

Minutes of the regular meeting of the City Commission held Monday, April 9, 2012 at 7:00 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, Joslin, Rautanen and Tilmann

Commissioners Absent: Commissioner Holton

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

Proclamations and Presentations

City Manager Grinzinger introduced Heather Smith as the new Community Information Director for the City of Mt. Pleasant.

Additions to Agenda

Item #22. "Consider approval of an escrow agreement between the City, Yorkshire Commons Limited Dividend Housing Association Limited Partnership and Mt. Pleasant Abstract & Title Company to enable the closing of the sale of the Yorkshire Commons Complex and to authorize the Mayor and City Clerk to sign all necessary documents."

Public Input on Agenda Items

Tom Moffit, 1101 Watson, spoke in favor of the Deer Reduction Program.

Received the following petitions and communications:

1. Mt. Pleasant Housing Commission Minutes (January)
2. Mt. Pleasant Housing Commission Minutes (February)
3. Zoning Board of Appeals Minutes (January)
4. Mt. Pleasant Parks and Recreation Commission Minutes (February)
5. Report from USDA and Thomas Forsberg, Interim Director of Public Safety regarding Deer Reduction Program

Items 10b "Street Sweeper bid" and 10d "Tree Planting bid" were removed from the Consent Calendar.

Moved by Commissioner Joslin 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 March 26, 2012.
2. Minutes of the closed session of the City Commission held March 12, 2012.
3. Minutes of the closed session of the City Commission held March 26, 2012.
4. Purchase of two Multirode control panels and alarm systems for the North Isabella and Nelson Park lift stations from Kennedy Industries of Milford, Michigan in the amount of \$24,760.
5. Bid of Wonsay Tree Service of Alma, Michigan for tree trimming and removal services of street trees in the amount of \$28,500.
6. Bid of Central Asphalt of Mt. Pleasant, Michigan in the amount of \$47,562.50 for 2012 Patching Materials-Asphalt.
7. Resolution in support of Treasurer, Mary Ann Kornexl to legally represent the City in Small Claims Court for collection of delinquent personal property taxes.

WHEREAS, Pursuant to MCL 600.8408(3), certain representatives of the City of Mt. Pleasant Treasurer's Office, may be authorized to appear on behalf of the City of Mt. Pleasant in the State of Michigan District Courts, Small Claims Division, to collect delinquent personal property taxes pursuant to MCLA 211.47 (2) and other amounts owed to the City, and

WHEREAS, Unlike taxes on real property, personal property taxes cannot be returned delinquent and collected by the County Treasurer after the last day of February, and

WHEREAS, The tax law places the burden of collecting these taxes directly on the City Treasurer, and

WHEREAS, The Treasurer can seek collection of delinquent personal property taxes in the Small Claims Division of the District Court for amounts up to \$3,000,

NOW, THEREFORE BE IT RESOLVED that, pursuant to MCLA 600.8408(3), Mary Ann Kornexl, City Treasurer is hereby authorized to appear on behalf of the City of Mt. Pleasant in the State of Michigan District Courts, Small Claims Divisions, to collect delinquent personal property taxes pursuant to MCLA 211.47(2) and other amounts owed to the City.

8. Resolution to allow for partial funding from MDOT for the rehabilitation of the corporate hangar apron pavement.

WHEREAS, a Grant Agreement (Federal Project Number E-26-0069-1309, MDOT Contract No. 2012-0381) has been submitted by the Michigan Department of Transportation, which requires the City of Mt. Pleasant to adopt a resolution authorizing the approval of the contract for reimbursement of funds to the City for the airport apron rehabilitation project, and

WHEREAS, the corporate hangar apron is the main parking area for corporate jets and twin engine aircraft; and

WHEREAS, significant pavement maintenance of the corporate hangar apron is required because of pavement failure; and

WHEREAS, the Agreement has been approved by the City Manager as to substance.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk be authorized to execute said Agreement on behalf of the City of Mt. Pleasant.

9. Agreement with Mead & Hunt for services related to the Airport Layout Plan at an amount not to exceed \$103,628.00.
10. Resolution to allow partial funding from MDOT for the Michigan Street Reconstruction Project.

WHEREAS, a Grant Agreement (MDOT Contract No. 12-5090) has been submitted by the Michigan Department of Transportation, which requires the City of Mt. Pleasant to adopt a resolution authorizing the approval of the contract for reimbursement of funds to the City for the 2012 Michigan Street Reconstruction Project, including all related work, and

WHEREAS, the reconstruction and improvements made to Michigan Street will improve safety for both motoring and pedestrian traffic; and

WHEREAS, the Agreement has been approved by the City Manager as to substance,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk be authorized to execute said Agreement on behalf of the City of Mt. Pleasant.

11. Payrolls dated 3/28/12 and 4/2/12 and warrants dated 3/28/12 and 4/4/12 all totaling \$844,645.57.

Motion unanimously adopted.

Moved by Commissioner Rautanen and supported by Commissioner Tilmann to approve the purchase of a 2012 Combination Street Sweeper from Fredrickson Supply of Wyoming, Michigan in an amount not to exceed \$222,482.38. Motion unanimously adopted.

Moved by Vice Mayor Ling and supported by Commissioner Rautanen to award the bid for the purchase of 160 trees to be used by the Street and Park Departments to Schichtel's Nursery, Inc. of Springville, New York in the amount of \$10,100.00. Motion unanimously adopted.

Moved by Vice Mayor Ling and supported by Commissioner Tilmann to receive the 2013-2017 proposed Capital Improvement Plan and set a public hearing for Tuesday, May 29, 2012 at 7:00 p.m. Motion unanimously adopted.

Moved by Commissioner English and supported by Commissioner Rautanen to adopt the following Resolution To Approve And Submit The Language Of The Proposed Amendment to Article II, Subsection 15(A) Of The Charter Of The City of Mount Pleasant, Michigan:

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 requirement that the City Commission's annual organization meeting be held at 8 p.m. on the first Monday in January, or the first day thereafter that is not a holiday, to the simpler requirement that the City Commission's annual organization meeting be held during January each year thereby allowing the organizational meeting to occur during any time in January, most likely at the first scheduled meeting that is often on the second Monday; and

WHEREAS, it is necessary for the qualified electors of the City to vote on the proposed amendment to City Charter Article II, Section 15(A); 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 II, Subsection 15(A) of the City Charter be amended to read as follows:

Article II

Sec. 15(A) Organization Meeting, Time, Place, Special Meetings, Notices, Quorum, Minutes.

(A) The first meeting of the Commission shall be held during January each year for the purpose of organization at the usual place for holding the meetings of the legislative body of the City. The City Clerk shall preside at the first meeting until the Mayor has been selected.

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 THAT THE CITY
COMMISSION'S
ANNUAL ORGANIZATION MEETING BE HELD DURING JANUARY EACH YEAR

Shall Article II, Subsection 15(A) of the City Charter be amended to provide that the City Commission's annual organization meeting be held during January each year?

This amendment is proposed for the purpose of changing the City Charter requirement that the City Commission's annual organization meeting be held at 8 p.m. on the first Monday in January, or the first day thereafter that is not a holiday, to the requirement that the City Commission's annual organization meeting be held during January each year.

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 his 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 6, 2012, 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.

Motion unanimously adopted.

Moved by Commissioner Tilmann and supported by Commissioner English to adopt the following Resolution To Approve And Submit The Language Of The Proposed Amendment To Article II, Subsection 15(D) Of The Charter Of The City of Mount Pleasant, Michigan.

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 change the requirement that the City Clerk shall post a notice of each special meeting of the Commission at least 12 hours prior to the time of the meeting to the requirement that notice be posted at least 18 hours prior to the time of the meeting as required by Michigan's Open Meetings Act, 1976 PA 267, as amended; and

WHEREAS, it is necessary for the qualified electors of the City to vote on the proposed amendment to City Charter Article II, Section 15(D) 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 II, Subsection 15(D) of the City Charter be amended to read as follows:

Article II

Sec. 15(D) Organization Meeting, Time, Place, Special Meetings, Notices, Quorum, Minutes.

(D) The City Clerk shall post a notice of the times established for regular scheduled meetings of the Commission in a conspicuous public area of the Municipal Building at such times so as to comply with the laws of the State, and in no event fewer than three (3) days prior to the first regular scheduled meeting of the Commission. The City Clerk also shall post a notice of all special meetings and their purposes in a conspicuous public area of the Municipal Building at such time so as to comply with the laws of the State, but not less than eighteen (18) hours prior to the time of the meeting. No business shall be transacted at a special meeting of the Commission except as set forth in the notice of the special meeting.

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 THAT NOTICE OF
SPECIAL MEETINGS OF THE CITY COMMISSION BE POSTED NOT
LESS THAN 18 HOURS PRIOR TO THE TIME OF THE MEETING

Shall Article II, Subsection 15(D) of the City Charter be amended to provide that the City Clerk shall post a notice of each special meeting of the Commission not less than 18 hours prior to the time of the meeting?

This amendment is proposed for the purpose of changing the City Charter requirement that the City Clerk shall post a notice of each special meeting of the Commission at least 12 hours prior to the time of the meeting to the requirement that notice be posted at least 18 hours prior to the time of the meeting as required by state law.

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 his 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 6, 2012, 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.

Motion unanimously adopted.

Moved by Commissioner English and supported by Commissioner Tilmann to adopt the following Resolution To Approve And Submit The Language Of The Proposed Amendment To Article XIV, Section 5 Of The Charter Of The City Of Mount Pleasant, Michigan.

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 appointed members of any City agency, board or committee may serve on the same body for not more than two consecutive terms; 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.

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 ELIMINATING TERM LIMITS
FOR APPOINTED MEMBERS OF CITY AGENCIES, BOARDS AND COMMITTEES

Shall Article XIV, Section 5 of the City Charter be amended to provide that appointed members of any City, agency, board or committee may serve on the same body without term limits?

This amendment is proposed for the purpose of eliminating the City Charter requirements that appointed members of any City agency, board or committee may serve on the same body for not more than two consecutive terms.

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 his 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 6, 2012, 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.

Motion unanimously adopted.

Moved by Commissioner Tilmann and supported by Commissioner Rautanen to approve a contract with Municipal Analytics LLC of Ann Arbor, Michigan to conduct an income tax feasibility study; authorize a budget amendment of \$17,550 to cover the cost of the study and authorize the Mayor and Clerk to execute said contract. Motion unanimously adopted.

Moved by Commissioner Joslin and supported by Commissioner English to set a public hearing for Monday, June 11, 2012 at 7:00 p.m. to receive public comment on a

proposed conditional rezoning for property located at 714 S. Main Street from R-3 Residential to M-2 Multi Family Residential, noting that the later date is at the request of the owner. Motion unanimously adopted.

Moved by Commissioner Joslin and supported by Commissioner Rautanen to enter into closed session pursuant to subsection 8(h) of the Open Meetings Act, to discuss a legal opinion from legal counsel.

AYES: Commissioners English, Joslin, Kilmer, Ling, Rautanen and Tilmann

NAYS: None

ABSENT: Commissioner Holton

Motion unanimously adopted.

The Commission entered into closed session at 7:46 p.m. and went back into regular session at 8:02 p.m. A separate set of minutes was taken for the closed session.

Moved by Commissioner Rautanen and supported by Commissioner Tilmann to approve an escrow agreement between the City, Yorkshire Commons Limited Dividend Housing Association Limited Partnership and Mt. Pleasant Abstract & Title Company to enable the closing of the sale of the Yorkshire Commons Complex and to authorize the Mayor and City Clerk to sign all necessary documents. Motion unanimously adopted.

Announcements on City-Related Issues and Concerns

Commissioner Joslin would like the Commission to continue to look at a Charter amendment to have the Office of Mayor be an elected office by the people.

Mayor Kilmer announced that there will be two work sessions on Monday, April 23; one taking place at 6:30 p.m. and the other being conducted after the regular meeting.

The Commission recessed at 8:05 p.m. and went into a work session at 8:16 p.m.

WORK SESSION

The purpose of the work session was to discuss a draft of proposed Anti-Discrimination Ordinance.

City Attorney Scott Smith gave a presentation and led a discussion on the draft of the proposed Anti-Discrimination Ordinance. Discussion ensued.

The Mayor adjourned the meeting without objection at 9:41 p.m.

Bruce Kilmer, Mayor

Jeremy Howard, City Clerk