

Minutes of the regular meeting of the City Commission held Monday, June 25, 2018, at 6:30 p.m., in the City Commission Room.

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

Commissioners Present: Mayor Lents and Vice Mayor Madaj; Commissioners Gillis, Joseph, Kulick and LaLonde

Commissioners Absent: Commissioner Ling

Others Present: City Manager Ridley and City Clerk Howard

### Proclamations and Presentations

Mayor Lents read and presented a Proclamation to Chris Walton, recognizing the Max & Emily's Concert Series 10<sup>th</sup> Anniversary.

Police Captain Andy Latham gave a presentation on the City's Police Department.

### Additions/Deletions to Agenda

Add Item #15: "Consider appointment to the Board of Review as recommended by the Appointments Committee".

### Receipt of Petitions and Communications

Received the following petitions and communications:

1. City Manager report on pending items.
2. Airport Advisory Board Minutes. (May)
3. Communication from Chris Walton regarding 2018 Max & Emily's Summer Concert Series.
4. Communication from Washington Area Neighborhood Association (WANA) President Eric Baerren regarding Porchfest.

Moved by Commissioner Kulick and supported by Commissioner Gillis to approve the following items on the Consent Calendar:

1. Minutes of the special meeting of the City Commission held June 4, 2018.
2. Minutes of the regular meeting of the City Commission held June 11, 2018.
3. Bid of Alexander Chemical Corp. of Peru, Illinois for caustic soda at a cost of \$976.00/ton and approve a budget amendment for up to \$40,000.
4. Bid of SPACE, Inc. of Midland, Michigan for replacement of records department workstations in the amount of \$18,324.
5. Resolution in support of Traffic Control Order No. 4-2018 as follows:

WHEREAS, the Traffic Engineer of the City of Mt. Pleasant requests that the City Commission issue Traffic Control Order No. 4-2018: Place ("No Parking 8 am - 9 am and 3 pm - 4 pm Bus Loading") signs. Remove (15 Min. Parking Other Times") signs. Place signs on east side of Adams Street from Broadway St. to 50' south of main sidewalk entrance into the Ganiard Elementary School.

Said traffic control order was presented to the City Commission on June 25, 2018, for review and after reviewing said control order and being fully advised in the premises,

BE IT RESOLVED, that the City Commission approves traffic control order No. 4-2018 as a permanent traffic control order.

6. Resolution Authorizing the Acceptance of Funds from the Michigan Department of Natural Resources (MDNR) for the Island Park Fitness Trail and Vietnam Veterans' Memorial Bridge projects as follows:

RESOLVED, that the City of Mt. Pleasant, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the Mt. Pleasant City Commission does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide One Hundred Sixty Five Thousand and no/100 dollars (\$165,000) to match the grant authorized by the Michigan Department of Natural Resources.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the Michigan Department of Natural Resources for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

7. Warrants dated June 12 and 20, 2018 and Payrolls dated June 15, 2018 all totaling \$934,959.50.

Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Commissioner Gillis to approve the adoption of the following Resolution Nos. 1 and 2 to commence the proceedings for Special Assessment District 6-18:

SPECIAL ASSESSMENT DISTRICT 6-18  
RESOLUTION NO. 1

WHEREAS, pursuant to provisions of the City Charter of the City of Mt. Pleasant and Chapter 33: TAXATION, Section 33.17 "Authority to Assess", of the Code of Ordinances, the City Commission of the City of Mt. Pleasant may commence proceedings for the making of local public improvements within the City and determine the tentative necessity thereof, and,

WHEREAS, the City Commission has received a petition from property owners and tentatively deems it to be in the public interest, health and welfare to pave the alley in the

block between Fancher on the west, Kinney on the east, Crosslanes on the south and Andre on the north in the City Special Assessment District No. 6-18;

NOW, THEREFORE, BE IT RESOLVED, THAT:

- The City Manager is directed to cause to be prepared a report which shall include all analysis and information required by Section 33.20 "Survey and Report", of the Code of Ordinances,
- When the aforesaid report is completed, the City Manager shall file the same with the City Clerk for presentation to the Commission.
- All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

SPECIAL ASSESSMENT DISTRICT 6-18  
RESOLUTION NO. 2

WHEREAS, the City Manager has prepared a report concerning certain public improvements in Special Assessment District No. 6-18, which includes all of the information to be included by Section 33.20 "Survey and Report" of the City's Code of Ordinances; and,

WHEREAS, the City Commission has reviewed said report; and,

WHEREAS, the City Commission of the City of Mt. Pleasant determines that it is tentatively necessary to acquire and construct the public improvements in the City of Mt. Pleasant more particularly hereinafter described in this resolution;

NOW, THEREFORE, BE IT RESOLVED, THAT:

- The City Commission hereby tentatively determines that the public improvements described more particularly hereinafter provided for are necessary.
- The total cost of said improvements is estimated to be \$35,000. The amount of \$31,500 shall be spread over the special assessment district as hereinafter described as a result of benefits to be received by the affected properties in the special assessment district. \$3,500 shall be paid by the City-at-large.
- Said special assessment district shall consist of all the lots and parcels of land as follows: pave the alley in the block between Fancher on the west, Kinney on the east, Crosslanes on the south and Andre on the north in the City Special Assessment District No. 6-18;
- Said estimated life of such public improvements is not less than fifteen (15) years.
- The affected properties in the special assessment district shall be assessed in accordance with the relative portion of the sum to be levied in the district, as the benefit to the parcel of land bears to the total benefit to all parcels.
- The aforesaid report shall be placed on file in the office of the City Clerk where the same shall be available for public examination.
- The City Commission shall meet on July 9, 2018 at 6:30 p.m., in the City Commission Room, City Hall, 320 W. Broadway St., for the purpose of hearing public input on the making of said public improvements.
- The City Clerk is hereby directed to cause notice of said hearing to be published and mailed in accordance with applicable statutory and ordinance provisions.
- All resolutions and parts of resolutions conflicting with the provisions of this resolution are hereby rescinded.

Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Commissioner Madaj to approve the resolution supporting the City of Escanaba's tax tribunal case as presented.

Moved by Commissioner Gillis and supported by Commissioner Joseph to amend the original motion to contribute \$5,000 to City of Escanaba MML legal fund.

Moved by Commissioner Joseph and supported by Commissioner Kulick to amend the amendment to contribute ~~\$5,000~~ \$1,000 to City of Escanaba MML legal fund. Motion unanimously adopted.

The Commission considered the amended amendment to contribute \$1,000 to City of Escanaba MML legal fund.

AYES: Commissioners Gillis, Joseph, Kulick, LaLonde and Lents

NAYS: Commissioner Madaj

ABSENT: Commissioner Ling

Motion carried.

Moved by Commissioner Kulick and supported by Commissioner LaLonde to amend the original motion to add a new paragraph to the Resolution: "BE IT FURTHER RESOLVED that the City Commission of the City of Mt. Pleasant, offers financial assistance for defense of this case by contributing \$1,000 to the Michigan Municipal League Legal Defense Fund - Escanaba."

Motion unanimously adopted.

The Commission considered the original motion with amendment to add \$1,000 contribution to MML legal fund and add language to original resolution regarding the contribution as follows:

WHEREAS, Menard Inc. v City of Escanaba, MTT No 14-001918, was recently remanded back to the Michigan Tax Tribunal for reconsideration of the values assessed for the subject property and the theories and tax law used; and

WHEREAS, this case has far reaching implications regarding the valuations of similar properties in the City of Mt. Pleasant, and throughout the State of Michigan, and has resulted in incorrectly reduced valuations in recent years; and

WHEREAS, the City Commission of the City of Mt. Pleasant expresses its support for the City of Escanaba's position in Menard Inc. v City of Escanaba by advocating for the appropriate use and consideration of all methods of property valuation, including the income approach, the sales comparison approach, and the cost-less-depreciation approach; and

WHEREAS, the City Commission of the City of Mt. Pleasant advocates against the "dark store" theory of using vacant, deed restricted properties for the purpose of lowering property value for properties that are not similarly situated. Although the "dark store" theory may have its place as a factor in property valuation, it is our position that it has been applied inconsistently and inappropriately in recent years.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Mt. Pleasant advocates for the consideration of all methods of property valuation, including the income approach, the sales comparison approach, and the cost-less-depreciation approach; and advocates against the "dark store" theory of using vacant, deed restricted properties for the purpose of lowering property value except in very limited situations, and then only as a factor, not as a major valuation approach.

BE IT FURTHER RESOLVED that the City Commission of the City of Mt. Pleasant, offers financial assistance for defense of this case by contributing \$1,000 to the Michigan Municipal League Legal Defense Fund – Escanaba.  
Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Commissioner Joseph to approve budget amendment of \$1000 out of the fund balance for contribution to MML legal fund for litigation in City of Escanaba Tax Tribunal matter. Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Commissioner LaLonde to make the following appointment as recommended by the Appointments Committee:

Board of Review

Sam Staples

Term Expires:

12/31/2018

Motion unanimously adopted.

#### Announcements on City-Related Issues and New Business

Commissioner Kulick reminded residents of the State fireworks laws which only allow the lighting of fireworks the day before, the day of and the day after the July 4<sup>th</sup> holiday .

Commissioner Gillis advised residents to report firework law violations to Central Dispatch at (989) 773-1000; she announced that a work session will be held on sidewalk snow removal and encouraged public to give comments; and she congratulated ICTC on a successful "Dump the Pump" and thanked them for putting on the event.

Mayor Lents reminded the community of the Saturday Farmers Market which begins on June 30<sup>th</sup> and is located on Michigan Street near the Main Street intersection downtown Mt. Pleasant and is open from 9 a.m. to 2 p.m.

The Commission recessed at 7:20 p.m. and went into a work session at 7:26 p.m.

#### WORK SESSION – Sidewalk Snow Plowing Discussion

Mayor Lents led a discussion on sidewalk snow plowing.

Discussion ensued.

Staff will try to incorporate generally agreed upon changes into a new draft of the snow removal ordinance for presentation to the City Commission in the near future and

will begin to prepare bid documents with generally agreed upon recommendations for removing snow from sidewalks.

Mayor Lents adjourned the meeting at 8:30 p.m. without objection.

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Allison Lents, Mayor

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Jeremy Howard, City Clerk