

Minutes of the work session of the City Commission held Monday, November 8, 2010, at 6:30 p.m., at Mt. Pleasant City Hall, City Commission Chambers.

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

Commissioners Absent: None

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

A work session was held for the purpose of discussing the proposed 2011 Operating Budget.

City Manager Grinzinger and Assistant City Manager/Finance Director Ridley gave a presentation on the 2011 Operating Budget.

The meeting adjourned at 6:55 p.m.

James Holton, Mayor

Jeremy Howard, City Clerk

Minutes of the regular meeting of the City Commission held Monday, November 8, 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 English, Joslin, Ling, McGuire and Tilmann

Commissioners Absent: None

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

Additions to Agenda

Removed Item No. 7 - "Consider "MDOT Performance Resolution for Governmental Agencies and for designation of Street Administrator for the purpose of representing the City in transactions with the State Transportation Department" from the Agenda.

Received the following petitions and communications:

1. Mt. Pleasant Housing Commission Minutes (September)
2. Communication from Phillip Moore, City of Alma City Manager.

Moved by Commissioner Ling and supported by Commissioner Tilmann to approve the following items on the Consent Calendar:

1. Minutes of the regular meeting of the City Commission held October 25, 2010.
2. Minutes of closed session of the City Commission held October 25, 2010.
3. Bid of Pat McGuirk Excavating of Mt. Pleasant, Michigan in the amount of \$90 per hour for the 2010-2011 Airport Snow Removal Project.
4. Payrolls dated 10/29/10 and warrants dated 10/28/10 and 11/04/10 all totaling \$637,498.64.

Motion unanimously adopted.

A public hearing was held on the proposed ordinances to amend Title XI, Chapter 111: "Video Service Provider Right-of-Way Management" and Chapter 114: "Use of the Public Rights-of-Way" of the Code of Ordinances of the City of Mt. Pleasant. There being no comments or communications the Mayor closed the public hearing.

Moved by Vice Mayor Kilmer and supported by Commissioner English that Ordinance No. 959, an Ordinance to amend Title XI, Chapter 111: "Video Service Provider Right-of-Way Management" and Ordinance No. 960, an Ordinance to amend Chapter 114: "Use of the Public Rights-of-Way" of the Code of Ordinances of the City of Mt. Pleasant, having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

A public hearing was held on the proposed ordinance to amend Title IX, Section 97.18 "Recreational Activities" of the Code of Ordinances of the City of Mt. Pleasant. There being no comments or communications the Mayor closed the public hearing.

Moved by Commissioner Ling and supported by Commissioner English that Ordinance No. 961, an Ordinance to amend Section 97.18 "Recreational Activities" of the Code of Ordinances of the City of Mt. Pleasant, having been introduced and read, now be passed, ordained and ordered published. Motion unanimously adopted.

Moved by Vice Mayor Kilmer and supported by Commissioner English to enter into closed session pursuant to subsection 8(e) of the Open Meetings Act to consult with attorney regarding strategy in connection with specific pending litigation.

AYES: Commissioners English, Holton, Joslin, Kilmer, Ling, McGuire and Tilmann
Nays: None
Motion unanimously adopted.

Announcements on City-Related Issues and Concerns

Mayor Holton congratulated Commissioners Ling and English on their successful campaigns for City Commission seats and thanked all candidates for running.

Commissioner McGuire congratulated Sacred Heart and Mt. Pleasant Schools' football teams on their accomplishments this season.

Commissioner English offered her congratulations to area cross country teams for their accomplishments this season.

The City Commission recessed at 7:09 p.m. and entered into closed session at 7:16 p.m. The Commission went back into regular session at 7:32 p.m. A separate set of minutes was taken for the closed session.

Moved by Vice Mayor Kilmer and supported by Commissioner Tilmann to approve the following settlement resolution in the lawsuit filed by the Saginaw Chippewa Tribe of Michigan in 2005:

WHEREAS, in 2005, the Saginaw Chippewa Tribe of Michigan (the "Tribe") sued certain state defendants in the United States District Court for the Eastern District of Michigan (Case No. 05-10296-BC), which was assigned to the Honorable Thomas L. Ludington (the "Lawsuit"); and

WHEREAS, in 2006, the United States of America joined that lawsuit as a plaintiff; and

WHEREAS, in 2007, the City of Mount Pleasant (the "City") and the County of Isabella (the "County") joined that lawsuit as defendants in order to address issues of particular interest to the City and the County; and

WHEREAS, in 2009, Judge Ludington appointed a mediator and the parties have engaged in confidential mediation sessions to attempt to amicably resolve the lawsuit; and

WHEREAS, the parties negotiated a proposed settlement to be considered by each party; and

WHEREAS, the City Commission has carefully considered the proposed settlement's terms in consultation with the City's legal counsel and City administration; and

WHEREAS, the City Commission understands the proposed settlement will have the following effects:

(1) The settlement agreements are expected to have little impact over people who are not members of the Saginaw Chippewa Tribe or property that is owned by anyone who is not a member of the Tribe. The settlement agreements do not assert Tribal sovereignty or jurisdiction over non-tribal members or their property.

(2) The settlement agreements will recognize the Saginaw Chippewa Tribe's sovereignty (or jurisdiction) over matters affecting members of the Tribe and the property owned by its members particularly in areas of law and ordinance enforcement and court jurisdiction.

(3) The Reservation boundaries include five full townships and two half townships in Isabella County as the Tribe and U.S. Government contended. That portion of the City of Mt. Pleasant lying north of High Street is recognized as part of the Isabella Reservation.

WHEREAS, the City Commission believes the proposed settlement is comprised of a complex and innovative set of on-going agreements that reflect the participants' commitment to collaboration and their belief that the best way to build positive, safe relationships within the greater community is through inter-governmental cooperation; and

WHEREAS, the City Commission believes the proposed settlement is in the best interests of the City's residents, property owners, tax-payers and visitors.

NOW, THEREFORE, it is resolved as follows:

1. The settlement documents comprised of the Order for Judgment, the Law Enforcement Agreement, the Local Regulation Agreement, the Revenue Agreement, and the Zoning and Land Use Agreement are approved in substantially the form attached as Exhibit A to this Resolution.

2. The Mayor and Clerk are authorized and directed to sign each of the four agreements that are part of the settlement documents and the City's legal counsel is authorized and directed to stipulate to entry of the Order for Judgment all in substantially the form attached as Exhibit A.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

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

NAYS: None

Resolution unanimously adopted. (attachments to resolution CCM Exh. 3-2010)

City Manager Grinzinger gave a presentation on information relating to the settlement of the lawsuit filed by the Saginaw Chippewa Tribe of Michigan in 2005.

Mayor Holton adjourned the meeting at 7:56 p.m. without objection.

James Holton, Mayor

Jeremy Howard, City Clerk