of Appeals process and how new ordinances are passed.

Moved by Commissioner Palmer and supported by Commissioner McGuire to extend Mr. Kerr's time to speak during public comment from 5 to 10 minutes. Motion unanimously adopted.

The Commissioners recessed at 8:10 p.m. and went into a work session at 8:20 p.m.

WORK SESSION

The purpose of the work session was to review the history of purchases made prior to Commission approval.

City Manager Grinzinger gave introduction and Assistant City Manager/Finance Director Ridley gave presentation of "Purchasing Review" and recommendations.

Discussion ensued.

The Commission went back into open session at 8:40 p.m.

Moved by Vice Mayor Kilmer and supported by Commissioner Tilmann to award the hourly contract for the 2008-2009 snow removal in the downtown area to R & T Murphy Trucking in the amount of \$76.12/hour for 3 Lead Trailers and \$105.00/hour for loaders. Motion unanimously adopted.

Moved by Vice Mayor Kilmer and supported by Commissioner Ling to approve the final change order in the amount of \$35,000 for the additional construction of sidewalk from Bellows to Preston Street on the Washington Street project and authorize the Mayor and City Clerk to execute all necessary documents. Motion unanimously adopted.

The City Commission went into a closed session at 8:49 p.m. A separate set of minutes was taken for the closed session. The Commission went back into open session at 9:43 p.m.

Moved by Vice Mayor Kilmer and supported by Commissioner McGuire that the meeting adjourn at 9:43 p.m. Motion unanimously adopted.

James Holton, Mayor

Jeremy Howard, City Clerk