

Minutes of the regular meeting of the City Commission held Monday, January 23, 2017, at 7:00 p.m., in the City Commission Room.

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

Commissioners Present: Mayor Ling and Vice Mayor Lents; Commissioners Gillis, Holton, Kulick, Madaj and Verleger

Commissioners Absent: None

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

Public Input on Agenda Items

Mayor Ling and Fire Lieutenant Dunham presented a Neighborhood Mini Grant to Karen Clark with Orchard Glen Condo Association.

Additions/Deletions to Agenda

Item #17, "Consider consent to assignment of Real Estate Purchase and Sale Agreement and License Agreement with Turf Inc." was moved up to #12 on the agenda at the request of Turf Inc. and by unanimous consent of the City Commission.

Item #18h, "City Manager Evaluation Subcommittee" was added to the agenda.

Receipt of Petitions and Communications

Received the following petitions and communications:

1. City Manager report on pending items:
 - a. Summary of 2017 street projects as related to non-motorized components;
 - b. Indian Pines staff time report.
2. Fourth Quarter Investment Report.
3. Correspondence from City resident Amy Swaney regarding winter sidewalk maintenance.
4. Correspondence from Bob Banta regarding dumpster pickup times.
5. Planning Commission Minutes (November)
6. Airport Advisory Board Minutes (November and December)
7. Receipt of Middle Michigan Development Corporation (MMDC) 2016 Annual Report.
8. Letter at dais from Kurt and Julie Feight regarding dumpster pickup times.

Item #21, "Consider modification to custodial services contract with Commercial Sanitation Management LLC/CMS Services." was removed from the Consent Calendar.

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

1. Minutes of the regular meeting of the City Commission held January 9, 2017.
2. Minutes of the closed session of the City Commission held January 9, 2017.
3. Bid of MC Sandblasting & Painting, Inc. of Cedar Springs, Michigan in the amount of \$94,400.00 for the 2017 Water Treatment Plant Clarifier #2 Repainting and Rehabilitation project.
4. Bid of Layne Christensen Company of Columbus, Ohio in the amount of \$248,550.00 for the 2017 Ranney Well Rehabilitation project.
5. Set a special meeting for Monday, March 13, 2017 at 6:00 p.m. for a joint meeting of the City Commission and Planning Commission
6. Set a special meeting for Monday, February 27, 2017 at 6:00 p.m. for a joint discussion with Brownfield Redevelopment Authority.
7. Resolution in support of Airport T-Hangar rental rates as follows:

WHEREAS, the City fee schedule provides information about what tenants must pay for monthly T-hangar rental.

WHEREAS, the Airport Advisory Board recommends the City Commission reduce the monthly T-hangar rental rate from \$145 to \$125 for a regular T-

hangar, and from \$170 to \$150 for an oversized T-hangar, beginning April 1, 2017.

WHEREAS, the Airport Advisory Board also recommends the City Commission approve a \$25 overnight T-hangar rental fee, and establish a \$100 referral payment to anyone who brings in a new-T-hangar rental tenant upon that new tenant signing a one-year lease, beginning February 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the recommendations as written.

8. Amend contract with R&T Murphy Trucking, LLC to increase the not-to-exceed amount to \$22,000 for 2016-2017 snow removal.
9. Authorize City staff to submit MDOT permits on behalf of the City of Mt. Pleasant as outlined in the annual Performance Resolution for Governmental Agencies.
10. Payrolls dated January 6 and 13, 2017 and warrants dated January 11, 12, 18 and 19, 2017 all totaling \$2,701,072.97.

Motion unanimously adopted.

A public hearing was held on proposed Ordinance amendment to Sections 50.12 and 50.99 of the Code of Ordinances for the City of Mt. Pleasant to restrict the hours of the day for the collection of refuse in certain zones of the City and to provide certain penalties for violations of Chapter 50.

Petro Tolas, business owner, 306 East Broadway St.; Phil Mikus, representative, Granger Waste and Recycling; Josh Weir, District Manager, Waste Management; and Matt Biolette, Republic Services, spoke in opposition of the proposed ordinance.

There being no additional public comments or communications, the Mayor closed the public hearing.

Moved by Vice Mayor Lents and supported by Commissioner Madaj that Ordinance 1021, an Ordinance to amend Sections 50.12 and 50.99 of the Code of Ordinances for the City of Mt. Pleasant to restrict the hours of the day for the collection of refuse in certain zones of the City and to provide certain penalties for violations of Chapter 50 having been introduced and read, now be passed, ordained and ordered published.

Moved by Commissioner Kulick and supported by Commissioner Holton to add a one year sunset clause ending February 28, 2018 to the proposed ordinance.

AYES: Commissioners Gillis, Holton, Kulick, Lents, Ling, Madaj and Verleger

NAYS: None

ABSENT: None

Motion unanimously adopted.

The Commission considered the original motion with amendment.

AYES: Commissioners Gillis, Lents, Ling, Madaj

NAYS: Commissioners Holton, Kulick and Verleger

ABSENT: None

Motion carried

John Kulhavi, new owner of PohlCat, spoke regarding the work they plan to do in the future to the golf course.

Moved by Commissioner Kulick and supported by Commissioner Verleger to authorize the Mayor and City Clerk to sign a Consent to Assignment of Real Estate Purchase and Sale Agreement and License Agreement with Turf Inc. as approved by the City Attorney. Motion unanimously adopted.

Moved by Commissioner Madaj and supported by Vice Mayor Lents to approve an Exception Policy for solid waste pickup times as allowed by Section 50.12 of the Mt. Pleasant Code of Ordinances. (CC Exh. 1-2017)

AYES: Commissioners Gillis, Lents, Ling, Madaj
NAYS: Commissioners Holton, Kulick and Verleger
ABSENT: None
Motion carried

Moved by Commissioner Kulick and supported by Commissioner Verleger to waive any exception application fees for the first year.

AYES: Commissioners Holton, Kulick and Verleger
NAYS: Commissioners Gillis, Lents, Ling, Madaj
ABSENT: None
Motion failed

Moved by Vice Mayor Lents and supported by Commissioner Madaj to approve the Resolution for Application Exception Fee for Solid Waste Collection Times.

Moved by Commissioner Kulick and supported by Commissioner Verleger to amend the original motion to include language that would provide for properties with multiple dumpsters to incur only one fee and that the fee be split amongst the various haulers so long as application for an exception is made by each of the haulers jointly at the same time.

AYES: Commissioners Holton, Kulick Ling, Madaj and Verleger,
NAYS: Commissioners Gillis and Lents,
ABSENT: None
Motion carried

The Commission considered the original Resolution for Application Exception Fee for Solid Waste Collection Times with approved amendment.

WHEREAS, the City Commission recently amended Chapter 50 of the City Code regarding material collection licenses; and

WHEREAS, Section 50.12 of the City Code, as recently amended, provides that no collection of refuse or recycling shall occur before 7:00 a.m. or after 8:00 p.m. in certain zones of the City; and

WHEREAS, Section 50.12(I)(1) of the City Code, as recently amended, provides that the City Commission may approve a policy that allows for exceptions to the 7:00 a.m. start time under extenuating circumstances; and

WHEREAS, Section 50.12(I)(2) of the City Code, as recently amended, provides that the City Commission may establish by resolution an application fee to be paid by the applicant requesting an exception to the 7:00 a.m. start time.

WHEREAS, properties with multiple dumpsters shall incur only one fee and that fee shall be split amongst the various haulers so long as application for an exception is made by each of the haulers jointly at the same time.

NOW THEREFORE BE IT RESOLVED THAT:

1. Based upon City staff's analysis and recommendation, the City Commission hereby establishes the application fee referenced in Section 50.12(I)(2) of the City Code at \$70.00.
2. All resolutions and parts of resolutions, to the extent of any conflict with this resolution, are rescinded.

AYES: Commissioners Gillis, Lents, Ling, Madaj
NAYS: Commissioners Holton, Kulick and Verleger
ABSENT: None
Motion carried

Mayor Ling made the following City Commissioner appointments to Ad-Hoc Committees.

Appointments Committee
Lori Gillis (Chair)

City Manager Evaluation Subcommittee
Kathy Ling

Allison Lents
Jim Holton
Kathy Ling - alternate

Allison Lents
Jim Holton
Nicholas Madaj

Charter Committee
Nicholas Madaj (Chair)
Lori Gillis
Tony Kulick

Intergovernmental Liaison
Kathy Ling
Allison Lents

Council of Governments
Lori Gillis

International Relations/Sister City Committee
Kathy Ling

Property Committee
Tony Kulick (Chair)
Allison Lents
Jim Holton

Mt. Pleasant Area Diversity Council
Nicholas Madaj

Mayor Ling made the following appointments of City Commission Representatives to City boards and commissions for 2017:

Audit Committee
Jim Holton
Mike Verleger
Kathy Ling, alternate

City/CMU Student Liaison Committee
Kathy Ling
Mike Verleger
Nicholas Madaj, alternate

Economic Development Corporation
Brownfield Redevelopment Authority
Kathy Ling
Jim Holton, alternate

Principal Shopping District Board
And Tax Increment Finance Authority
Allison Lents

Moved by Commissioner Madaj and supported by Commissioner Kulick to approve Mayor appointments of City Commission Representatives to City boards and commissions for 2017. Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Vice Mayor Lents to approve Appointments to various City Boards and Commissions as recommended by the Appointments Committee.

Term Expires

Mission/Pickard DDA
Doug Labelle II
Motion unanimously adopted.

December 31, 2019

Moved by Commissioner Kulick and supported by Vice Mayor Lents to postpone remaining TIFA and TIFA/PSD appointments.

Moved by Commissioner Gillis and supported by Commissioner Verleger to amend the original motion to appoint Steve Bissell to the TIFA/PSD.

AYES: Commissioners Gillis, Holton and Verleger
NAYS: Commissioners Kulick, Ling, Lents and Madaj
ABSENT: None
Motion failed

Original motion to postpone remaining TIFA and TIFA/PSD appointments was considered.

AYES: Commissioners Holton, Kulick, Lents, Ling, Madaj and Verleger
NAYS: Commissioners Gillis
ABSENT: None
Motion carried

Moved by Commissioner Kulick and supported by Vice Mayor Lents to approve modification to custodial services contract with Commercial Sanitation Management LLC/CMS Services to eliminate airport cleaning. Motion unanimously adopted.

Moved by Commissioner Madaj and supported by Commissioner Gillis to approve the following Resolution regarding Brownfield Reimbursement Agreements Moratorium as presented:

WHEREAS, the City of Mt. Pleasant established the Mt. Pleasant Brownfield Redevelopment Authority (the "BRA") on May 13, 1997, pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, as amended, MCL 125.2651 *et seq.* ("Act 381"); and

WHEREAS, Act 381 initially allowed tax increment revenues only to pay for environmental remediation activities needed to redevelop contaminated property; and

WHEREAS, Act 381 has since been modified to allow use of tax increment revenues for a number of activities unrelated to environmental remediation, including site preparation work, infrastructure improvements, and the demolition buildings, even on sites that are not contaminated; and

WHEREAS, the City wishes to be prudent in the use of tax increment revenues, especially because they are generated in part from taxes levied by other taxing units, and wishes to ensure tax increment revenues are used only in connection with appropriate projects and to pay appropriate costs; and

WHEREAS, the City will, in conjunction with the BRA Board, need a reasonable time to develop, consider, and approve a policy for brownfield financing.

NOW THEREFORE BE IT RESOLVED THAT:

1. Beginning on the date of this resolution, the City shall not process any new requests for brownfield plans, brownfield plan amendments, reimbursement agreements, or amendments to reimbursement agreements, until the City Commission approves a policy establishing criteria for brownfield financing or until April 1, 2017, whichever occurs first.

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

AYES: Commissioners Gillis, Lents, Ling, Madaj

NAYS: Commissioners Holton, Kulick and Verleger

ABSENT: None

Motion carried

Moved by Commissioner Kulick and supported by Vice Mayor Lents to enter into closed session pursuant to subsection 8(d) of the Open Meetings Act to discuss the possible purchase or lease of real property.

AYES: Commissioners Gillis, Holton, Kulick, Lents, Ling, Madaj and Verleger

NAYS: None

ABSENT: None

Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Vice Mayor Lents to enter into closed session pursuant to subsection 8(c) of the Open Meetings Act for strategy and negotiation session connected with the negotiation of a collective bargaining agreement.

AYES: Commissioners Gillis, Holton, Kulick, Lents, Ling, Madaj and Verleger

NAYS: None

ABSENT: None

Motion unanimously adopted.

Moved by Commissioner Holton and supported by Vice Mayor Lents 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 Gillis, Holton, Kulick, Lents, Ling, Madaj and Verleger

NAYS: None
ABSENT: None
Motion unanimously adopted.

Announcements on City-Related Issues and New Business

Commissioner Holton thanked Director Feldhauser for his service to the City and wished him well in his retirement.

Commissioner Kulick announced that the Citizens Academy is accepting applications until January 31 and he encourages public to apply.

Commissioner Verleger thanked Parks and Recreation for the great job they did putting on Daddy/Daughter Date Night this past weekend.

Vice Mayor Lents apologized to Commissioners for any harsh words she may have spoken in the past and thanked all of them for their service to the community. She hopes they can all work together this year.

Commissioner Gillis reminded citizens that they can take advantage of the neighborhood mini grant program and to contact Fire Lt. Dunham for more information.

Public Comment on Agenda and Non-Agenda Items

Petro Tolas, business owner, 306 E. Broadway St., spoke against having residents clear sidewalks by ordinance, but instead would like to have the City clear sidewalks.

The Commission recessed at 8:43 p.m. and went into closed session at 8:50 p.m. The closed session ended at 9:10 p.m. A separate set of minutes was taken for the closed session.

The Commission went into a second closed session at 9:11 p.m. The closed session ended at 9:23 p.m. A separate set of minutes was taken for the closed session.

The Commission went into a third closed session at 9:24 p.m. The closed session ended at 10:17 p.m. A separate set of minutes was taken for the closed session.

Mayor Ling adjourned the meeting at 10:18 p.m. without objection.

Kathleen Ling, Mayor

Jeremy Howard, City Clerk