

Minutes of the Special Meeting of the City Commission held Monday, September 26, 2011, at 6:16 p.m., at Mt. Pleasant City Hall, City Commission Chambers.

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

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

Commissioners Absent: None

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

1. Consider setting future work sessions.

City Manager Grinzinger and Mayor Kilmer reminded the Commission of how this discussion started at their last retreat on July 5, 2011.

Discussion ensued.

2. Review priorities and goals discussed at the July 5, 2011 City Commission retreat.

City Manager Grinzinger reviewed the three priorities/goals that were created during the Commission's retreat on July 5, 2011.

Discussion ensued. General agreement was reached that additional time for further discussion is needed.

Mayor Kilmer adjourned the meeting at 6:59 p.m. without objection.

Bruce Kilmer, Mayor

Jeremy Howard, City Clerk

Minutes of the regular meeting of the City Commission held Monday, September 26, 2011, at 7:05 p.m., in the City Commission Room.

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

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

Commissioners Absent: None

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

Proclamations and Presentations

Mayor Kilmer read and presented a proclamation in support of "Bowlers Hall of Fame Day" October 9, 2011 to a representative of the Bowlers Hall of Fame.

Additions to Agenda

Item #14 "Set a work session for October 10, 2011 at 6:00 p.m. at the Mt. Pleasant City Hall, 320 W. Broadway St. to discuss priorities and goals discussed at the July 5, 2011 City Commission retreat." was added to the Consent Calendar.

Received the following petitions and communications:

1. Mt. Pleasant Planning Commission Minutes (August)
2. Mt. Pleasant Housing Commission Minutes (July)

Moved by Commissioner Holton and supported by Commissioner Robinette to approve the following items on the Consent Calendar:

1. Minutes of the regular meeting of the City Commission held September 12, 2011.
2. Minutes of the closed session of the City Commission held September 12, 2011.
3. Sole source bid of Kennedy Industries of Milford, Michigan for purchase of a Multirode control panel and alarm system in the amount of \$11,140.

4. WHEREAS, Richardine McCullough and Deborah Pridgeon (the "Plaintiffs") recently sued the City in the Isabella County Circuit Court (Case No. 11-9315-CZ) claiming the deck that was constructed on a concrete slab that encroaches on the rear yard setback applicable to their property located at 218 North Lansing in the City (the "Property") is permissible as a legal pre-existing nonconforming use, that it actually reduces a preexisting nonconformity, and/or that the City's Zoning Board of Appeals (the "ZBA") should have granted a variance to allow the deck (the "lawsuit"); and

WHEREAS, the City disputes the Plaintiffs' claims in the lawsuit and, contrary to the Plaintiffs' claims in the lawsuit, the City Commission believes the ZBA and City staff acted appropriately and consistent with the City's zoning ordinance and other applicable laws; and

Whereas, the City Commission recognizes no neighbors object to its construction or location;

WHEREAS, the City Commission, recognizes that, given the proximity of the deck to the nearby driveway, it is unlikely to have any adverse impact on the uses of adjacent property; and

Whereas, the existence of the concrete slab, while not necessarily a pre-existing condition justifying construction of the deck in its current location, is a factor distinguishing the Property from other parcels in the City; and

WHEREAS, defense of the lawsuit will be costly and, in the judgment of the City Commission given the circumstances related above will not significantly affect the public health, safety or general welfare.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The settlement of the lawsuit by a stipulated court order in a form acceptable to the City Manager and City's legal counsel is approved with the settlement to provide for the following:

A. The lawsuit shall be dismissed with finality and with all parties bearing their own costs.

B. The Plaintiffs may maintain the deck as currently constructed, but neither Plaintiffs nor their successors-in-interest shall make any alterations to the deck unless a building permit is first obtained and written approval is obtained from the Zoning Administrator for the City of Mt. Pleasant who shall apply the regulations of the City's zoning ordinance in effect when the request for such permit is made.

C. A certified copy of the court order may be recorded in the office of the Isabella County Register of Deeds.

2. All resolutions and parts of resolutions that conflict with this resolution are, to the extent of such conflict, hereby rescinded.

5. Payrolls dated 9/16/11 and warrants dated 9/14/11 and 9/22/11 all totaling \$947,739.60.
6. Set a work session for Monday, October 10, 2011 at 6:00 p.m. at the City of Mt. Pleasant City Hall, 320 W. Broadway Street to discuss priorities and goals discussed at the July 5, 2011 City Commission retreat.

Motion unanimously adopted.

A public hearing was held on a proposed ordinance to rezone property located at 617 -701 E. Pickard from I-1 to C-3. There being no public comments or communications the Mayor closed the public hearing.

Moved by Commissioner English and supported by Commissioner Tilmann that Ordinance 970, an Ordinance to amend the Zoning Map of Chapter 154: Zoning Ordinances 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.

Received Commissioners' recommendations and rankings for Saginaw Chippewa Indian Tribe two percent allocations. The City Manager will forward all the requests and rankings to the Tribe.

Moved by Commissioner Ling and supported by Commissioner Robinette to approve the purchase of 40 acres of real property near Municipal Airport from Turf, Inc. and authorize the Mayor and City Clerk to sign necessary paperwork. 97.5% of the purchase will be funded with grant funds from the Federal Aviation Administration (FAA) and Michigan Department of Transportation (MDOT) Bureau of Aeronautics funds. Motion unanimously adopted.

Moved by Commissioner Holton and supported by Commissioner English to approve the sale of real property and license agreement with Turf, Inc. Motion unanimously adopted.

Moved by Commissioner English and supported by Commissioner Tilmann to receive Brownfield Plan Amendment #1 for Site #5 (510-600 W. Pickard St), and set public hearing on same for October 24, 2011 at 7:00 p.m. Motion unanimously adopted.

Announcements on City-Related Issues and Concerns

Commissioner Joslin encouraged everyone to attend Mardi Gras this Friday, September 30th, downtown.

Vice Mayor Ling announced that she attended a meeting of the International Relations Council and reported on plans for a spring delegation. She also mentioned that the Council will be having their annual banquet on November 11th. Vice Mayor Ling also requested an update on Neighborhood Action Group activities by the end of the year.

Mayor Kilmer announced that he will do his best as Mayor to keep the Commission informed on all issues. He thanked the City Attorney for the hard work he does behind the scenes on difficult issues.

Public Comment on Agenda and Non Agenda Items

Jan Howard, Executive Director of MAC TV, gave information on the "Downtown Mt. Pleasant Lip Dub" and encouraged citizens, staff and commissioners to participate.

Mayor Kilmer adjourned the meeting at 7:36 p.m. without objection.

Bruce Kilmer, Mayor

Jeremy Howard, City Clerk