

Minutes of the regular meeting of the City Commission held Monday, June 14, 2010 at 7:00 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 Joslin, Ling, McGuire and Tilmann

Commissioners Absent: None

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

Proclamations and Presentations

Mayor Holton presented a Proclamation in support of the Access Adventure Grand Opening to Al Kaufman and Steve Martineau.

Mayor Holton presented a Proclamation in support of Ganiard Elementary School 75th Anniversary to Val Wolters.

Additions to Agenda

Revised item #16 to read: "View presentation and consider resolution from the Fluoride Task Force."

Public Input on Agenda Items

Dan Kane, 1410 Illinois Ct.; Carol Hanba, Mid Michigan District Health Department, Oral Health Coordinator; Tom Kochheiser, Michigan Dental Association, Director of Public Affairs; and Susan Deming, Michigan Department of Health, spoke in favor of keeping the current fluoride level in the water as voted on by the people.

Gladys Mitchell, 814 S. Kinney Ave.; Jeremy Hart, 301 Greenfield Dr.; Jeanne Pfeiffer, 1416 Ridge Rd.; and Andrea Gutzman, 507 S. Crapo St. spoke in favor of removing fluoride from the water.

Received the following petitions and communications:

1. Capital Projects Status Report (June)
2. Invitation to MAC TV Network's Ribbon Cutting
3. Mt. Pleasant Housing Commission Minutes (April)
4. Mt. Pleasant Zoning Board of Appeals Minutes (April)

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

1. Minutes of the work session and the regular meeting of the City Commission held May 24, 2010.
2. Minutes of the special meeting of the City Commission held June 1, 2010.
3. Bid of KA Steel Chemicals of Lemont, Illinois for a three month contract for the purchase of caustic soda (NaOH) in the amount of \$20,215.50 (\$404.31 per dry ton) with the ability to purchase additional quantities should water demands increase.
4. Enter into a relationship with Texas Fire Trucks, LTD. for the sale of fire engine "2" with final approval of the sale terms to be approved by the City Manager.
5. 2011-2015 Capital Improvement Plan.
6. Request from Mt. Pleasant Summer Festival for four One-Day Liquor Licenses (June 24, 25, 26 and 27) and two Fireworks Display Permits (June 25 and 26).
7. Payrolls dated 5/28/10 and 6/11/10 and warrants dated 5/26/10; 6/8/10 and 6/10/10 all totaling \$1,176,238.94.

Motion unanimously adopted.

A public hearing was held on creation of Special Assessment District #1-10. James Higgs, Attorney at Law, 117 S. University Ave., Mt. Pleasant spoke on behalf of his client, Ames LLC, against the action to create a special assessment district. There being no other comments or communications the Mayor closed the public hearing.

Moved by Commissioner Joslin and supported by Vice Mayor Kilmer to adopt the following resolutions:

RESOLUTION NO. 3

WHEREAS, on June 14, 2010, the City Commission, after providing proper notice, met to hear objections to the creation of a single lot special assessment district designated as Special Assessment District No. 1-10;

AND, WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment District No. 1-10;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission determines that the demolition and removal of the unsafe structure located at 304 East Gaylord Street/1001 South Franklin Street (the "Property"), which had, pursuant to arrangements made by its owner, fallen off a hauler trailer spilling partially onto the Property and partially onto the public roadway, constitutes a necessary public improvement to abate a public nuisance.
2. The City Commission determines that the Property benefited from the demolition and removal because (i) the public nuisance emanating from the Property was abated; and (ii) the Property is now clear of the structure making it available for the occupancy of the new structure.
3. The reports previously prepared by the City Manager regarding Special Assessment District No. 1-10 are accepted.
4. The Commission approves the detailed estimates of cost and determines that the total estimated cost of \$15,070 shall be paid by special assessments upon the Property.
5. The City Assessor is directed to prepare a special assessment roll in accordance with the Commission's determination.
6. When the Assessor has completed the assessment roll he shall file the roll with the City Clerk for presentation to the Commission.
7. All resolutions and parts of resolutions conflicting with the provisions of this resolution be and the same hereby are rescinded.

RESOLUTION No. 4

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 1-10 to special assess the cost of the demolition and removal of the unsafe structure located at 304 East Gaylord Street/1001 South Franklin Street (the "Property");

WHEREAS, the City Commission has determined the demolition and removal was a necessary public improvement which specially benefited the Property;

AND WHEREAS, the Special Assessment District No. 1-10 is described as: the demolition and removal of the unsafe structure located at 304 East Gaylord Street/1001 South Franklin Street that had fallen off a hauler trailer on to the public right-of-way constituting a necessary public improvement to abate a public nuisance.

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, 320 W. Broadway St., Mt. Pleasant, Michigan, at 7:00 p.m., Eastern Standard Time, on July 12, 2010, to provide an opportunity for interested persons to review the special assessment roll and to afford interested persons 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 Nos. 3 and 4 unanimously adopted.

Moved by Commissioner Ling and supported by Commissioner Tilmann to set a special work session for Monday, June 21, 2010 at 4:30 p.m. to continue discussion on 2011 Budget Plan. Motion unanimously adopted.

Moved by Vice Mayor Kilmer and supported by Commissioner Tilmann to adopt the following Resolution to place proposed amendments to Article XIV, Section 5, of the Charter of the City of Mt. Pleasant on the November ballot.

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 eliminate the requirement that members of the Principal Shopping District Board be qualified electors of the City; and

WHEREAS, it is necessary for the qualified electors of the City to vote on the proposed amendment to City Charter Article XIV, Section 5 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 XIV, Section 5 of the City Charter be amended to read as follows:

Article XIV

Sec. 5 Members of Various Boards; Qualification; Notices.

The appointed members of any City agency, board, or committee, other than the Principal Shopping District Board (also known as the "Downtown Development Board"), shall be qualified electors of the City and shall, insofar as is possible, be representative of the entire City. The appointed members of the Principal Shopping District Board (also known as the "Downtown Development Board") shall meet the requirements of the applicable state law including that one member of the board shall be from the adjacent residential area, one member shall be a representative of the local governmental unit, and a majority of the members shall be nominees of individual businesses located within the principal shopping district. Before an appointed position is filled, notice of the vacancy shall be published at least two (2) times in a local newspaper of general circulation in the City. This notice shall state the nature of the vacancy, the term of office, the function of the agency, board, or committee for which the vacancy exists, and that any qualified elector of the City

may submit names, including his or her own name, for consideration in the filling of the vacancy. No appointed member of any City agency, board or committee shall serve on the same body for more than two (2) consecutive terms.

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 REQUIREMENTS
FOR CITY AGENCIES, BOARDS AND COMMITTEES

Shall Article XIV, Section 5 of the City Charter be amended to provide that appointed members of the Principal Shopping District need not be qualified electors of the City, but shall be, as state law requires, either from adjacent residential areas (one member), a representative of the City (one member), or the owners of an individual business located within the Principal Shopping District (a majority of the members)?

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 November 2, 2010, 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.

AYES: Commissioners Holton, Kilmer, Ling, McGuire and Tilmann
NAYS: Commissioner Joslin
ABSENT: None
Resolution adopted.

Commissioner Ling gave a presentation on the recommendations from the Fluoride Task Force.

Cheryl Majorski, 220 S. Leaton St. thanked the Commission for forming the Fluoride Task Force and spoke in favor of removing fluoride in the water.

Larry Collins, 1413 E. Gaylord spoke as the minority report of the Fluoride Task Force and is in favor of keeping the current fluoride level in the water as voted on by the people.

Moved by Commissioner McGuire and supported by Commissioner Tilmann to approve the following resolution:

WHEREAS, the Mt. Pleasant City Commission appointed a Task Force to review the effectiveness, safety and legal/moral issues associated with water fluoridation, and

WHEREAS, that Task Force has concluded that:

The current role of water fluoridation in fighting tooth decay is relatively small, and

Water fluoridation may pose some potential health risks for at least some subgroups within the population, and

The identification of an increasing number of potential health risks for at least some subgroups significantly increases the legal/ethical questions related to the use of the municipal water system as a delivery mechanism for fluoride,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The recommendations of the majority of the Task Force be adopted.
2. That the addition of sodium fluoride to the water supply be temporarily reduced to the lowest level possible consistent with City Water Ordinance 52.35 as amended in November 2005.
3. That when the EPA issues its new health and risk assessment, the Task Force review those assessments and make a final recommendation to the City Commission.
4. That the Task Force continue to meet quarterly to review any new information on the issue of water fluoridation.
5. That a letter be written to our Congressional representatives asking them to urge the EPA to respond in a timely fashion to the National Research Council's recommendation for a reassessment of the safety of fluoride.

AYES: Commissioners Holton, Ling, McGuire and Tilmann

NAYS: Commissioners Kilmer and Joslin

ABSENT: None

Resolution adopted.

Moved by Commissioner Tilmann and supported by Commissioner McGuire to approve closed session pursuant to subsection 8(d) of the Open Meeting Act to discuss property acquisition and subsection 8(e) of the Open Meetings Act to consult with City Attorney regarding pending litigation.

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

NAYS: None

ABSENT: None

Motion unanimously adopted.

Moved by Commissioner McGuire and supported by Vice Mayor Kilmer to accept the Appointment Committee's recommendation and appoint Nancy English as City Commissioner to fill vacancy left by Jeffrey Palmer until December 31, 2010. Motion unanimously adopted.

Announcements on City Related Issues and Concerns

Commissioner Tilmann announced that June 16, at 7:00 p.m. the Isabella County Council of Governments will be meeting at Chippewa Township Hall. Commissioner Tilmann thanked Max & Emily's for providing concert series and thanked Le Tour de Mont Pleasant sponsors and workers for a job well done.

Commissioner McGuire encouraged applicants for the Planning Commission vacancy.

Public Comment on Agenda and Non-Agenda Items

Jackie Hall, 1939 S. Mackenzie thanked the Commission for allowing the Fluoride Task Force and commended them on the great job they did.

Jim Moreno, 1015 Andre St. thanked the Commission for taking risks and doing what is best for the citizens.

Carol Hanba, Mid Michigan District Health Department, Oral Health Coordinator, respectfully disagrees with Commission's decision to remove fluoride from the water.

Jeremy Hart, 301 Greenfield Dr. spoke in favor of removing fluoride in the water.

The City Commission recessed at 9:03 p.m. and entered into closed session at 9:11 p.m. The Commission went back into regular session at 9:56 p.m. A separate set of minutes was taken for the closed session.

Mayor Holton adjourned the meeting without objection at 9:57p.m.

James Holton, Mayor

Jeremy Howard, City Clerk