

Minutes of the regular meeting of the City Commission held Monday, September 24, 2012 at 7:01 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 and Tilmann

Commissioners Absent: Commissioners Holton and Rautanen

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

Proclamations and Presentations

Mayor Kilmer read and presented a proclamation to Heidi Zwyghuizen in support of Crop Hunger Walk and declared October 7, 2012 as "CROP HUNGER WALK DAY".

Additions to Agenda

Change item #16 to: "Consider closed session pursuant to Section 8(e) of the Open Meetings Act to consult with counsel regarding pending litigation".

Petitions and Communications

Received the following petitions and communications:

1. Minutes of the Mt. Pleasant Planning Commission work session (August)
2. Minutes of the Mt. Pleasant Planning Commission regular meeting (August)
3. Minutes of the Principal Shopping District Board (August)
4. Communication from Bill Dailey, Isabella County Commissioner, District 4, regarding County-wide zoning
5. Communication from the Mayor of Okaya, Japan
6. Mt. Pleasant Center Progress Report and Site Map

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

1. Minutes of the regular meeting of the City Commission held September 10, 2012.
2. Minutes of the closed session of the City Commission held September 10, 2012.
3. Minutes of the special meeting of the City Commission held September 13, 2012.
4. Contract with ATI-Group of Flushing, Michigan for the installation and programming of a humidification system in the existing HVAC system at City Hall at a cost of \$28,800.00.
5. Accept the Environmental Protection Agency (EPA) Brownfield Clean-up Grant for the Mt. Pleasant Center site in the amount of \$200,000 and authorize the City Manager to sign appropriate documentation.
6. Payrolls dated 9/14/12 and warrants dated 9/14/12 all totaling \$859,647.87. Motion unanimously adopted.

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

Moved by Vice Mayor Ling and supported by Commissioner English to adopt the following Resolution supporting a "NO" vote on Proposal 5.

WHEREAS, the Michigan Supreme Court has ordered that a "Super-Minority" Constitutional Amendment be placed on the November 6 General Election ballot; and

WHEREAS, this Constitutional Amendment would end simple majority democracy on tax issues in Lansing and allow a minority of just one-third of the members of the House or Senate to block important tax reforms; and

WHEREAS, just 13 state Senators in Lansing would gain the power to block the votes of the other 135 members of the House and Senate making it nearly impossible to end tax breaks and loopholes currently in Michigan tax law that benefit rich and powerful special interests and their lobbyists over ordinary taxpayers; and

WHEREAS, only seven other states have the provision in their constitution; one state, Mississippi, is the poorest state in the nation; another state, Nevada, has the nation's highest unemployment rate; and, one of the states, California, failed to balance its state budget on time in 16 of 20 years because the requirement creates partisan gridlock and makes it nearly impossible for politicians to solve problems cooperatively; and

WHEREAS, if this "Super-Minority" Constitutional Amendment should pass on November 6, our local taxes would almost certainly increase, and in addition, the state's credit rating would almost certainly plummet, forcing taxpayers at the state and local levels to pay more to cover the costs of borrowing to pay for roads, bridges, schools and other critical infrastructure needs;

NOW, THEREFORE BE IT RESOLVED, that the City of Mt. Pleasant City Commission hereby supports a "NO" vote on the "Super-Minority" Constitutional Amendment and call upon all citizens and taxpayers of the City of Mt. Pleasant to defeat this deceitful and dangerous hijacking of the State Constitution by voting a resounding "NO" on this proposed amendment at the polls on November 6, 2012.

Resolution unanimously adopted.

Moved by Commissioner English and supported by Commissioner Tilmann to approve a contract with Spicer Group as the Master Plan consultant at a cost not to exceed \$38,500; authorize the Mayor and Clerk to execute all necessary documents; and increase the budgeted amount to complete Master Plan updates by \$28,500. Motion unanimously adopted.

Moved by Vice Mayor Ling and supported by Commissioner Tilmann to enter into closed session pursuant to subsection 8(e) of the Open Meetings Act to consult with counsel regarding pending litigation.

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

NAYS: None

ABSENT: Commissioners Holton and Rautanen

Motion carried.

Moved by Commissioner Tilmann and supported by Vice Mayor Ling to approve the following resolution supporting a collaboration with the Charter Township of Union and a grass-roots citizen coalition to gather information about the practicality of planning jointly for an area-wide dog park.

WHEREAS, Consideration of a dog park is mentioned in the Parks & Recreation Master Plan and included in the Capital Plan for 2017; and

WHEREAS, A citizen's coalition has been formed interested in the construction of a dog park through the collaborative efforts of the City of Mt. Pleasant, the Charter Township of Union and concerned citizens; and

WHEREAS, The Charter Township of Union has voted to commit up to \$7,500 or one-half the cost of a site plan and engineering study if the City of Mt. Pleasant agrees to partner equally in the search, selection and contracting of a consultant to complete the site plan work; so

NOW, THEREFORE BE IT RESOLVED, The Mt. Pleasant City Commission agrees to join the Township in efforts to secure proposals to develop a site plan and development cost estimates; and

FURTHER, BE IT RESOLVED, Upon receipt of a recommendation, the City Commission will consider a recommendation to contract with a site plan consultant at a cost, to Mt. Pleasant, not to exceed \$7,500; and

FURTHER, BE IT RESOLVED, The City will continue to work with the Charter Township and interested residents on drafting appropriate cooperative agreements that may lead to joint construction, operation and maintenance arrangements for a dog park.

AYES: Commissioners Kilmer, Ling and Tilmann
NAYS: Commissioners English and Joslin
ABSENT: Commissioners Holton and Rautanen

Resolution failed based on Charter requirement of a majority vote of the entire Commission.

Moved by Vice Mayor Ling and supported by Commissioner Tilmann to allow city staff to continue to collaborate with grass-roots dog park organization and Union Township on creating an RFP for site plan design and estimates for an area-wide dog park.

AYES: Commissioners Kilmer, Ling and Tilmann
NAYS: Commissioners English and Joslin
ABSENT: Commissioners Holton and Rautanen
Motion carried.

Announcements on City-Related Issues and Concerns

Commissioner Tilmann voiced her appreciation for the work done on Michigan Street and how nice it looks.

Public Comment on Agenda and Non-Agenda Items

Mathew Swastek with the CMU Student Government Association informed the Commission on what they are doing to get college students registered to vote and to the polls on election day.

The Commission recessed at 7:49 p.m. and entered into closed session at 7:52 p.m. and went back into regular session at 7:59 p.m. A separate set of minutes was taken for the closed session.

Moved by Commissioner Tilmann and supported by Commissioner Joslin to approve a stipulated settlement order in the lawsuit against J.E. Johnson in a form acceptable to the Mayor, City Manager and the City's legal counsel. Motion unanimously adopted.

The Mayor adjourned the meeting without objection at 8:01 p.m.

Bruce Kilmer, Mayor

Jeremy Howard, City Clerk