

Regular Meeting of the City Commission
Monday, October 8, 2018
7:00 p.m.

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PROCLAMATIONS AND PRESENTATIONS:

1. Proclamation recognizing Indigenous Peoples' Day (October 8, 2018).

ADDITIONS/ DELETIONS TO AGENDA:

PUBLIC INPUT ON AGENDA ITEMS:

RECEIPT OF PETITIONS AND COMMUNICATIONS:

2. City Manager report on pending items.
3. Minutes of the Parks and Recreation Commission (July).
4. Minutes of the Zoning Board of Appeals (April).
5. Minutes of the Tax Increment Finance Authority/Principal Shopping District TIFA/PSD. (August).
6. Receipt of Michigan Municipal League (MML) 2018-2019 Core Legislative Principles.
7. Receipt of 2017-2018 Annual State of the League Report from Michigan Municipal League (MML) Executive Director and CEO Dan Gilmartin.
8. Correspondence received from McLaren Central Michigan regarding Maple Street project.
9. Correspondence received regarding residential sidewalk snow removal. (2)

CONSENT CALENDAR: DESIGNATED (*) ITEMS

CITY COMMISSION MINUTES:

- * 10. Approval of the minutes of the regular meeting held September 24, 2018.

PUBLIC HEARINGS:

11. Public hearing on an ordinance to amend Chapter 30 and 31.01 of the Mt. Pleasant City Code and consider approval of the same.
12. Public hearing on an ordinance to amend Section 98.37 of the Mt. Pleasant City Code regarding snow and ice removal and consider approval of the same.

ALL INTERESTED PERSONS MAY ATTEND AND PARTICIPATE. PERSONS WITH DISABILITIES WHO NEED ASSISTANCE TO PARTICIPATE MAY CALL THE HUMAN RESOURCES OFFICE AT 779-5313. A 48-HOUR ADVANCE NOTICE IS NECESSARY FOR ACCOMMODATION. HEARING IMPAIRED INDIVIDUALS MAY CONTACT THE CITY VIA THE MICHIGAN RELAY CENTER FOR SPEECH & HEARING IMPAIRED: 1-800-649-3777.

STAFF RECOMMENDATIONS AND REPORTS:

- * 13. Consider setting a special meeting for October 29, 2018 at 7:00 p.m. in the CMU Bovee University Center for the purpose of meeting with Central Michigan University Student Government Association.
- 14. Consider closed session pursuant to subsection 8(h) of the Open Meetings Act for material exempt from discussion or disclosure by state or federal statute.
- * 15. Approval of payrolls and warrants.

ANNOUNCEMENTS ON CITY-RELATED ISSUES AND NEW BUSINESS:

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS:

RECESS:

WORK SESSION: (Conference Room A-upstairs)

- 16. Discussion on 2019 Operating Budget.

RECESS:

CLOSED SESSION: (Conference Room A-upstairs)

ADJOURNMENT:

PROCLAMATION

- WHEREAS,** In 2010 the State of Michigan, the County of Isabella and the City of Mt. Pleasant recognized the official boundaries of the Isabella Indian Reservation through a historic set of agreements; and
- WHEREAS,** These historic agreements amicably settled long-standing Indian Country jurisdictional issues and are now considered model agreements for the rest of the Country; and
- WHEREAS,** The City of Mt. Pleasant desires to demonstrate and celebrate its strong and productive relationship with the Saginaw Chippewa Tribal Council based on mutual respect and trust; and
- WHEREAS,** The idea of Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and
- WHEREAS,** Indigenous Peoples' Day is an opportunity to educate about pre-existing Indian cultures that have survived an often violent colonization process and continue to exist and thrive in present day America;
- NOW, THEREFORE,** I, Allison Quast-Lents, Mayor of the City of Mt. Pleasant do hereby proclaim the second Monday in October ***Indigenous Peoples' Day***; and
- FURTHER,** The City supports that Indigenous Peoples' Day be used to reflect upon the ongoing struggles of Indigenous people on this land and to celebrate the thriving culture and value that the Saginaw Chippewa and other Indigenous peoples add to our city and community.
- AND FURTHER,** The City of Mt. Pleasant City Commission recognizes the value of working collaboratively together with the Saginaw Chippewa Tribal Council and looks forward to addressing areas of mutual concern in our community.

In Witness Whereof, I hereunto set my hand and the Great Seal of the City of Mount Pleasant, Michigan, this 8th day of October, 2018.

Allison Quast-Lents, Mayor
City of Mount Pleasant, Michigan

COMMISSION LETTER #161-18
MEETING DATE: OCTOBER 8, 2018

TO: MAYOR AND CITY COMMISSION OCTOBER 3, 2018

FROM: NANCY RIDLEY, CITY MANAGER *Nes*

SUBJECT: CITY MANAGER REPORT ON PENDING ITEMS

This report on pending items reflects the current status.

1. Task Related Issues:

SHORT DESCRIPTION OF TOPIC	MEETING TOPIC WAS AGREED TO	REQUESTED DUE DATE	STATUS AS OF 10.3.18
Purchasing Policy Outline options for changes to bid approval limits and local preference language.	March 26	None	
GumBuster Rental Investigate whether GumBuster machine can be rented outside of Principal Shopping District (PSD)	May 14	None	Will obtain recommendation from PSD on rental rate at September meeting.
Property Maintenance/Blight Ordinance Work with attorney to draft ordinance and obtain feedback on draft from neighborhood associations	February 26	None	Work Session discussion delayed
Potential Challenges/Barriers to Infill Development Review list created and recommend potential solutions to some the City can impact.	May 29	None	
Recreation Authority Manager/Mayor/Vice Mayor to discuss with County and Township at next intergovernmental meeting. Manger to obtain final report from Community Pool Group.	July 9	None	
Self Defense Research what type of courses are currently being offered to the community and what it might cost for the City police officers to offer such training	August 27	None	

2. Scheduled Tentatively Work Session Topics

- ✓ September 24 Property maintenance/blight ordinance- to be rescheduled
- ✓ October 8- Operating Budget- downtown, capital, begin fee discussions
- ✓ October 22- Operating Budget- fees, begin questions received from Commissioners
- ✓ October 29- Economic Development contracts
Sidewalk snow removal (if needed)
- ✓ November 12- Closed session for City Manager evaluation (if requested)
Property standards ordinance?
- ✓ November 26- Operating Budget (if needed)
Attorney recommendation/review (if needed)
- ✓ December 10- Hopefully last meeting of the year

3. To come back to City Commission

- MOA for Mt. Pleasant Center
- Airport potential partners and potential agreement
- Plans necessary for Redevelopment Ready Community Certification (marketing plan)
- Property standards/blight draft ordinance-obtaining neighborhood and HBA feedback- Scheduled for September 24 work session rescheduled to November 12
- Barriers to infill development-potential solutions
- Purchasing policy
- Economic Development Contracts-meet with CMURC and MMDC- Scheduled for October 29

4. Items not likely to be addressed in 2018

- Rental Housing-additional inspections (mechanical, electrical and plumbing) for converted units
- Building inspection – coordination of inspections with County (Note: new fees will be recommended with 2019 Operating Budget)

- Dumpsters located in paved alleys
- Indian Pines south entrance
- Non-motorized plan-priority policies to focus on in 2018
- Potential ordinance change for single day trash pickup by neighborhood
- Effectiveness of storm water ordinance-(Note: Still working with partners county-wide on stormwater matters)
- Police statistics –desired outcomes and uses
- Rental Housing Inspections: frequency based on good inspections
- Sustainability goals
- Incentives/strategy for owner-occupied conversions
- Homeowner loan and emergency program-needs to be coordinated with above topic
- Mt. Pleasant Center preferred development
- Community Pool-have not received additional information since feasibility study completed
- Fee proposals based on guidelines-some will be incorporated into 2019 Operating Budget recommendation

Please note items that have changed since the last report are highlighted in yellow for easy reference.

Approved Minutes

Mt. Pleasant Parks and Recreation Commission

Regular Meeting

Tuesday, July 24, 2018

7:00 p.m., City Hall Conf. Room E

- I. **CALL TO ORDER** – 7:04 p.m.
- II. **PLEDGE OF ALLEGIANCE**
- III. **ATTENDANCE AND DECLARATION OF QUORUM**
 - A. Commission Members: Alsager, Batcheller, Busch, Irwin, Little, Stressman
 - B. Members Absent: Barber
 - C. Parks and Recreation Staff: Bundy , Hofer, Way
- IV. **APPROVAL OF AGENDA/MINUTES & COMMISSION BUSINESS**
 - A. Changes/Approval of Agenda – under Item VII. Old and New Business add Item B. City Discussion on Parks District & Community Pool. Motion by Alsager, second by Irwin to approve agenda. Motion unanimously carried.
 - B. Approval of Minutes – motion by Batcheller, second by Stressman to approve the minutes for the meeting held Tuesday, June 26, 2018. Motion unanimously carried.
- V. **PUBLIC COMMENTS** - None
- VI. **DEPARTMENT REPORTS**
 - A. Parks – Director Bundy reported on the following:
 - New full-time parks employee David “Dig” Fremin began his employment in June.
 - Horizon Park Updates -
 - Upgraded restroom stall doors with composite material resistant to vandalism
 - Added LED lighting in restroom and pavilion
 - Purchased new benches, grills and drinking fountain
 - Plan to add two universally accessible pathways from Chase Run to the park (fall completion)
 - Tree planting
 - Chipp-a-Waters restroom planned hookup to City sewer system. Staff working with DPW to combine bid with another project in the area to maximize savings (2018 project).
 - Mission Creek Restroom/Concession – bid awarded to Garber Contracting. Clearing for septic system is completed; contractor to begin work in the next week. Parks Director and City Manager attended Union Township board meeting to support potential contribution to the Restroom project; board voted to contribute \$37,000 towards project (fall 2018 completion). Staff also applied for a \$20,000 EMCOG Grant to complete the concession portion of the project. 80% of the grant was awarded to the City for the

project. Staff is looking at securing the \$4,000 balance for the total project cost and or reducing the scope items to meet the budget.

- Island Park Amphitheater project bid going out in next two weeks; waiting on DEQ permit.
- Flood Repairs – section of trail at Mill Pond completed; riprap added along riverbank. Work scheduled for summer 2019 on section east of wooden bridge (this is a tricky area to get equipment in/out).
- Lower portion of trail at Mission Creek received substantial damage during the flood of 2017. Looking to partner with Chippewa Watershed Conservancy (2019 project).
- Island Park trail and bridge project – staff working on bid specs (2019 project).

B. Recreation

- PEAK Community Services Day held today at Island Park. Partnering with United Way, PEAK'ers collected over 1,000 non-perishable food items for distribution to local food banks. A celebration was held at Island Park with food and games.
- Beginning 7/21, the Saturday Farmer's Market has moved to Broadway Street (between Main and University) for the remainder of the season. This past Saturday the market had 8 vendors and approx. 500 visitors.
- Partnering with My104.3 Radio, Recreation will be holding the "Glow in the Park 5K" and "Digging for Glow-Dough" on Friday, September 14 at Island Park utilizing the GKB Riverwalk Trail.
- All adult summer sports (kickball, sand volleyball and softball) are on schedule due to no rainouts.
- Upcoming programs include fall youth soccer and flag football, and new this year Flag Football for adults.

VII. OLD AND NEW BUSINESS

A. 4-on-4 Basketball Program – after discussion,

The following recommendation for the adoption of the 2018 fees and charges for a 4-on-4 youth basketball program offered by Mt. Pleasant Parks and Recreation was made by Commissioner Batcheller and supported by Commissioner Busch.

WHEREAS, Chapter 97.04 of the City Code authorizes the City Commission to establish by resolution fees and charges for recreation and parks services and facilities, and

NOW, THEREFORE, BE IT RESOLVED, that the Mt. Pleasant Parks and Recreation Commission hereby recommends that the following fees and charges become effective immediately, and

BE IT FURTHER RESOLVED, that the Parks and Recreation Directors are authorized to effect minor adjustments to the following fees and charges in order to maximize citizen participation and effect positive community cooperation in recreation and parks services.

	Proposed Fee Structure	
Program	Resident	Non Resident
4-on-4 Basketball Grades K-2	\$40	\$66
4-on-4 Basketball Grades 3-6	\$50	\$70

Resolution unanimously adopted.

- B. City Discussion on Parks District & Community Pool – In a recent work session and in an effort to gather information, the City Commission discussed Recreation Authorities and their contributions to a potential pool fund. P&R Commissioners discussed their interest in supporting a district concept for building an aquatic center and potentially sending a resolution in support to the City Comm. Member Alsager, who sits on the pool committee, will share feasibility study with the P&R Commissioners to discuss further at the September meeting.

VIII. **OTHER BUSINESS/COMMISSIONER COMMENTS**

Mt. Pleasant Little League scoreboards have been installed at Pickens Field (donation from Isabella Bank). Little League has also requested 8' elevated viewing decks which are not supported by staff due to safety and ongoing maintenance concerns. In further discussion with Little League an alternate has been identified which involved a sloped elevated soil berm with a concrete pad on top and bleachers added on the pad. Staff is currently reviewing design elements of this option and may recommend approval in the near future.

IX. **ADJOURNMENT** – 7:75 p.m.

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
April 25, 2018

Staff called the meeting to order at 7:00 p.m.

I. Roll Call: Staff called roll.

Members Present: Assmann, Berkshire, Friedrich, Orlik, Raisanen, White.

Staff: Kench, Murphy.

II. The Board welcomed Commissioner Friedrich to the Board as the newly reappointed cross-over member from the Planning Commission.

III. Staff thanked outgoing member Commissioner Fokens for his service on the Board.

IV. Election of Officers:

Staff opened the floor for nominations for Chair.

Motion by Raisanen, support by Orlik, to nominate Commissioner Berkshire as Chair. There were no other nominations. Motion approved unanimously.

Staff turned the meeting over to Chairman Berkshire.

Motion by Friedrich, support by Assmann, to nominate Commissioner Raisanen as Vice-Chair. There were no other nominations. Motion approved unanimously.

V. Approval of Agenda:

Motion by Friedrich, support by Raisanen, to approve the agenda.

Motion approved unanimously.

VI. Approval of Minutes: November 29, 2017 Meeting

Motion by Friedrich, support by Orlik, to approve the minutes from the November 29, 2017 meeting.

Motion approved unanimously.

VII. Communications:

Staff reported that there were no communications to share at this time.

VIII. Public Comments:

Chairman Berkshire opened the floor for public comments. There being no one who wished to address the Board, the Public Comments session was closed.

IX. Public Hearings:

Chairman Berkshire explained board proceedings, noting that a quorum was present.

A. ZBA-01-2018 – 1804 S. Mission

Kench introduced Case ZBA-01-2018 submitted by Site Enhancement Services on behalf of McDonald's Corporation. Kench reported that the request is for several variances from Section 154.414, Sign Standards as noted below:

- A variance to increase the allowable sign area-154.414.
- A variance to permit an increase in the number of signs placed on façade.
- A variance to permit wall signs on the side of the building that does not face a secondary street-154.414 B SIGN TYPES (*Wall Sign Description*).
- A variance to allow signage that will project more than 3 inches from the building-154.414 B SIGN TYPES (*Wall Sign*).
- A variance to allow internally lighted signage-154.414 B4(b).

Kench reported that the site recently received approval through the Planning Commission for alterations to the building and site.

Kench noted the zoning on the property is CD-5 as are the properties to the north, east and south. To the west is SD-U – University. All future land use for the site and properties to the north, east and south is designated as commercial in nature.

Kench shared the site plan showing the placement of the proposed signage and reviewed the ordinance language and what is allowed per our new zoning ordinance for wall signs, band signs and illumination. Kench noted that the existing pylon sign will remain on site as non-conforming.

Kench commented that although the applicant has included information on the signage at neighboring businesses, the board cannot look at other non-conforming properties in the area as a basis for granting a variance. He further noted that if the neighboring sites go through renovations in the future, they too will be required to meet the new ordinance standards.

Kench reviewed what is considered exempt signage and commented on options the applicant may wish to explore in regards to window signage.

Charlie Schalliol, from Site Enhancement Services, addressed the Board and provided additional renderings. Mr. Schalliol commented that he believes the application and request is in line with the commercial corridor area and what would be expected and noted that the changes to the building require additional signage and would provide guidance to motorists.

He further commented that he believes the city's new ordinance for signage is more in line with what would be expected in a downtown area.

Mr. Schalliol noted that the welcome signs are non-illuminated and are located at the entries to the building and feels that since they don't carry a commercial message they should be exempt. He further noted that he feels that even though their second frontage does not face a street it is still a secondary façade. He noted that McDonalds prefers not to use a lot of window signage and the illumination they are proposing would be contained within each letter.

Mr. Schalliol commented that he feels the code could be read that two band signs would be allowed as the two proposed are less square footage than the one that would be allowed. He noted that McDonalds is reinvesting in their property and feels the proposed signage fits the architecture of the new façade.

Kench noted the ordinance is written this way to address multi-tenant businesses in a single building such as a strip mall.

Commissioner Orlik commented that one could argue that the applicant has created the problem and further commented that the ZBA cannot grant a variance if there is no practical difficulty. Mr. Schalliol responded that yes that is true that it could be looked at as they have created the problem but it is progress. He further responded that the practical difficulty is identifying the building to the public, noting that this is a commercial building in a retail environment and every other building has internal illumination and multiple signs on their building. He commented that McDonalds should be afforded the ability to properly brand and identify their business.

Vice-Chair Raisanen commented that the point of the new Zoning Ordinance is to change the look of the commercial corridor. Mr. Schalliol responded that the existing signage will not change and feels this is actually a penalty to any new business or remodel of an existing business.

Mr. Schalliol commented that there are some modifications that they could make to their request that would bring them closer to the ordinance but feels that if they are completely code compliant McDonalds will suffer.

Chair Berkshire commented that the city has been working on the zoning ordinance for quite some time and questioned why McDonalds didn't do the renovations before it was adopted. Mr. Schalliol responded that he didn't know the answer to that; however, reiterated that they would be willing to make some modifications to their request.

Commissioner Orlik commented that if the variance goes through then others would expect the same.

Chairman Berkshire opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Kench noted the only correspondence received was from the Division of Public Safety and the Division of Public Works. Both divisions noted no concerns.

Board Discussion:

Commissioner Assmann asked who would determine if any modifications to the request would be allowed. Kench responded that it would still need to go through the ZBA if it didn't conform to the ordinance.

Vice-Chair Raisanen commented that as the Board discusses the case and reaches a decision they need to bear in mind what kind of precedent they would be setting.

Commissioner Friedrich asked if directional signs were exempt. Kench reviewed what would be considered except signage.

Vice-Chair Raisanen commented that the golden arch is a very recognizable brand and noted that she has visited other McDonalds that don't have this amount of signage and are still thriving.

Kench referred to the conditions for allowing the Board to grant a variance, suggesting the Board review them.

Chairman Berkshire reviewed the criteria that the applicant would need to meet in order for the Board to grant a variance, along with staff comments.

Commissioner Orlik commented that it feels like the applicant has thrown a lot of things on the wall to see what sticks.

Motion by Orlik, support by Raisanen, to approve case number ZBA 01-2018 filed by Site Enhancement Services, on behalf of McDonalds Corporation (McDonalds Restaurant), requesting a variance to increase the allowable sign area, to permit wall signs on the side of the building that do not face a street, to allow signage that will project more than 3 inches from the building and a variance to allow internally lighted signage.

Motion denied unanimously.

Motion by Orlik, support by Raisanen to deny the request, as the request DOES NOT comply with the criteria outlined in section 154.608B to grant variances in this case. It is noted that the project is able to comply with the sign ordinance and the applicant will benefit from maintaining the existing pylon sign on the site, along with maximizing the size of the **Band Sign** permitted on the front of the building, in addition to being able to place window signage, consistent with what is currently being displayed on the site, as permitted under the code to direct folks to the entrances to the restaurant.

Motion to deny the request approved unanimously.

X. Old Business:

None

XI. New Business

A. Update By-Laws

Kench explained that with the new zoning ordinance and the decrease in the number of ZBA Board members it became necessary to update the Board's By-Laws.

Commissioner Orlik asked why the membership clause was stricken from the By-Laws. Kench explained that because it is outlined in the Ordinance, he didn't feel that it needed to be in the By-Laws also. Commissioner Orlik commented that he doesn't like to see By-Laws not address membership; even if there was just a sentence referring back to the main ordinance. Kench responded that we would make that change.

Motion by Orlik, support by Friedrich, to approve the revised by-laws with the modification noted.

Motion approved unanimously.

B. May ZBA Meeting – Anticipated Items

Kench commented that we have not received any applications at this time; however, noted that the deadline isn't until the 30th.

XI. Adjournment

Motion by Raisanen, support by Friedrich, to adjourn.

Motion approved unanimously.

Meeting adjourned 7:59 p.m.

bam



THE CITY OF MT. PLEASANT, MICHIGAN

CITY HALL
320 W. Broadway • 48858
(989) 779-5300
(989) 773-6791 fax

PUBLIC SAFETY
804 E. High • 48858
(989) 779-5100
(989) 773-4020 fax

PUBLIC WORKS
1303 N. Franklin • 48858
(989) 779-5400
(989) 772-6250 fax

August 16, 2018 MINUTES – JOINT MEETING

TAX INCREMENT FINANCE AUTHORITY (TIFA) and PRINCIPAL SHOPPING DISTRICT (PSD)

MEMBERS PRESENT

S. Bissell	TIFA/PSD	A	12/31/2021
R. Blizzard	TIFA/PSD	P	12/31/2021
S. Christensen	TIFA/PSD	P	12/31/2019
A. Quast-Lents	TIFA/PSD	P	12/31/2018
R. Swindlehurst, Chair	TIFA/PSD	P	12/31/2018
B. Wahr, Vice Chair	TIFA/PSD	P	12/31/2019
B. Wieferich	TIFA/PSD	P	12/31/2018

M. McAvoy	TIFA	EA	12/31/2018
J. Horton	TIFA (Ind)	EA	12/31/2018

C. Ritchey	PSD	P	12/31/2018
R. Agardy	PSD	P	12/31/2021

M. Sponseller Staff Liaison

A = Absent without notification P = Present EA = Excused Absence N/A = Not Applicable

Guests: Bill Mrdeza

Roll Call Notes: None.

I.) CALL TO ORDER

Call to order at 8:02am.

II.) ROLL CALL AND INTRODUCTIONS

Board member roll listed above with attendance. Introductions made for guests.

III.) CHANGES/ADDITIONS TO AGENDA

No changes to agenda.

IV.) MINUTES

(TIFA) Motion to approve the regular July 2018 minutes as presented.

M = Wahr

S = Blizzard

Motion approved

(PSD) Motion to approve the regular July 2018 minutes as presented.

M = Blizzard

S = Wahr

Motion approved

V.) RECEIPT OF COMMUNICATION

a.) Downtown Directors Report

Receipt of August Downtown Development Directors report. No action taken.

V.) RECEIPT OF COMMUNICATION

b.) 410 Development Update (TIFA/PSD)

Discussion, no action taken.

VI.) PUBLIC COMMENT

No public comment.

VII.) OLD BUSINESS

a.) None.

VIII.) NEW BUSINESS

a.) Merchandise Policy – Farmers Market Update

(TIFA) Motion to approve the downtown merchandise policy with changes.

M = Quast-Lents

S = Wahr

Motion approved

(PSD) Motion to approve the downtown merchandise policy with changes.

M = Agardy

S = Blizzard

Motion approved

IX.) OTHER/ADDITIONS TO AGENDA

None.

X.) OTHER/ADDITIONS TO AGENDA

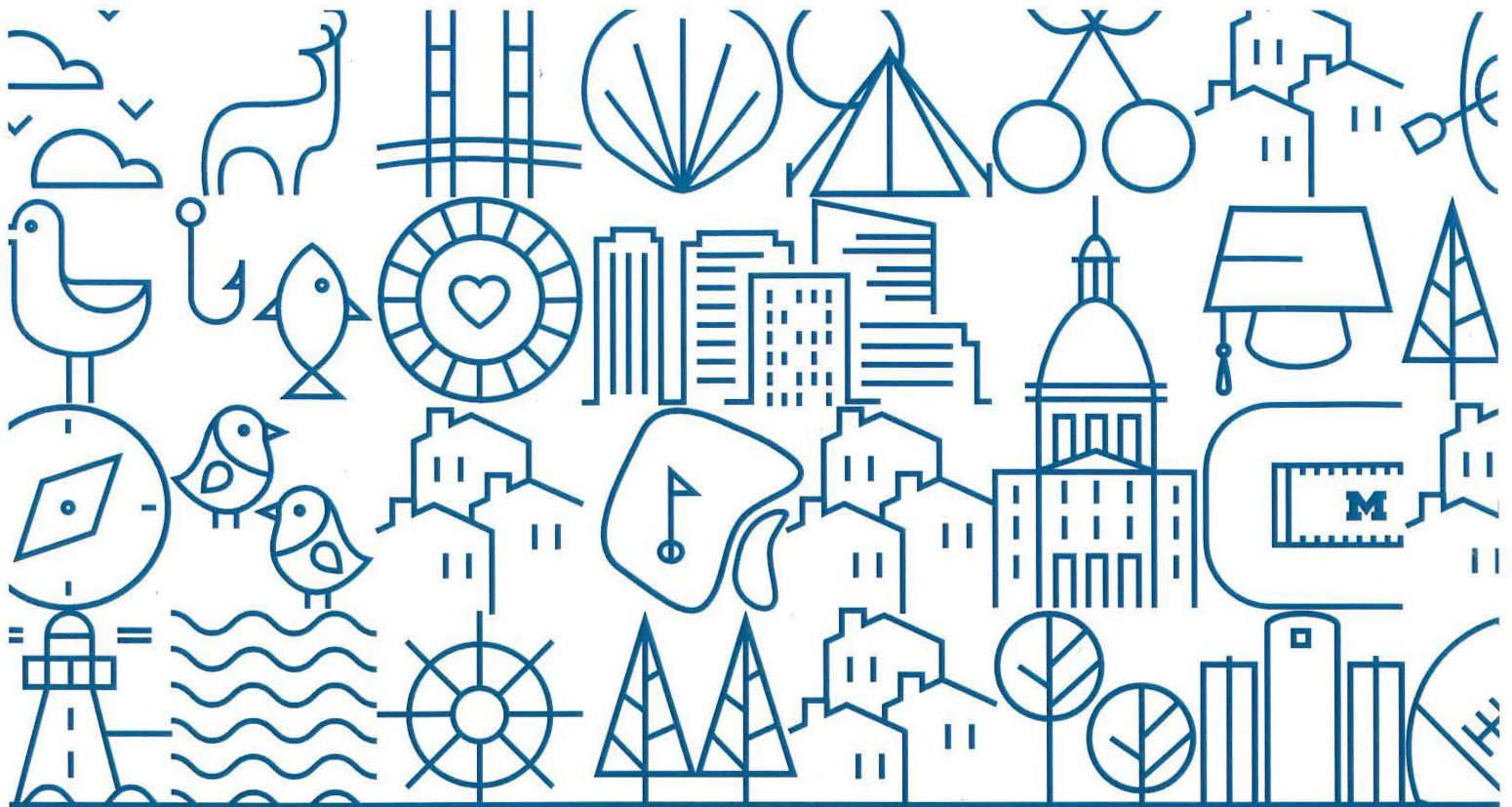
a.) Roundtable.

Discussions on:

- aging infrastructure;
- board attendance.

XI.) ADJOURNMENT

Meeting adjourned 9:10 a.m.



2018-2019 Core Legislative Principles

Vibrant 21st century communities are the economic engines of our state

Experts from around the world—in academic, business, and public sectors alike—agree that investing in communities is a critical element to long-term economic development in the 21st century. Michigan's future depends on its ability to attract and retain knowledge-based workers. Central to attracting this priceless commodity is place. Research proves that successful 21st century communities achieve that sense of place by effectively leveraging the following key assets, which must remain at the forefront of legislative policy as well as local, regional, and statewide strategies for investment and economic development:

► Physical Design and Walkability

Prime location in the 21st century means compact, dense, walkable settings that provide safe and convenient access to the places people live, work, shop and play. The desire for such places is especially strong among educated millennials and boomers, key demographics in our new economy.

Recommended Actions: Creating and protecting authentic places requires smart planning and development, infrastructure investment, and historic preservation. Revitalization at the local level requires a range of flexible zoning, planning, and financing tools bolstered by predictable and meaningful state and federal incentives, with priority for developed communities.



► Multimodal Transportation Networks

Around the world, thriving metropolitan regions offer a range of safe and appealing transportation options for all users: pedestrians, bikers, public transit riders and drivers.

Recommended Actions: Long-term reliable transportation funding sources must support infrastructure maintenance and improvement, including multimodal transit options. Infrastructure investment should be prioritized for developed, full-service communities and regions.

► Environmental Sustainability

Being good stewards of our environmental resources is not just a “feel good” proposition; it is an economic necessity. Michigan's unique natural resources position us apart on a global scale in terms of the emerging green economy, and they provide unparalleled quality of life for our residents.

Recommended Actions: Local governments are key partners with state and federal agencies in protecting these resources, and in leading our collective transition to the new energy economy. State and federal policy must be flexible and supportive of local efforts to invest in energy efficiency, alternative energy, water quality, and related infrastructure. Financial resources and technical assistance for local initiatives are key to success.



► Cultural Economic Development

A healthy creative sector that offers a wide range of entertainment and cultural enrichment options has considerable economic impact on a region. It is also a primary factor in attracting and retaining residents and businesses alike.

Recommended Actions: Investment in arts and culture pays dividends directly, and adds much to our collective quality of life and sense of place. State and federal policy must recognize the arts and culture sector as a strategic economic development partner and value it accordingly.

► Entrepreneurship

The new economy is being built at the local level, growing jobs by ones and twos through entrepreneurs and small businesses.

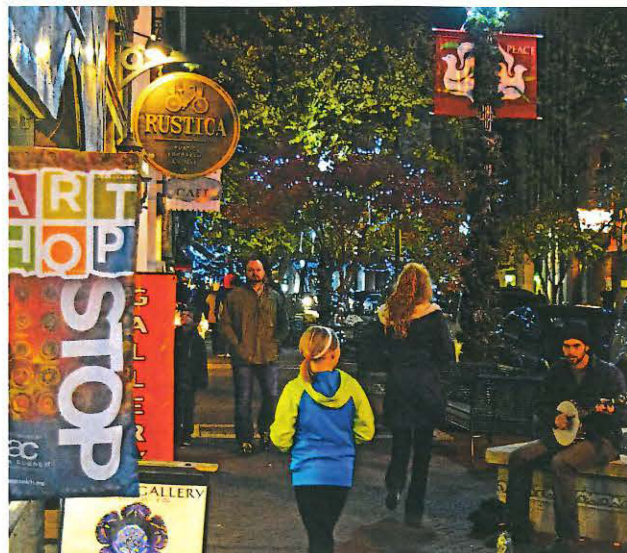
Recommended Actions: Economic development strategies aimed at leveraging existing talent and firms at the local level—economic gardening—must be prioritized. Local governments must be engaged as key partners in collaborative approaches to supporting and nurturing small business growth at the state and regional level.



► Welcoming

Creating and sustaining a genuine commitment to inclusion and diversity is essential to attracting and retaining an educated, talented workforce. 21st century communities embrace and celebrate people of all backgrounds and recognize that diversity is an unparalleled source of strength and an invaluable competitive advantage in a global economy.

Recommended Actions: Policies at all levels must foster inclusion of all people in the civic life of our communities, regardless of their race, color, religion, age, sex, sexual orientation, gender identity or national origin. To build a prosperous state and vibrant cities, Michigan must be welcoming to all who wish to make its communities their home and place of business.



► Education

Educational institutions play a central role in growing and supporting a knowledge-based economy, particularly effective talent retention initiatives. As anchor institutions, public and private schools, libraries, colleges, and universities bring opportunities beyond education, including research, entertainment, arts and culture, healthcare, and recreation.

Recommended Actions: Local government must be empowered to effectively collaborate with these key community stakeholders and participate as a partner in decisions that impact the broader community.

► Messaging & Technology

Technology and telecommunications infrastructure are a basic necessity for a thriving economy and for attracting and retaining talent. Access to reliable technology infrastructure influences where businesses and residents choose to locate. Technology also offers innovative ways to communicate with residents and serves as an important tool to promote transparency.

Recommended Actions: Local governments must retain the right to establish, own and operate existing, new and emerging systems. They also need the opportunity to partner with private and public service providers to deliver critical access to technology and related infrastructure to their residents and business community. In addition, local communities must have the primary right to define locations for infrastructure in or near rights-of-way that meet the safety and aesthetic needs of homeowners, the community, and the engineering needs of the provider.

Changing the Fiscal Model

► Municipal Finance and Services

Local government provides the infrastructure and services that impact our quality of life every day: clean drinking water, safe streets, emergency help, enjoyable parks, exciting downtowns, and the amenities and programming that make communities special. Yet year after year, local government is called upon to support infrastructure and provide services on a broader scale with less and less capacity to meet the needs of its businesses and residents.

Our current system for funding local government relies heavily on property taxes, which due to our restrictive property tax system, are held at artificially deflated levels. The limitations imposed by our current funding structure means we will be left in decline even during an economic recovery. Worse yet, the state and federal governments have systematically disinvested in local communities over the years, with state support for revenue sharing to cities, villages, townships and counties down over \$8.5 billion in the past 20 years. Michigan ranks 50th nationally in local funding while every other state has increased their total local funding support during that time.

The infrastructure that supports our transportation, water, wastewater, utilities, and public buildings is aging and crumbling due to deferred maintenance and repair. Our finance model does not provide adequate funding to fully maintain and invest in our critical infrastructure. Efforts to reform municipal finance need to provide funding levels that will enable local governments to address these long term structural costs that are not being met.

Recommended Actions: Reforms to the municipal finance system are necessary for our survival. These reforms must provide fiscal stability and sufficient flexibility to allow for the necessary investments in attracting and retaining the talent that drives our economy.

• COST CONTAINMENT MEASURES -

Michigan's communities are burdened by a crushing level of debt from retiree health care obligations (OPEB) and to a lesser degree employee pensions, diverting money from current operations and service delivery. We need to move to a different service delivery model for providing reasonable benefits without burdening future budgets.

• LOCAL GOVERNMENT STRUCTURE -

Historically we have evaluated the efficiency or necessity of any infrastructure improvement within the limited context of a political boundary. This has led to methods of service distribution in Michigan that are fragmented, duplicative, and inefficient. We should maximize investment in existing infrastructure rather than creating systems and infrastructure that reduce economies and efficiencies elsewhere. Evaluating the structure of local government in Michigan can reveal innovative ways to increase efficiency in how our communities meet the demands of residents and businesses.

• MORE STABILITY AND DIVERSITY FOR LOCAL REVENUE -

If we truly want a great Michigan, then we must commit to a strategy of investing in what really matters: our communities. To that end, a stable, growing revenue sharing system must be a priority. State laws and policies should support local revenue options and innovative investment financing tools for our communities to be competitive with the surrounding Midwestern states.





THE STATE OF YOUR LEAGUE

MESSAGE FROM DAN GILMARTIN

Welcome to our 2017/18 Annual State of the League Report

This past year has been a significant one! The League continued its work with our many partners, members, and state officials to advocate for fundamental change to Michigan's municipal finance system through our SaveMICity initiative. This coming year, thanks to significant fundraising by the League's Foundation, we'll expand our advocacy efforts even further through coalition building, research, and public education.

Not ones to rest on our laurels, we continue to strengthen our programs and services for member communities. This past year, we launched two new programs designed to enhance the education of, and engagement with, our League members. Placemaking continues to be a strong economic development driver, and the League's Civic Innovation Labs team continues to develop new partnerships towards that end. Our award-winning risk management programs remain dedicated to offering strong cost savings, and the Legal Defense Fund continues to defend the rights of municipalities in the courts. There are more exciting initiatives to cover, which we are excited to present to you in this report.

Engaging with our members is very important to us. We hope that you will share your challenges, express your concerns, and boast about your successes! We remain energized by all the hard work that you do in your communities and look forward to our ongoing dialogue and partnership to bring sustainable economic growth and quality of life to Michigan.

League Executive Director and CEO



WHO MAKES UP THE LEAGUE?

521 Cities, Villages, & Townships: 278 Cities, 240 VILLAGES, 3 Townships, 1 Grant/Non-Voting Member, 31 Affiliate Organizations, 46 Business Alliance Program Participants

"The League has accomplished so much in the past year, including enhancing our ongoing SaveMICity municipal finance reform effort and starting the new 16/50 initiative that aims to remove barriers for women seeking municipal management as a profession. I am proud to help lead this organization and am looking forward to seeing what the League will be doing next for our Michigan communities."

CATHERINE BOSTICK-TULLIUS, 2017-2018
LEAGUE PRESIDENT,
LAPEER CITY COMMISSIONER

EDUCATING AND ENGAGING OUR MEMBERS

This year, we launched two new initiatives designed to educate and engage League members. The 16/50 Project was created to close the leadership gap and move the needle forward on the number of women serving at the most executive level of local government. Learn more at 16/50project.org

Under a new agreement between Central Michigan University and the League, League members and employees, their spouses and qualified dependents can receive discounted access to online programs and classes taken at CMU's satellite locations. Get the details at global.cmich.edu/mml.

"As a former mayor, I've seen first-hand how the League fights for our communities. Now, as a state representative I am pleased to be able to work with the League to support Michigan's municipalities. I can tell you from years of experience, the League is excellent at serving its members."

REP. JEREMY MOSS (D-SOUTHFIELD) AND FORMER SOUTHFIELD COUNCILMEMBER

ADVOCACY: MUNICIPAL FINANCE REFORM

The League's advocacy efforts have remained focused on municipal finance reform, from protecting existing revenues and tax base to finding ways to restore revenue sharing and providing communities with tools to control costs. The League has implemented programming and developed ideas that will drive economic development, building the kind of places that residents demand, attracting and retaining a talented 21st century work force.

The League is heavily invested in working with the Legislature and Administration on long-term, comprehensive solutions to fix our state's broken municipal finance system by raising awareness of the fiscal problems that communities are facing; engaging in research that validates this concern; and educating the media and public about this critical issue. We are promoting legislative solutions to reduce local government costs, diversify revenue options, and promote structural reforms to help deliver services more cost-effectively and efficiently. We are committed to sustaining this effort over the long-term to achieve meaningful results.

While working to promote investment in local communities, we are also defending against continuous efforts to strip local control, preempt local decision-making, and reduce local taxing authority. Our successful advocacy has produced expanded budget and policy investments in roads and infrastructure, public safety grant enhancements, and critical preservation of revenue sharing funds and personal property tax reimbursements. We served as the key local government player in last fall's pension and OPEB reform debate and worked diligently to protect communities. Whether fighting to improve the confusing new personal property tax system, defending against the preemption of local zoning related to short-term rentals, or ensuring that local needs and expertise are at the core of all infrastructure-related proposals, the League finds itself at the center of key negotiations on major policy initiatives—further recognition of our position as a leading advocate for local government in Lansing.

saveMICity

It's no secret that Michigan's system for funding our communities is broken. In the last 17 years, the state has diverted upward of \$8.6 billion in revenue sharing away from our municipalities. Out of all 50 states, Michigan is dead last in the way it funds its local communities, and the consequences are evident. Our streets are crumbling, communities are being forced to cut fire and police protection, and there's an ongoing struggle to pay for other crucial local services. For Michigan to thrive, we need to reform this broken system.

Originally launched by the League in 2016, the SaveMICity initiative aims to educate the public, elected officials, business leaders, and the media about the broken system while working with these groups to find a solution. Now, thanks to support from the Charles Stewart Mott Foundation, the League and our partners are advancing the campaign through expansive media coverage, paid media, and extensive educational efforts. With your help, SaveMICity can show the public and decision makers how the local programs everyone values are funded and what steps are needed to fix the current issues caused by the state's broken municipal finance system.

Join the effort and learn more about the campaign at SaveMICity.org.



1,492,106 page views

facebook

3,446 League Likes



DEVELOPING GREAT PLACES

Communities around the state have embraced placemaking approaches to their downtowns and neighborhoods. But without participation from private developers and other investors, the impact of public placemaking efforts is limited. The League's Civic Innovation Labs team has been working to improve communities' engagement of private developers in the "placemaking implementation" process, with financial support from MSHDA and MEDC.

In this effort, we are working with local partners to identify the community's priority sites, understand their potential to support local goals through development, focus on the critical path from site to development, and connect the community to expertise and resources that help them down that path. Learn from our successes (and failures!) at placemaking.mml.org, where we feature how-to guides, case studies, and other assistance. Learn more about all these programs and how we can assist you at placemaking.mml.org.



MEMBERSHIP ENGAGEMENT

Our Membership Engagement department has created a guide to League benefits, so you can learn all that we have to offer. We can also do a presentation at your next council meeting, so reach out and get connected. For more information, contact Kelly Warren, director of membership and affiliate engagement, at kwarren@mml.org or 734.669.6310.

LEGAL DEFENSE FUND

Since 1983, our Legal Defense Fund (LDF) has effectively represented the interests of our member communities in state and federal appellate courts and state and federal administrative agencies. The LDF supports your cases by filing "amicus briefs"—literally friend of the court briefs—written by experts in that area of the law. Over 400 have been filed, for an expenditure of more than \$1 million. By helping you win your case, all League members benefit from briefs that focus on the state-wide importance of the issues at bar, and decisions that benefit all municipalities.

Of course, not all cases are "wins," but the LDF impact is formidable and favorable. And, the Michigan Supreme Court now routinely specifically requests the League to file a brief. Typical cases involve municipal liability, property taxes, local zoning and billboard control, assessment of big box stores, medical marijuana, and preservation of local control. And in relation to the last topic, the LDF, in support of Lansing, scored perhaps its most important victory last year when the Supreme Court unanimously upheld the city's local authority to enact and enforce its prevailing wage ordinance. For more information on the LDF, please visit mml.org/legal/legal_defense_fund.htm.

LEGAL DEFENSE FUND (LDF)

The League's Legal Defense Fund provides support to LDF member communities in cases that have a statewide impact.

35

Active years

75+

Percent participation among League members

23

Cases for which the Supreme Court specifically requested a Municipal League amicus brief!

LEAGUE FOUNDATION

Thanks to our generous donors, the MML Foundation helped ensure more Michigan local elected and appointed leaders have the tools they need to make the best decisions for their communities.

League members can apply for two opportunities:

- **Tim Doyle Scholarship**—allows newly elected officials to attend the Elected Officials Academy Core Weekender program, where they can learn about financial management, leadership skills, legal issues, and planning and zoning.
- **John Barr Leadership Education Scholarship**— offers five yearly one-time scholarships of up to \$1,000 for nonpartisan leadership training.

This past year, we also expanded the George and Judith Goodman Scholarship Fund to provide a yearly scholarship of up to \$1,000 to a Michigan high school or college student pursuing a career in local government through a public policy or public administration undergraduate or graduate degree. The move reflects the Goodmans' longstanding commitment to making sure that underrepresented people—including women and people of color—have the chance to pursue careers in public service.

The MML Foundation also continued to build fruitful partnerships and secure funding for projects that create and maintain thriving communities.

For more information or to donate, visit mmlfoundation.org.

OVER 1 MILLION

Amount spent in last 6 years helping member communities defend cases of state-wide significance

400+

Amicus briefs filed in the Michigan Supreme Court and Court of Appeals

#1 VICTORY

Michigan Supreme Court unanimously upheld Lansing's local authority to enact a prevailing wage ordinance

twitter

5,745 League Followers

flickr™

18.2 million views
9,667 average
daily views

RISK MANAGEMENT PROGRAMS

Liability & Property Pool Workers' Compensation Fund



Pool member contributions
\$21 million

Workers' Compensation Fund
\$33 million

Since 1978, more than \$250 million returned to members in dividends



Pool annual new claims
1,000

Fund annual new claims
2,500



Pool assets
\$82 million

Fund assets
\$150 million



Pool member equity
\$50 million

Fund member equity
\$62 million

Stable, cost-effective risk management programs

MICHIGAN MUNICIPAL LEAGUE 2017/2018 Board of Trustees

PRESIDENT

Catherine Bostick-Tullius,
City Commissioner, Lapeer

VICE PRESIDENT

Melanie Piana, Councilmember, Ferndale

TRUSTEES

Marlon Brown, Mayor Pro Tem, Mason
Christine Burns, Village Manager, Spring Lake
Shea Charles, City Manager, Howell
Wendell Dompier, Village President, Baraga
Maureen Donker, Mayor, Midland
Jason Eppler, City Manager, Ionia
Rebecca Fleury, City Manager, Battle Creek
Brenda Jones, Council President, Detroit
Andy LeCureaux, Councilmember, Hazel Park
Richard Lewis, Commissioner, Traverse City
Brenda F. Moore, Councilmember, Saginaw
Rusty Showalter, Councilmember, West Branch
Kimberley Sims, Mayor, Muskegon Heights
Oliver Turner, City Manager, Sault Ste. Marie
Mark Vanderpool, City Manager, Sterling Heights
William Wild, Mayor, Westland

EXECUTIVE DIRECTOR & CEO

Daniel P. Gilmartin

CROWDFUNDING

Michigan is a trendsetter when it comes to creative use of crowdfunding, and the rest of the country is starting to take notice. Public Spaces, Community Places, the League-supported civic crowd granting program that is funded by MEDC and uses the Patronicity platform, was recognized in 2017 by the Harvard Kennedy School of Government as a leading Innovation in American government. Two other states have already replicated the program, which has now funded over 160 projects worth more than \$30 million. The Public Spaces program also forged a new funding partnership with the MParks Foundation. In addition to the Public Spaces program, we are working with MEDC and other partners to expand crowdfunding opportunities for small businesses and other private sector initiatives. Connect with the range of resources available at crowdfundingMI.com.

CROWDFUNDING MI
Invest on Main Street



"There's no doubt in my mind that Michigan communities are a key economic driver for our state's economy. I really appreciate working with the League to help make our communities vibrant places where people love to live, shop, work, dine and enjoy. The League truly does Love Where You Live."

REP. JEREMY MOSS
(D-SOUTHFIELD) AND FORMER
SOUTHFIELD COUNCILMEMBER



MML Handbooks

These handbooks are essential reading material for both new and veteran elected and appointed officials in cities, general law, and home rule villages.

INQUIRY SERVICE/ RESOURCES

Our Inquiry Service provides customized research assistance and critical information to members on core topics. We serve as an information clearing-house, helping to steer communities through the complexities of local governance. We are home to a one-of-a-kind, searchable, city charter database, pay and benefits survey, and electronic labor contract library. We have also built an extensive library of sample ordinances, policies, contracts, handbooks, and Fact Sheets on core municipal topics. This year we created Fact Sheets on these breaking issues: Embezzlement, Act 51, Campaigning by Public Officials, and Charitable Solicitation in Public Roadways. Let us know what you need: 1.800.653.2483 or info@mml.org.

We love where you live.

The Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities.



September 24, 2018

1221 South Drive
Mt. Pleasant, Michigan
48858

tel (989) 772 6700
fax (989) 772 1150

mclaren.org

Mt. Pleasant City Commission
ATTN: Nancy Ridley, City Manager
City of Mt. Pleasant
320 W. Broadway Street
Mt. Pleasant, MI 48858

RE: City Project to Widen Maple Street (near the hospital)

Dear Nancy:

It has been brought to my attention, by recent phone conversations as well as personal visits from our local neighbors, that the City is planning on a road renovation project in the Spring of 2019, at which time Maple Street will be narrowed by 3.5 feet.

The local residents are concerned about this project, and have asked me to write a letter on their behalf. Because Maple Street (off of Mission) leads directly to the front parking lot of the hospital, they would like to see their street remain a "wide street". This would allow emergency traffic (i.e., ambulances and other emergency vehicles) ample room to navigate directly to the hospital without any impediment, and would also keep the neighborhood's "charm" as Maple Street remains one of the few "wider streets" left in the city. This street adds significant character to the city's landscape and almost looks like a boulevard – which is awesome.

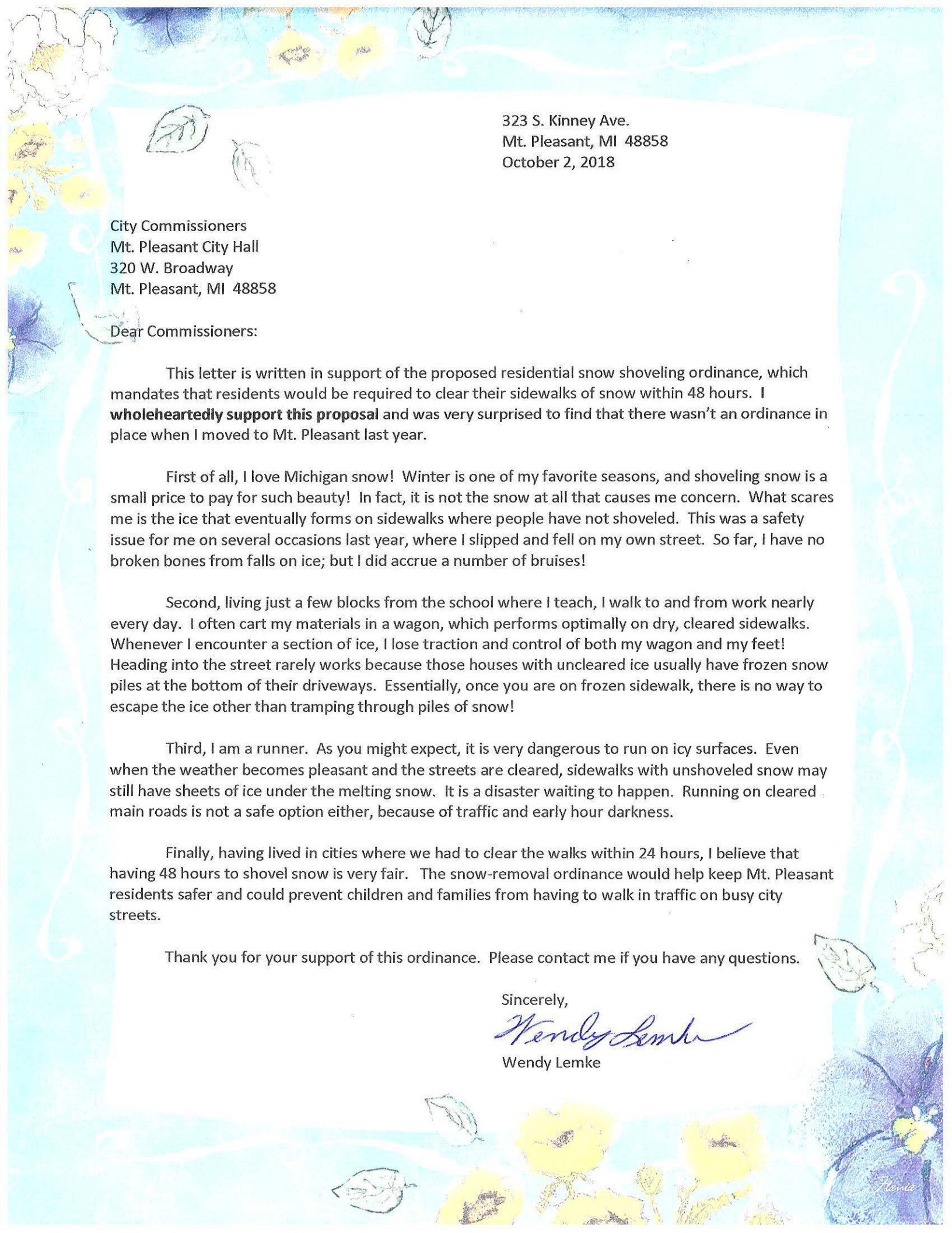
It is my understanding that the reasoning behind this street project is to bring uniformity to the City's master plan, but I have to agree that having some wider streets in town (similar to Maple), adds a different dimension to the City of Mt. Pleasant. Having a sense of "sameness" may make for better traffic flow within the community, but being a "cookie cutter" town isn't always a great draw for tourists or visitors. I come from the Sandusky, Ohio area and there was a neighboring town that ended up doing exactly what your commission is proposing, and it destroyed the "feel" of the town and all of the history that made it such a unique town to begin with. I would hate to see that happen here in Mt. Pleasant, where some of these older, wider streets are unique and should be treasured.

I understand the concerns of our neighbors, and their desire to keep Maple Street untouched and "different". I am throwing my hat in the ring to support their desire to keep things as they are, relative to Maple Street, and would love to have a conversation with you or others on the planning committee about this. Please let me know if that is a possibility.

All the best,



Martin Tursky, President and CEO
McLaren Central Michigan
Office: 989.772.6720



323 S. Kinney Ave.
Mt. Pleasant, MI 48858
October 2, 2018

City Commissioners
Mt. Pleasant City Hall
320 W. Broadway
Mt. Pleasant, MI 48858

Dear Commissioners:

This letter is written in support of the proposed residential snow shoveling ordinance, which mandates that residents would be required to clear their sidewalks of snow within 48 hours. I **wholeheartedly support this proposal** and was very surprised to find that there wasn't an ordinance in place when I moved to Mt. Pleasant last year.

First of all, I love Michigan snow! Winter is one of my favorite seasons, and shoveling snow is a small price to pay for such beauty! In fact, it is not the snow at all that causes me concern. What scares me is the ice that eventually forms on sidewalks where people have not shoveled. This was a safety issue for me on several occasions last year, where I slipped and fell on my own street. So far, I have no broken bones from falls on ice; but I did accrue a number of bruises!

Second, living just a few blocks from the school where I teach, I walk to and from work nearly every day. I often cart my materials in a wagon, which performs optimally on dry, cleared sidewalks. Whenever I encounter a section of ice, I lose traction and control of both my wagon and my feet! Heading into the street rarely works because those houses with uncleared ice usually have frozen snow piles at the bottom of their driveways. Essentially, once you are on frozen sidewalk, there is no way to escape the ice other than tramping through piles of snow!

Third, I am a runner. As you might expect, it is very dangerous to run on icy surfaces. Even when the weather becomes pleasant and the streets are cleared, sidewalks with unshoveled snow may still have sheets of ice under the melting snow. It is a disaster waiting to happen. Running on cleared main roads is not a safe option either, because of traffic and early hour darkness.

Finally, having lived in cities where we had to clear the walks within 24 hours, I believe that having 48 hours to shovel snow is very fair. The snow-removal ordinance would help keep Mt. Pleasant residents safer and could prevent children and families from having to walk in traffic on busy city streets.

Thank you for your support of this ordinance. Please contact me if you have any questions.

Sincerely,



Wendy Lemke

Subject: FW: Shoveling Mt. Pleasant sidewalks

From: Francek, Mark [mailto:franc1m@cmich.edu]
Sent: Wednesday, October 3, 2018 4:36 PM
To: city manager <manager@mt-pleasant.org>
Subject: Shoveling Mt. Pleasant sidewalks

Hi Ms. Ridley,

My name is Mark Francek, I am a thirty year resident of Mt. Pleasant. I have been fortunate enough to live within walking distance of the University – and I have walked or biked to school for all three decades, all 12 months. During the winter, however, I find most sidewalks, particularly in student neighborhoods unshoveled. The snow then compacts to ice from the pressure of foot traffic. This forces me to walk in the street where I am at risk of being hit by cars.

I am asking you to support the initiative for mandatory sidewalk clearance, especially where sidewalk traffic is heavy, in and around the University. I recognize that such a plan places burdens upon business owners, landlords, and those physically unable to clear their sidewalk. I believe, however, that these obstacles can be overcome through purchasing more sidewalk snow clearing machines and through volunteer initiatives orchestrated through the Commission on Aging.

Please keep Mt. Pleasant sidewalks safe and accessible year round. Thank you for your consideration.

Take care,
Mark

Mark Francek
Professor of Geography and Environmental Studies
Dow 285
Central Michigan University
Mt. Pleasant, MI 48859
Phone: (989) 774 7617 Fax: (989) 774-2907
fall 2017 Student Hours: 3:30-4:30 MW, 1-2 TR or by appt.

Minutes of the regular meeting of the City Commission held Monday, September 24, 2018, at 7:00 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, LaLonde and Ling

Commissioners Absent: None

Others Present: City Manager Ridley and City Clerk Howard

Proclamations and Presentations

Mayor Lents read and presented a proclamation in support of United Way Week (September 23-29, 2018) to United Way of Isabella County President/CEO, Annie Sanders and members of the United Way Board of Directors.

Fire Lieutenant Randy Keeler gave a presentation on the City's Fire Department.

Public Input on Agenda Items

Charlotte Ison, 1015 E. Maple St., spoke regarding the reconstruction of Maple Street.

Omar Fakhouri, 2642 Creek Bend Drive, Troy, MI, spoke regarding the length of the MMMFLA application period and process.

Receipt of Petitions and Communications

Received the following petitions and communications:

1. City Manager report on pending items.
2. Previous correspondence received since 2016 regarding snow and ice removal.
3. Correspondence received from The Residents of East Maple St. regarding Maple Street.
 - a. Additional information on Maple Street.
4. Correspondence received from Tyler White regarding zoning ordinance.
5. Minutes of the Planning Commission regular and special meeting. (August)
6. Letter at dais from Omar Fakhouri, 2642 Creek Bend Drive, Troy, MI, regarding MMMFLA.
7. Letter at dais from Jeff Jakeway, 106 W. Gaylord St., regarding the City's recently adopted Zoning Ordinance.

Item 11b. "Bids and Quotations – Airport Snow Removal" was removed from the Consent Calendar.

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

1. Minutes of the regular meeting of the City Commission held September 10, 2018.
2. Minutes of the closed session of the City Commission held September 10, 2018.
3. Bid of McKenna and Associates of Northville, Michigan for Master Plan Consultant project at a not-to-exceed cost of \$150,000 and authorize the Mayor to sign the appropriate contract documents.
4. Receive a proposed Ordinance to amend Chapter 30 and 31.01 of the Mt. Pleasant Code of Ordinances and set a public hearing for Monday, October 8, 2018 at 7:00 p.m. to hear public comment on same.
5. Receive a proposed Ordinance to amend Section 98.37 of the Mt. Pleasant Code of Ordinances regarding snow and ice removal and set a public hearing for Monday, October 8, 2018 at 7:00 p.m. to hear public comment on same.
6. Purchase-buyback of 11 trucks from Krapohl Ford at a cost of \$362,050 and the appropriate budget amendment.
7. Resolution for fireworks display permits as follows:

WHEREAS, Section 133.05(B) of the City Code authorizes the City Commission to set Articles Pyrotechnic, Display Fireworks permit fees;

WHEREAS, the City Commission wishes to set new Articles Pyrotechnic, Display Fireworks permit fees based on a recent staff review of the costs incurred by the City in administering such permits.

NOW THEREFORE BE IT RESOLVED THAT:

A. Based upon City staff's analysis of costs incurred, the City Commission establishes the following fees for Display Fireworks permits: Base permit fee \$65.00 Stand-by fire personnel (if required) \$196.00 per hour.

B. The base permit fee includes an initial site inspection and associated paperwork.

C. The fire code official may require stand-by fire department assistance (one fire engine and five fire personnel) as a condition of issuing a permit, upon determining that stand-by assistance is reasonably necessary to protect the public health, safety, and welfare.

8. Warrants dated September 5, 7 and 13, 2018 and Payrolls dated September 7, 2018 all totaling \$756,171.20.

Motion unanimously adopted.

A public hearing was held on Industrial Facilities Tax Abatement application for American Mitsuba Corporation. David Stevens, 5146 Bridle Lane, Senior Vice President of American Mitsuba, and Jeff Jacques, 8175 East Tamarack, Plant Manager of American Mitsuba, spoke in support of the Industrial Tax Abatement Application. There being no additional comments or communications, the Mayor closed the public hearing.

Moved by Commissioner Kulick and supported by Commissioner Ling to approve the following resolution approving Application of American Mitsuba Corporation for

Industrial Facilities Exemption Certificate for a New Facility.

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on June 3rd, 1985, this City Commission by resolution established University Park as an Industrial Development District; and

WHEREAS, American Mitsuba Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility* to be acquired and installed within the Industrial Development University Park; and

WHEREAS, before acting on said application, the City of Mt. Pleasant held a hearing on September 24th, at the Mt. Pleasant City Hall, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before September 10th, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in City of Mt. Pleasant; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Mt. Pleasant, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Commission of the City of Mt. Pleasant that:

1. The City Commission finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate number of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of City of Mt. Pleasant, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Mt. Pleasant.

2. The application from American Mitsuba Corporation for an Industrial Facilities Exemption Certificate, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District, to wit:

PART OF SE 1/4 SEC 27, T14N, R4W, COM AT SE COR SEC 27, TH S 88D58M 47S W 85 FT, TH N 50 FT TO POB, TH W 114.50 FT, TH S 17 FT, TH W 1252.65 FT, TH N 500 FT, TH N 10D03M00S W 284.58 FT TH N 52D36M 55S E 595.21 FT, TH S 64D00M43S E 1071.35 FT, TH S 03D14M00S W 282 FT TH S 316.22 FT TO POB.

be and the same is hereby approved.

3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force for a period of 12 years after completion.

Motion unanimously adopted.

Moved by Commissioner Kulick and supported by Commissioner Joseph to award the contract for 2018-2021 Airport Snow Removal to Pat McGuirk Excavating, Inc. of Mt. Pleasant, Michigan for a total not-to-exceed amount of \$18,500.00 per year for 2018-2021 snowplowing seasons. Motion unanimously adopted.

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

Moved by Commissioner Kulick and supported by Commissioner Gillis to approve the resolution setting the initial receipt deadline date for medical marihuana facility license applications as presented.

Moved by Commissioner Ling and supported by Commissioner Joseph to set the initial receipt deadline date for medical marihuana facility license applications for Friday, December 14, 2018.

AYES: Commissioners Joseph, LaLong and Ling
NAYS: Commissioners Gillis, Kulick, Lents and Madaj
ABSENT: None
Motion failed.

The Commission considered the original motion to approve resolution setting the initial deadline date for medical marihuana facility license applications as presented.

WHEREAS, On June 11, 2018 the City of Mount Pleasant City Commission approved an ordinance to opt-in to the Michigan Medical Marihuana Facility Licensing Act, Public Act 281 of 2016; and

WHEREAS, Chapter 112.03(b) of the Code of Ordinances indicates that applications will begin being accepted October 1, 2018; and

WHEREAS, Section 112.03(b) requires the City Commission to set an end date by resolution for accepting applications for facility types with numerical limitations; and

WHEREAS, Section 112.03(b) indicates that in setting the deadline date, consideration should be given to the number of applicants that have completed the prequalification step of the state licensing process; and

WHEREAS, as of September 12, 2018 the Medical Marihuana Licensing Board of the Department of Licensing and Regulatory Affairs (LARA) has approved 72 step one prequalification applications and it is reported there are over 600 in the queue for consideration; and

WHEREAS, the City Commission continues to be interested in ensuring applicants have had adequate time to be considered for a facility in the City of Mt. Pleasant;

NOW, THEREFORE BE IT RESOLVED that the City Commission declares the initial receipt period deadline date for applications for provisioning centers and grow operations be set at February 1, 2019.

BE IT FURTHER RESOLVED, that at the end of the initial receipt period, which is set at February 1, 2019, if more applications for a specific facility type are received than are permitted under Section 112.02, the City Clerk will conduct a

drawing to randomly select applicants for conditional authorization. That drawing will also establish a waiting list for further conditional authorizations for that facility type. The drawing will be noticed and conducted as a public meeting.

AYES: Commissioners Gillis, Kulick, Lents and Madaj LaLong and Ling

NAYS: Commissioner Joseph

ABSENT: None

Motion carried.

Announcements on City-Related Issues and New Business

Commissioner Kulick congratulated Jim McBryde on his recent appointment to the Michigan Economic Developers Association Board. He also reminded residents about the 3 foot rule for passing bicyclists.

Commissioner Gillis announced that there are seats available on city boards and commissions and encouraged residents to apply on-line at www.mt-pleasant.org. She commented that she liked seeing all the brush piles and pickups done during the recent free brush pickup and thanked DPW for their work and Saginaw Chippewa Indian Tribe for 2% funds.

Commissioner Joseph announced the League of Women Voters forum last Thursday and this coming Thursday. He reminded residents to get out and vote on Tuesday, November 6th. Go to www.michigan.gov/sos to check status and view sample ballot.

Mayor Lents announced that absentee ballots will be available soon and applications for absentee ballots are being accepted now at the City Clerk's office.

City Manager Ridley announced that a special meeting is being proposed with City Commission and Student Government Association on CMU Campus October 29th.

Public Comment on Agenda and Non-Agenda Items

Andrew Zyrowski, 1528 S. Mission St., introduced himself as the new Student Government Association (SGA) Liaison to City Commission.

Erin Zimmer, 517 East Grand, introduced herself as a County Commission Candidate.

Petro Tolas, 306 E. Broadway, spoke in regards to: 1) concerns with snow removal on City sidewalk; 2) Master Plan consultant expense; and 3) airport snow removal contract.

The Commission recessed at 8:40 p.m. and went into a work session at 8:51 p.m.

WORK SESSION - 2019 Operating Budget

Assistant Finance Director Saladine gave a presentation on the 2019 Operating Budget.

Discussion ensued.


Work Session discussion on feedback received on potential Property Maintenance Standards was postponed to a future date not yet determined.

Mayor Lents adjourned the meeting at 9:13 p.m. without objection.

Allison Lents, Mayor

Jeremy Howard, City Clerk

COMMISSION LETTER #162-18
MEETING DATE: OCTOBER 8, 2018

TO: MAYOR AND CITY COMMISSION OCTOBER 3, 2018
FROM: NANCY RIDLEY, CITY MANAGER 
SUBJECT: PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 30 AND
31.01 OF THE MT. PLEASANT CITY CODE AND CONSIDER APPROVAL
OF THE SAME

Attached are the materials from the September 24 City Commission meeting when this matter was set for public hearing.

The changes to Chapter 30 update the rules of procedures as recommended by the Charter Committee. These changes also incorporate the Ethics Policy into the ordinance language. The changes to Chapter 31 reduce the confusion that exists regarding when petitions are due for City Commission candidates as state law supersedes the ordinance.

After holding the public hearing the City Commission should consider adoption of the amended ordinances. As previously indicated, two versions are provided. One that includes the footnotes from the Ethics Policy and one that does not.

Recommended motion:

Move to approve the ordinance changes as presented for Chapters 30 and 31 as reflected in Attachment A without footnotes.


OR

Move to approve the ordinance changes as presented for Chapters 30 and 31 as reflected in Attachment B with footnotes.

NJR/ap

COMMISSION LETTER #156-18
MEETING DATE: SEPTEMBER 24, 2018

TO: MAYOR AND CITY COMMISSION SEPTEMBER 19, 2018

FROM: NANCY RIDLEY, CITY MANAGER 

SUBJECT: INTRODUCE AN ORDINANCE TO AMEND CHAPTER 30 AND 31.01 OF
THE MT. PLEASANT CITY CODE AND SET A PUBLIC HEARING FOR
OCTOBER 8, 2018 ON THE SAME

Based on a review of the above chapters of the Code of Ordinances, the Charter Committee recommended some changes to these sections. These changes were discussed during a work session on August 27, 2018 where general agreement was reached on moving forward with official consideration.

As with all ordinance changes, a public hearing on the proposed amendments is first required. Therefore we are recommending a public hearing be set for October 8 on the proposed changes.

The City Attorney has provided both a redline/strikeout version and a clean version of the two alternatives to consider. The only difference between the two alternatives is that one incorporates all of the footnotes from the current Ethics Policy and the second does not include the footnotes. The City Attorney does not feel the footnotes are necessary but the City Commission may desire to keep them since they provide additional clarity.

Recommended motion:

Move to accept the proposed changes to Chapter 30 and 31.01 and set a public hearing for October 8, 2018 on the same.

NJR/ap

**CITY COMMISSION
CITY OF MOUNT PLEASANT**

Isabella County, Michigan

Commissioner _____, supported by Commissioner _____, moved adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.12, 30.13, 30.15, AND 31.01, AND TO ADD SECTION 30.16 OF THE MOUNT PLEASANT CITY CODE REGARDING COMMISSION MEETINGS

The City of Mount Pleasant Ordains:

Section 1. Amendment. Sections 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.13, 30.15, and 31.01 of the Mount Pleasant City Code are amended to read as follows:

§ 30.04 AGENDA.

(A) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Commission as part of the agenda shall be delivered to the City Manager ~~three~~five working days preceding the Commission meeting. The City Manager, after consultation with the Mayor and/or Vice Mayor, shall prepare the agenda. The City Manager shall furnish ~~each member of the Commission~~Commissioner, the Mayor, the City Clerk and the City Attorney with a copy of the agenda prior to the Commission meeting and as far in advance of the Commission meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Commission by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation. During the Commission meeting, items may be added to the agenda or removed from the agenda with a ~~majority~~two-thirds vote of the entire Commission then serving.

(B) On a periodic basis, the ~~City~~Commission shall, by resolution, approve the form of the agenda for Commission meetings.

§ 30.05 CALL TO ORDER.

The presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Commission to order. In the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Commission to order, whereupon a temporary chairperson shall be elected by the ~~members of the Commission~~Commissioners present. Upon the arrival of the Mayor or Vice Mayor, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

§ 30.06 ROLL CALL.

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the ~~members~~Commissioners, and the names of those present shall be entered in the minutes.

§ 30.07 RULES OF DEBATE.

(A) The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are herein imposed on all ~~members~~Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as the presiding officer.

(B) Every ~~member~~Commissioner desiring to speak shall address the chair and, upon recognition of the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(C) A ~~member~~Commissioner, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a ~~member~~Commissioner, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

(D) The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(E) A motion to reconsider any action taken by the Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any ~~member~~Commissioner, and may be made at any time and have precedence over all other motions or while a ~~member~~Commissioner has the floor. The question may then be debated, if applicable.

(F) A motion to rescind any action taken by the Commission may be made by any Commissioner if the original motion has not been acted up on or the action or parts of the action can be undone. If the motion to rescind is added to the agenda during the Commission meeting (no prior notice given), such motion shall require a 2/3 vote of the entire Commission to pass.

~~(F)~~(G) A Commissioner may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

§ 30.08 ADDRESSING THE COMMISSION.

(A) *Prior permission not required.* Any person may address the Commission during a Commission meeting without securing the prior permission of the Commission or the presiding officer, subject to the following:

(1) Interested parties or their authorized representatives may address the Commission by written communication with respect to any matter by delivering the City Manager a copy of the written communication prior to before the end of the regular business day on the day of the Commission meeting.

(2) Interested persons or their authorized representatives may address the Commission during a Commission meeting by oral communications. The ~~City~~ Commission, by resolution, shall designate the time during each meeting when the public shall have an opportunity to speak.

(B) *Addressing the Commission after motion made.* After a motion is made by the Commission, no person shall address the Commission without first securing the permission of the Commission to do so.

(C) *Manner of addressing the Commission; time limit.* Each person addressing the Commission shall stand, give his/her name and address in an audible tone of voice for the record, and unless further time is granted by the Commission, shall limit his/her address to five minutes during each public opportunity to speak, with the exception that such individual may also address the Commission a second time for an additional three minutes during each public opportunity to speak. In addition, the Commission may, by motion, grant an individual the right to address the Commission for a longer period of time. All remarks shall be addressed to the Commission as a body and not to any ~~member~~individual Commissioner thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Commissioner, without the permission of the presiding officer. No questions shall be asked a Commissioner except through the presiding officer.

§ 30.09 VOTING UPON QUESTIONS.

All votes shall be taken by "yeas" and "nays" ~~and~~except for nominations to fill the Mayor and the Vice Mayor positions. The vote shall be so entered upon the journal as to show the names of those voting in the affirmative and in the negative, ~~except that.~~ If the vote is unanimous, the record need merely so state. The failure or refusal of any ~~member~~Commissioner to vote shall be considered an affirmative vote. When voting on nominations to fill the Mayor and Vice Mayor positions, the vote shall be cast by naming one of the persons nominated for the position. The position shall be filled by the nominee who receives at least a majority of the votes of the full Commission.

§ 30.10 DECORUM.

(A) While the Commission is in session the ~~members~~Commissioners shall preserve order and decorum, and a ~~member~~Commissioner shall neither by conversation or otherwise delay or interrupt the

proceedings or the peace of the Commission nor disturb any ~~member~~Commissioner while speaking or refuse to obey the orders of the Commission or its presiding officer, except as otherwise herein provided.

(B) Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith, by the presiding officer, barred from further audience before the Commission, unless permission to continue be granted by a majority vote of the Commission.

§ 30.11 SPECIAL AND STANDING COMMITTEES.

(A) *Standing committees.* The Commission may create one or more standing committees of its members. Each standing committee shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to the standing committee.

(B) *Special committees.* The Commission may create such special committees as the Commission may determine from time to time. Each special committee shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to it.

(C) *Appointments.* The Mayor shall appoint the members of each standing committee and/or special committee.

(D) Any reports of standing or special committees must be supported by a majority of the committee.

§ 30.12 PROTESTS FILED ON COMMISSION ACTIONS.

Any ~~member~~Commissioner shall have the right to have the reasons for his/her dissent from, or protest against, any action of the Commission entered on the minutes.

§ 30.13 ORDINANCES, RESOLUTIONS AND CONTRACTS.

(A) No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or prepared on request of the City Manager.

(B) All ordinances, resolutions and contract documents shall, before presentation to the Commission, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Manager where there are substantive matters of administration involved.

(C) Ordinances, resolutions and other matters or subjects requiring action by the Commission shall be introduced and sponsored by a ~~member of the Commission~~Commissioner; otherwise, they shall not be considered.

(D) Nothing in this section shall be deemed to alter the procedures established for initiative and referendum as set forth in the City Charter, Article VI.

§ 30.15 OTHER RULES TO GOVERN.

The rules of parliamentary practice, comprised in Robert's Rules of Order ~~Newly Revised~~ (10th latest edition), shall govern the meetings of the Commission in all cases to which they are applicable, provided they are not in conflict with the Charter, this chapter or resolutions adopted pursuant to this chapter.

§ 31.01 NOMINATING PETITIONS.

All nominating petitions to fill the elective offices provided under Article IV of the Charter of the City of Mount Pleasant shall be filed with the City Clerk ~~before 4:00 p.m. on that day being not more than 30 days before the Tuesday following the first Monday in August of each year which shall be the final day for filing said petitions~~within the time limitation set for filing petitions as provided by the laws of the State.

Section 2. Addition. Section 30.16 of the Mount Pleasant City Code is added to read as follows:

§ 30.16 ETHICS POLICY.

(A) The City's leaders are to advance common interests rather than their own interests and are to be wholly accountable to the people. This section does not comprehensively define ethical behavior but instead defines minimal, enforceable ethical standards for City leaders.

(B) This section applies to Commissioners and to members of boards, commissions, and other bodies appointed by the Mayor or the Commission and the Housing Commission.

(C) The following definitions shall apply to terms used in this Section.

(1) *Anyone* means any person or entity.

(2) *Confidential information* means information in whatever form obtained by an official during the course of his or her service to the City that is not available to or may be exempted from disclosure to members of the general public under the FOIA or another applicable law, rule, regulation, or court order. (An official may disclose to anyone how to make a FOIA request or how to challenge a denial of a FOIA request.)

(3) *Conflict of interest* means one or more of the following situations:

(a) A decision to be made by the City body on which the official serves or, in the case of a Commissioner, a decision to be made by any City body, could result in private gain for the official, a member of the official's household, or a member of the official's immediate family residing outside the official's household.

(b) A decision to be made by the City body on which the official serves could result in private gain for (i) anyone the official represents as an attorney, accountant, or other professional, (ii) an entity for which the official serves as an officer, director or, for a limited liability company or partnership, as a member, or (iii) unless the interest is held in a manner so that the official does not directly control the number of shares, portion of the ownership interest, or its value, an entity in which the official either owns more than 10% of the total stock or other ownership interest in the entity, or has an interest totaling \$50,000 or more in value. Subsection (i) does not apply to an attorney, accountant, or other professional whose client is only a lender on a project.

(4) *Entity* means an association, business corporation, general partnership, governmental agency or unit, limited liability company, limited partnership, non-profit corporation, individual's assumed name, or any other legal person or identity other than an individual.

(5) *FOIA* means Michigan's Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*

(6) *Official* means a person to whom this section applies as stated in Subsection (B).

(7) *Official's household* means those persons residing in the same dwelling unit as the official.

(8) *Official's immediate family* means the spouse, children, siblings or parents of the official.

(9) *Private gain* means any direct financial benefit that is different than any financial benefit members of the general public or a significant group of the general public would gain in similar circumstances.

(10) *Sole proprietor* means (i) the sole owner of a business that is not formed as an entity, or (ii) the sole holder of any equity or ownership interest in a business entity.

(D) The following standards shall apply to all officials in their service to the City.

(1) An official shall comply with all charter provisions, this Code, laws, rules, regulations, articles of incorporation, bylaws, procedures and policies applicable to (i) the official's office, (ii) the body on which the official serves, or (iii) the meetings the official attends.

(2) An official shall not (i) disclose to anyone any confidential information before it is authorized for release to the general public or (ii) use confidential information for private gain.

(3) Representation.

- (a) An official shall not represent his or her personal views as those of the City or the body on which the official serves.
 - (b) An official shall not make any statements or answer any questions on behalf of the City or the body on which the official serves unless expressly authorized by the body on which the official serves, the Commission, or, for officials other than a Commissioner, the City Manager.
 - (c) An official shall not represent that he or she has any authority separate from that of the body on which he or she serves.
 - (d) An official shall act within the authority granted to the body on which he or she serves and shall respect the roles of other officials and bodies.
 - (e) An official shall not interfere with the City's administrative functions or the duties of City staff and shall not impair the City staff's ability to implement policy decisions made by any official body.
- (4) Except to the extent they would be available to others in similar circumstances, an official shall not use or attempt to use City personnel resources, property, funds, or information for private gain.
- (5) An official shall not solicit or accept a gift or a loan of money, goods, services, or other things of value which may tend or may reasonably appear to be intended to influence the manner in which the official performs his or her duties.
- (6) Private Gain.
- (a) An official shall not vote, act upon, participate in any discussion or, except as provided below, engage in any communications regarding any matter from which he or she knowingly may realize any private gain or regarding which he or she has a conflict of interest.
 - (b) An official shall not represent any individual or entity before a body on which he or she serves. A Commissioner shall not represent any individual or entity before anybody subject to this section. However this does not limit any official's ability to appeal his or her residential (or, if the official is the sole proprietor of a business, that business') property tax valuation or to address zoning or construction matters involving his or her residence (or, if the official is the sole proprietor of a business, such matters involving that business).
- (7) An official shall not display any favor for or disfavor of anyone in the discharge of the official's duties. City actions and decisions shall be made fairly and impartially. An official shall treat persons appearing before a body with courtesy and respect. However, this does not prevent an official from stating his or her views or advocating regarding matters under consideration or communications to that public body.
- (E) It is the intent of these provisions to encourage officials to disclose potential concerns and seek advice as needed or desired to ensure compliance. Accordingly, this section shall be administered and enforced as follows:
- (1) Any official, other than a Commissioner, in an effort to comply with this section, may seek the advice of the City Manager and, with the City Manager's consent, the City attorney, regarding any upcoming proceeding, action or decision, or regarding any potential situation addressed by this section. A Commissioner, in an effort to comply with this section, may directly seek the advice of the City attorney. If an official (i) does so prior to any violation of this section, (ii) truthfully and fully discloses all information requested by the City Manager or City attorney, and (iii) complies with the City Manager's or City attorney's advice and direction, he or she shall not be subject to sanctions as detailed in subsection (5).
 - (2) Disclosure.
 - (a) Before any discussion on the matter by the body on which he or she serves, an official shall disclose to that body any situation that could appear to some to violate this section and disclose any guidance the official received as provided by subsection (1). The official

shall or shall not participate in the consideration of the matter as provided in the City Manager's or City attorney's opinion. If the official is not to participate, he or she shall leave the dais or other place where members of the body sit during its meetings to return after the body completes its consideration of that matter.

(b) If, regardless of compliance with this section, an official strongly believes that, due to a close family or friendship relationship, he or she would find it very difficult to objectively participate in a matter before the body on which the official serves, the official may ask remaining members of the body on which the official serves to excuse the official from his or her duty to otherwise participate in the discussion and action on that matter. The remainder of the body, by a majority vote, may excuse the official's participation. An official shall have no duty to request the body to excuse the official's participation, the body shall have no duty to grant such a request, and no other persons shall have any right under this subsection (b).

(3) If questions are first raised at a meeting about the applicability of this provision to an official and a matter pending at that meeting, the highest ranking City staff member at the meeting shall address the issue. The meeting may be recessed to seek advice from the City Manager or City attorney or consideration of the matter may be postponed to a later meeting.

(4) Procedure.

(a) Anyone may contact the chair of the body on which an official serves or the City Manager with any allegations or concerns that an official has violated this section. If the chair of a body is contacted, the chair shall contact the City Manager. For an issue regarding a Commissioner, the Mayor or any Commissioner may contact the City attorney without first contacting the City Manager.

(b) The City Manager or, with the City Manager's consent, the chair of the affected body, may contact the City attorney for an opinion regarding the allegations or concerns. For an issue regarding a Commissioner, the City attorney shall be contacted.

(c) The City Manager or the City attorney may ask the affected official and others for information the City Manager or the City attorney think is relevant. All officials shall promptly and fully comply with such requests. For an issue regarding a Commissioner, the City attorney shall conduct the inquiry.

(d) After obtaining the information, the City Manager or City attorney shall opine as to whether or not a violation of this section occurred. (For an issue regarding a Commissioner, the City attorney shall render the opinion.) If she or he concludes a violation occurred, she or he shall explain any needed and optional actions to be taken and include any information and considerations that may be helpful in addressing the situation. The affected body, the Commission, and City staff and officers shall act upon that opinion as they deem appropriate.

(e) If the City Manager or City attorney concludes no violation of this section occurred, she or he shall notify the complaining party and such City staff and officers as she or he deem appropriate.

(f) If anyone, including the complainant, another official, City staff, or anyone else actually affected by the situation, believes the City Manager's or City attorney's opinion is incorrect or the accompanying information is incorrect, that person may address the Commission regarding the issue. Any action by the Commission is final.

(g) If an official violated this section and that violation may have affected the outcome of any action, the affected body shall reconsider the decision or action as directed by the City Manager or City attorney.

(5) In addition to any other results, the Commission may impose one or more of the following sanctions for a violation of this section. In deciding which, if any, of these sanctions to impose, the Commission may consider such factors as: (i) the severity of the violation, (ii) its intentionality, (iii) its effects, (iv) whether it was the violating official's first or a repeated violation

of this section, (v) whether the violating official acknowledged the violation and intends future compliance with this section, and (vi) other factors the Commission may deem pertinent under the circumstances.

(a) A violation of this section constitutes misconduct, misfeasance and malfeasance in office. For all appointed officials it therefore can be grounds for removal from office.

(b) Upon the affirmative vote of either a majority of its members either the Commission may publicly censure an official for a violation of this section. The official who is the subject of the body's action shall not participate in the consideration or decision on the censure.

(c) If the violation of this section included the disclosure of confidential information, the Commission may decide to withhold confidential information from the violating official. If the confidential information was information presented during a closed session, the Commission may bar the violating official from participating in one or more future closed sessions. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

(d) If the violation of this section was willful or knowing and the City is sued, fined, or suffers another loss as a result, the Commission may seek indemnification or contribution from the violating official that could include amounts paid in any settlement, judgment, fine or other penalty, plus the costs (e.g., attorneys' fees, expert costs, discovery costs, etc.) to defend any such action. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

YEAS: Commissioner(s) _____

NAYS: Commissioner(s) _____

ABSTAIN: Commissioner(s) _____

ABSENT: Commissioner(s) _____

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on _____, 2018.

Date: _____, 2018

Allison Quast-Lents, Mayor

Date: _____, 2018

Jeremy Howard, City Clerk

Introduced: _____, 2018

Adopted: _____, 2018

Published: _____, 2018

Effective: _____, 2018

**CITY COMMISSION
CITY OF MOUNT PLEASANT**

Isabella County, Michigan

Commissioner _____, supported by Commissioner _____, moved adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.12, 30.13, 30.15, AND 31.01, AND TO ADD SECTION 30.16 OF THE MOUNT PLEASANT CITY CODE REGARDING COMMISSION MEETINGS

The City of Mount Pleasant Ordains:

Section 1. Amendment. Sections 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.13, 30.15, and 31.01 of the Mount Pleasant City Code are amended to read as follows:

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(A) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Commission as part of the agenda shall be delivered to the City Manager five working days preceding the Commission meeting. The City Manager, after consultation with the Mayor and/or Vice Mayor, shall prepare the agenda. The City Manager shall furnish Commissioner, the Mayor, the City Clerk and the City Attorney with a copy of the agenda prior to the Commission meeting and as far in advance of the Commission meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Commission by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation. During the Commission meeting, items may be added to the agenda or removed from the agenda with a two-thirds vote of the entire Commission then serving.

(B) On a periodic basis, the Commission shall, by resolution, approve the form of the agenda for Commission meetings.

§ 30.05 CALL TO ORDER.

The presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Commission to order. In the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Commission to order, whereupon a temporary chairperson shall be elected by the Commissioners present. Upon the arrival of the Mayor or Vice Mayor, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

§ 30.06 ROLL CALL.

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the Commissioners, and the names of those present shall be entered in the minutes.

§ 30.07 RULES OF DEBATE.

(A) The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are herein imposed on all Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as the presiding officer.

(B) Every Commissioner desiring to speak shall address the chair and, upon recognition of the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(C) A Commissioner, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a Commissioner, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

(D) The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(E) A motion to reconsider any action taken by the Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any Commissioner, and may be made at any time and have precedence over all other motions or while a Commissioner has the floor. The question may then be debated, if applicable.

(F) A motion to rescind any action taken by the Commission may be made by any Commissioner if the original motion has not been acted up on or the action or parts of the action can be undone. If the motion to rescind is added to the agenda during the Commission meeting (no prior notice given), such motion shall require a 2/3 vote of the entire Commission to pass.

(G) A Commissioner may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

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(A) *Prior permission not required.* Any person may address the Commission during a Commission meeting without securing the prior permission of the Commission or the presiding officer, subject to the following:

(1) Interested parties or their authorized representatives may address the Commission by written communication with respect to any matter by delivering the City Manager a copy of the written communication before the end of the regular business day on the day of the Commission meeting.

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(B) *Addressing the Commission after motion made.* After a motion is made by the Commission, no person shall address the Commission without first securing the permission of the Commission to do so.

(C) *Manner of addressing the Commission; time limit.* Each person addressing the Commission shall stand, give his/her name and address in an audible tone of voice for the record, and unless further time is granted by the Commission, shall limit his/her address to five minutes during each public opportunity to speak, with the exception that such individual may also address the Commission a second time for an additional three minutes during each public opportunity to speak. In addition, the Commission may, by motion, grant an individual the right to address the Commission for a longer period of time. All remarks shall be addressed to the Commission as a body and not to any individual Commissioner thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Commissioner, without the permission of the presiding officer. No questions shall be asked a Commissioner except through the presiding officer.

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All votes shall be taken by "yeas" and "nays" except for nominations to fill the Mayor and the Vice Mayor positions. The vote shall be so entered upon the journal as to show the names of those voting in the affirmative and in the negative. If the vote is unanimous, the record need merely so state. The failure or refusal of any Commissioner to vote shall be considered an affirmative vote. When voting on nominations to fill the Mayor and Vice Mayor positions, the vote shall be cast by naming one of the persons nominated for the position. The position shall be filled by the nominee who receives at least a majority of the votes of the full Commission.

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(A) No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or prepared on request of the City Manager.

(B) All ordinances, resolutions and contract documents shall, before presentation to the Commission, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Manager where there are substantive matters of administration involved.

(C) Ordinances, resolutions and other matters or subjects requiring action by the Commission shall be introduced and sponsored by a Commissioner; otherwise, they shall not be considered.

(D) Nothing in this section shall be deemed to alter the procedures established for initiative and referendum as set forth in the City Charter, Article VI.

§ 30.15 OTHER RULES TO GOVERN.

The rules of parliamentary practice, comprised in Robert's Rules of Order (latest edition), shall govern the meetings of the Commission in all cases to which they are applicable, provided they are not in conflict with the Charter, this chapter or resolutions adopted pursuant to this chapter.

§ 31.01 NOMINATING PETITIONS.

All nominating petitions to fill the elective offices provided under Article IV of the Charter of the City of Mount Pleasant shall be filed with the City Clerk within the time limitation set for filing petitions as provided by the laws of the State.

Section 2. Addition. Section 30.16 of the Mount Pleasant City Code is added to read as follows:

§ 30.16 ETHICS POLICY.

(A) The City's leaders are to advance common interests rather than their own interests and are to be wholly accountable to the people. This section does not comprehensively define ethical behavior but instead defines minimal, enforceable ethical standards for City leaders.

(B) This section applies to Commissioners and to members of boards, commissions, and other bodies appointed by the Mayor or the Commission and the Housing Commission.

(C) The following definitions shall apply to terms used in this Section.

(1) *Anyone* means any person or entity.

(2) *Confidential information* means information in whatever form obtained by an official during the course of his or her service to the City that is not available to or may be exempted from disclosure to members of the general public under the FOIA or another applicable law, rule, regulation, or court order. (An official may disclose to anyone how to make a FOIA request or how to challenge a denial of a FOIA request.)

(3) *Conflict of interest* means one or more of the following situations:

(a) A decision to be made by the City body on which the official serves or, in the case of a Commissioner, a decision to be made by any City body, could result in private gain for the official, a member of the official's household, or a member of the official's immediate family residing outside the official's household.

(b) A decision to be made by the City body on which the official serves could result in private gain for (i) anyone the official represents as an attorney, accountant, or other professional, (ii) an entity for which the official serves as an officer, director or, for a limited liability company or partnership, as a member, or (iii) unless the interest is held in a manner so that the official does not directly control the number of shares, portion of the ownership interest, or its value, an entity in which the official either owns more than 10% of the total stock or other ownership interest in the entity, or has an interest totaling \$50,000 or more in value. Subsection (i) does not apply to an attorney, accountant, or other professional whose client is only a lender on a project.

(4) *Entity* means an association, business corporation, general partnership, governmental agency or unit, limited liability company, limited partnership, non-profit corporation, individual's assumed name, or any other legal person or identity other than an individual.

(5) *FOIA* means Michigan's Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*

(6) *Official* means a person to whom this section applies as stated in Subsection (B).

(7) *Official's household* means those persons residing in the same dwelling unit as the official.

(8) *Official's immediate family* means the spouse, children, siblings or parents of the official.

(9) *Private gain* means any direct financial benefit that is different than any financial benefit members of the general public or a significant group of the general public would gain in similar circumstances.

(10) *Sole proprietor* means (i) the sole owner of a business that is not formed as an entity, or (ii) the sole holder of any equity or ownership interest in a business entity.

(D) The following standards shall apply to all officials in their service to the City.

(1) An official shall comply with all charter provisions, this Code, laws, rules, regulations, articles of incorporation, bylaws, procedures and policies applicable to (i) the official's office, (ii) the body on which the official serves, or (iii) the meetings the official attends.

(2) An official shall not (i) disclose to anyone any confidential information before it is authorized for release to the general public or (ii) use confidential information for private gain.

(3) Representation.

(a) An official shall not represent his or her personal views as those of the City or the body on which the official serves.

(b) An official shall not make any statements or answer any questions on behalf of the City or the body on which the official serves unless expressly authorized by the body on which the official serves, the Commission, or, for officials other than a Commissioner, the City Manager.

(c) An official shall not represent that he or she has any authority separate from that of the body on which he or she serves.

(d) An official shall act within the authority granted to the body on which he or she serves and shall respect the roles of other officials and bodies.

(e) An official shall not interfere with the City's administrative functions or the duties of City staff and shall not impair the City staff's ability to implement policy decisions made by any official body.

(4) Except to the extent they would be available to others in similar circumstances, an official shall not use or attempt to use City personnel resources, property, funds, or information for private gain.

(5) An official shall not solicit or accept a gift or a loan of money, goods, services, or other things of value which may tend or may reasonably appear to be intended to influence the manner in which the official performs his or her duties.

(6) Private Gain.

(a) An official shall not vote, act upon, participate in any discussion or, except as provided below, engage in any communications regarding any matter from which he or she knowingly may realize any private gain or regarding which he or she has a conflict of interest.

(b) An official shall not represent any individual or entity before a body on which he or she serves. A Commissioner shall not represent any individual or entity before anybody subject to this section. However this does not limit any official's ability to appeal his or her residential (or, if the official is the sole proprietor of a business, that business') property tax valuation or to address zoning or construction matters involving his or her residence (or, if the official is the sole proprietor of a business, such matters involving that business).

(7) An official shall not display any favor for or disfavor of anyone in the discharge of the official's duties. City actions and decisions shall be made fairly and impartially. An official shall treat persons appearing before a body with courtesy and respect. However, this does not prevent an official from stating his or her views or advocating regarding matters under consideration or communications to that public body.

(E) It is the intent of these provisions to encourage officials to disclose potential concerns and seek advice as needed or desired to ensure compliance. Accordingly, this section shall be administered and enforced as follows:

(1) Any official, other than a Commissioner, in an effort to comply with this section, may seek the advice of the City Manager and, with the City Manager's consent, the City attorney, regarding any upcoming proceeding, action or decision, or regarding any potential situation addressed by this section. A Commissioner, in an effort to comply with this section, may directly seek the advice of the City attorney. If an official (i) does so prior to any violation of this section, (ii) truthfully and fully discloses all information requested by the City Manager or City attorney, and (iii) complies with the City Manager's or City attorney's advice and direction, he or she shall not be subject to sanctions as detailed in subsection (5).

(2) Disclosure.

(a) Before any discussion on the matter by the body on which he or she serves, an official shall disclose to that body any situation that could appear to some to violate this section and disclose any guidance the official received as provided by subsection (1). The official shall or shall not participate in the consideration of the matter as provided in the City Manager's or City attorney's opinion. If the official is not to participate, he or she shall leave the dais or other place where members of the body sit during its meetings to return after the body completes its consideration of that matter.

(b) If, regardless of compliance with this section, an official strongly believes that, due to a close family or friendship relationship, he or she would find it very difficult to objectively participate in a matter before the body on which the official serves, the official may ask remaining members of the body on which the official serves to excuse the official from his

or her duty to otherwise participate in the discussion and action on that matter. The remainder of the body, by a majority vote, may excuse the official's participation. An official shall have no duty to request the body to excuse the official's participation, the body shall have no duty to grant such a request, and no other persons shall have any right under this subsection (b).

(3) If questions are first raised at a meeting about the applicability of this provision to an official and a matter pending at that meeting, the highest ranking City staff member at the meeting shall address the issue. The meeting may be recessed to seek advice from the City Manager or City attorney or consideration of the matter may be postponed to a later meeting.

(4) Procedure.

(a) Anyone may contact the chair of the body on which an official serves or the City Manager with any allegations or concerns that an official has violated this section. If the chair of a body is contacted, the chair shall contact the City Manager. For an issue regarding a Commissioner, the Mayor or any Commissioner may contact the City attorney without first contacting the City Manager.

(b) The City Manager or, with the City Manager's consent, the chair of the affected body, may contact the City attorney for an opinion regarding the allegations or concerns. For an issue regarding a Commissioner, the City attorney shall be contacted.

(c) The City Manager or the City attorney may ask the affected official and others for information the City Manager or the City attorney think is relevant. All officials shall promptly and fully comply with such requests. For an issue regarding a Commissioner, the City attorney shall conduct the inquiry.

(d) After obtaining the information, the City Manager or City attorney shall opine as to whether or not a violation of this section occurred. (For an issue regarding a Commissioner, the City attorney shall render the opinion.) If she or he concludes a violation occurred, she or he shall explain any needed and optional actions to be taken and include any information and considerations that may be helpful in addressing the situation. The affected body, the Commission, and City staff and officers shall act upon that opinion as they deem appropriate.

(e) If the City Manager or City attorney concludes no violation of this section occurred, she or he shall notify the complaining party and such City staff and officers as she or he deem appropriate.

(f) If anyone, including the complainant, another official, City staff, or anyone else actually affected by the situation, believes the City Manager's or City attorney's opinion is incorrect or the accompanying information is incorrect, that person may address the Commission regarding the issue. Any action by the Commission is final.

(g) If an official violated this section and that violation may have affected the outcome of any action, the affected body shall reconsider the decision or action as directed by the City Manager or City attorney.

(5) In addition to any other results, the Commission may impose one or more of the following sanctions for a violation of this section. In deciding which, if any, of these sanctions to impose, the Commission may consider such factors as: (i) the severity of the violation, (ii) its intentionality, (iii) its effects, (iv) whether it was the violating official's first or a repeated violation of this section, (v) whether the violating official acknowledged the violation and intends future compliance with this section, and (vi) other factors the Commission may deem pertinent under the circumstances.

(a) A violation of this section constitutes misconduct, misfeasance and malfeasance in office. For all appointed officials it therefore can be grounds for removal from office.

(b) Upon the affirmative vote of either a majority of its members either the Commission may publicly censure an official for a violation of this section. The official who is the

subject of the body's action shall not participate in the consideration or decision on the censure.

(c) If the violation of this section included the disclosure of confidential information, the Commission may decide to withhold confidential information from the violating official. If the confidential information was information presented during a closed session, the Commission may bar the violating official from participating in one or more future closed sessions. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

(d) If the violation of this section was willful or knowing and the City is sued, fined, or suffers another loss as a result, the Commission may seek indemnification or contribution from the violating official that could include amounts paid in any settlement, judgment, fine or other penalty, plus the costs (e.g., attorneys' fees, expert costs, discovery costs, etc.) to defend any such action. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

YEAS: Commissioner(s) _____

NAYS: Commissioner(s) _____

ABSTAIN: Commissioner(s) _____

ABSENT: Commissioner(s) _____

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on _____, 2018.

Date: _____, 2018

Allison Quast-Lents, Mayor

Date: _____, 2018

Jeremy Howard, City Clerk

Introduced: _____, 2018
Adopted: _____, 2018
Published: _____, 2018
Effective: _____, 2018

**CITY COMMISSION
CITY OF MOUNT PLEASANT**

Isabella County, Michigan

Commissioner _____, supported by Commissioner _____, moved adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.12, 30.13, 30.15, AND 31.01, AND TO ADD SECTION 30.16 OF THE MOUNT PLEASANT CITY CODE REGARDING COMMISSION MEETINGS

The City of Mount Pleasant Ordains:

Section 1. Amendment. Sections 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.13, 30.15, and 31.01 of the Mount Pleasant City Code are amended to read as follows:

§ 30.04 AGENDA.

(A) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Commission as part of the agenda shall be delivered to the City Manager ~~three~~five working days preceding the Commission meeting. The City Manager, after consultation with the Mayor and/or Vice Mayor, shall prepare the agenda. The City Manager shall furnish ~~each member of the Commission~~Commissioner, the Mayor, the City Clerk and the City Attorney with a copy of the agenda prior to the Commission meeting and as far in advance of the Commission meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Commission by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation. During the Commission meeting, items may be added to the agenda or removed from the agenda with a ~~majority~~two-thirds vote of the entire Commission then serving.

(B) On a periodic basis, the ~~City~~Commission shall, by resolution, approve the form of the agenda for Commission meetings.

§ 30.05 CALL TO ORDER.

The presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Commission to order. In the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Commission to order, whereupon a temporary chairperson shall be elected by the ~~members of the Commission~~Commissioners present. Upon the arrival of the Mayor or Vice Mayor, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

§ 30.06 ROLL CALL.

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the ~~members~~Commissioners, and the names of those present shall be entered in the minutes.

§ 30.07 RULES OF DEBATE.

(A) The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are herein imposed on all ~~members~~Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as the presiding officer.

(B) Every ~~member~~Commissioner desiring to speak shall address the chair and, upon recognition of the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(C) A ~~member~~Commissioner, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a ~~member~~Commissioner, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

(D) The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(E) A motion to reconsider any action taken by the Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any ~~member~~Commissioner, and may be made at any time and have precedence over all other motions or while a ~~member~~Commissioner has the floor. The question may then be debated, if applicable.

(F) A motion to rescind any action taken by the Commission may be made by any Commissioner if the original motion has not been acted up on or the action or parts of the action can be undone. If the motion to rescind is added to the agenda during the Commission meeting (no prior notice given), such motion shall require a 2/3 vote of the entire Commission to pass.

~~(F)~~(G) A Commissioner may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

§ 30.08 ADDRESSING THE COMMISSION.

(A) *Prior permission not required.* Any person may address the Commission during a Commission meeting without securing the prior permission of the Commission or the presiding officer, subject to the following:

(1) Interested parties or their authorized representatives may address the Commission by written communication with respect to any matter by delivering the City Manager a copy of the written communication prior to before the end of the regular business day on the day of the Commission meeting.

(2) Interested persons or their authorized representatives may address the Commission during a Commission meeting by oral communications. The ~~City~~ Commission, by resolution, shall designate the time during each meeting when the public shall have an opportunity to speak.

(B) *Addressing the Commission after motion made.* After a motion is made by the Commission, no person shall address the Commission without first securing the permission of the Commission to do so.

(C) *Manner of addressing the Commission; time limit.* Each person addressing the Commission shall stand, give his/her name and address in an audible tone of voice for the record, and unless further time is granted by the Commission, shall limit his/her address to five minutes during each public opportunity to speak, with the exception that such individual may also address the Commission a second time for an additional three minutes during each public opportunity to speak. In addition, the Commission may, by motion, grant an individual the right to address the Commission for a longer period of time. All remarks shall be addressed to the Commission as a body and not to any ~~member~~individual Commissioner thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Commissioner, without the permission of the presiding officer. No questions shall be asked a Commissioner except through the presiding officer.

§ 30.09 VOTING UPON QUESTIONS.

All votes shall be taken by "yeas" and "nays" and except for nominations to fill the Mayor and the Vice Mayor positions. The vote shall be so entered upon the journal as to show the names of those voting in the affirmative and in the negative, ~~except that~~. If the vote is unanimous, the record need merely so state. The failure or refusal of any ~~member~~Commissioner to vote shall be considered an affirmative vote. When voting on nominations to fill the Mayor and Vice Mayor positions, the vote shall be cast by naming one of the persons nominated for the position. The position shall be filled by the nominee who receives at least a majority of the votes of the full Commission.

§ 30.10 DECORUM.

(A) While the Commission is in session the ~~members~~Commissioners shall preserve order and decorum, and a ~~member~~Commissioner shall neither by conversation or otherwise delay or interrupt the

proceedings or the peace of the Commission nor disturb any ~~member~~Commissioner while speaking or refuse to obey the orders of the Commission or its presiding officer, except as otherwise herein provided.

(B) Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith, by the presiding officer, barred from further audience before the Commission, unless permission to continue be granted by a majority vote of the Commission.

§ 30.11 SPECIAL AND STANDING COMMITTEES.

(A) *Standing committees.* The Commission may create one or more standing committees of its members. Each standing committee shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to the standing committee.

(B) *Special committees.* The Commission may create such special committees as the Commission may determine from time to time. Each special committee shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to it.

(C) *Appointments.* The Mayor shall appoint the members of each standing committee and/or special committee.

(D) Any reports of standing or special committees must be supported by a majority of the committee.

§ 30.12 PROTESTS FILED ON COMMISSION ACTIONS.

Any ~~member~~Commissioner shall have the right to have the reasons for his/her dissent from, or protest against, any action of the Commission entered on the minutes.

§ 30.13 ORDINANCES, RESOLUTIONS AND CONTRACTS.

(A) No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or prepared on request of the City Manager.

(B) All ordinances, resolutions and contract documents shall, before presentation to the Commission, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Manager where there are substantive matters of administration involved.

(C) Ordinances, resolutions and other matters or subjects requiring action by the Commission shall be introduced and sponsored by a ~~member of the Commission~~Commissioner; otherwise, they shall not be considered.

(D) Nothing in this section shall be deemed to alter the procedures established for initiative and referendum as set forth in the City Charter, Article VI.

§ 30.15 OTHER RULES TO GOVERN.

The rules of parliamentary practice, comprised in Robert's Rules of Order ~~Newly Revised~~ (10th latest edition), shall govern the meetings of the Commission in all cases to which they are applicable, provided they are not in conflict with the Charter, this chapter or resolutions adopted pursuant to this chapter.

§ 31.01 NOMINATING PETITIONS.

All nominating petitions to fill the elective offices provided under Article IV of the Charter of the City of Mount Pleasant shall be filed with the City Clerk ~~before 4:00 p.m. on that day being not more than 30 days before the Tuesday following the first Monday in August of each year which shall be the final day for filing said petitions~~within the time limitation set for filing petitions as provided by the laws of the State.

Section 2. Addition. Section 30.16 of the Mount Pleasant City Code is added to read as follows:

§ 30.16 ETHICS POLICY.

(A) The City's leaders are to advance common interests rather than their own interests and are to be wholly accountable to the people. This section does not comprehensively define ethical behavior but instead defines minimal, enforceable ethical standards for City leaders.

(B) This section applies to Commissioners and to members of boards, commissions, and other bodies appointed by the Mayor or the Commission¹ and the Housing Commission.²

(C) The following definitions shall apply to terms used in this Section.

(1) *Anyone* means any person or entity.

(2) *Confidential information* means information in whatever form obtained by an official during the course of his or her service to the City that is not available to or may be exempted from disclosure to members of the general public under the FOIA or another applicable law, rule, regulation, or court order. (An official may disclose to anyone how to make a FOIA request or how to challenge a denial of a FOIA request.)

(3) *Conflict of interest* means one or more of the following situations:

(a) A decision to be made by the City body on which the official serves or, in the case of a Commissioner, a decision to be made by any City body, could result in private gain for the official, a member of the official's household, or a member of the official's immediate family residing outside the official's household.

(b) A decision to be made by the City body on which the official serves could result in private gain for (i) anyone the official represents as an attorney, accountant, or other professional, (ii) an entity for which the official serves as an officer, director or, for a limited liability company or partnership, as a member, or (iii) unless the interest is held in a manner so that the official does not directly control the number of shares, portion of the ownership interest, or its value, an entity in which the official either owns more than 10% of the total stock or other ownership interest in the entity, or has an interest totaling \$50,000 or more in value.³ Subsection (i) does not apply to an attorney, accountant, or other professional whose client is only a lender on a project.

(4) *Entity* means an association, business corporation, general partnership, governmental agency or unit, limited liability company, limited partnership, non-profit corporation, individual's assumed name, or any other legal person or identity other than an individual.

(5) *FOIA* means Michigan's Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*

(6) *Official* means a person to whom this section applies as stated in Subsection (B).

(7) *Official's household* means those persons residing in the same dwelling unit as the official.

(8) *Official's immediate family* means the spouse, children, siblings or parents of the official.

(9) *Private gain* means any direct financial benefit that is different than any financial benefit members of the general public or a significant group of the general public would gain in similar circumstances.⁴

¹ Currently, this includes the Airport Advisory Board, Board of Review, Brownfield Redevelopment Authority Board of Directors, Building Authority Board, Building, Fire and Sanitary Sewer Board of Appeals, Downtown Development Authority Board of Directors, Downtown Development Board, Economic Development Corporation Board of Directors, Fire and Police Retirement Board, Historic District Commission, Local Development Finance Authority Board of Directors, Local Officials Compensation Commission, Parks and Recreation Commission, Planning Commission, Tax Increment Finance Authority Board of Directors, and Zoning Board of Appeals.

² The City Manager appoints the Housing Commissioners, §32.02, but the City Commission may remove them upon the recommendation of the City Manager, MCL 125.654(3).

³ For example, in a mutual fund, blind trust, or other arrangement where the official has no control over the purchase or sale of individual stocks, the make-up of a portfolio, etc.

⁴ Gain that is or could be realized by the City is not private gain because it inures to the benefit of the general public that the City serves. Gain that is or could be realized by a group, such as businesses in a certain area, also is not private gain. There is also no private gain or conflict of interest where state law requires a board to be comprised, at least in part, of representatives of businesses, neighborhoods, entities, or areas. However, if a particular decision or action would affect a single individual, family or business, private gain may result.

(10) *Sole proprietor* means (i) the sole owner of a business that is not formed as an entity, or (ii) the sole holder of any equity or ownership interest in a business entity.

(D) The following standards shall apply to all officials in their service to the City.

(1) An official shall comply with all charter provisions, this Code, laws, rules, regulations, articles of incorporation, bylaws, procedures and policies applicable to (i) the official's office, (ii) the body on which the official serves, or (iii) the meetings the official attends.

(2) An official shall not (i) disclose to anyone any confidential information before it is authorized for release to the general public or (ii) use confidential information for private gain.

(3) Representation.

(a) An official shall not represent his or her personal views as those of the City or the body on which the official serves.

(b) An official shall not make any statements or answer any questions on behalf of the City or the body on which the official serves unless expressly authorized by the body on which the official serves, the Commission, or, for officials other than a Commissioner, the City Manager.

(c) An official shall not represent that he or she has any authority separate from that of the body on which he or she serves.⁵

(d) An official shall act within the authority granted to the body on which he or she serves and shall respect the roles of other officials and bodies.⁶

(e) An official shall not interfere with the City's administrative functions or the duties of City staff and shall not impair the City staff's ability to implement policy decisions made by any official body.

(4) Except to the extent they would be available to others in similar circumstances,⁷ an official shall not use or attempt to use City personnel resources, property, funds, or information for private gain.

(5) An official shall not solicit or accept a gift or a loan of money, goods, services, or other things of value which may tend or may reasonably appear to be intended to influence the manner in which the official performs his or her duties.

(6) Private Gain.

(a) An official shall not vote, act upon, participate in any discussion or, except as provided below, engage in any communications regarding any matter from which he or she knowingly may realize any private gain or regarding which he or she has a conflict of interest.

(b) An official shall not represent any individual or entity before a body on which he or she serves. A Commissioner shall not represent any individual or entity before anybody subject to this section. However this does not limit any official's ability to appeal his or her residential (or, if the official is the sole proprietor of a business, that business') property tax valuation or to address zoning or construction matters involving his or her residence (or, if the official is the sole proprietor of a business, such matters involving that business).

(7) An official shall not display any favor for or disfavor of anyone in the discharge of the official's duties. City actions and decisions shall be made fairly and impartially. An official shall treat persons appearing before a body with courtesy and respect. However, this does not

⁵ Except for specific statutory or other authority granted to specific officers of a body, unless the body otherwise designates, it is the body on which the official serves, not an individual official, that has governmental authority.

⁶ Because it is directly elected by the people, the Commission has the overall policy making and oversight role for the City. Other bodies serve roles that advise or recommend to the Commission and exercise authority granted by the Commission or by applicable laws, ordinances, rules and regulations.

⁷ For example, assistance by economic development personnel, the rental of City-owned park facilities, and the mayor's performance of a wedding.

prevent an official from stating his or her views or advocating regarding matters under consideration or communications to that public body.

(E) It is the intent of these provisions to encourage officials to disclose potential concerns and seek advice as needed or desired to ensure compliance. Accordingly, this section shall be administered and enforced as follows:

(1) Any official, other than a Commissioner, in an effort to comply with this section, may seek the advice of the City Manager and, with the City Manager's consent, the City attorney, regarding any upcoming proceeding, action or decision, or regarding any potential situation addressed by this section. A Commissioner, in an effort to comply with this section, may directly seek the advice of the City attorney. If an official (i) does so prior to any violation of this section, (ii) truthfully and fully discloses all information requested by the City Manager or City attorney, and (iii) complies with the City Manager's or City attorney's advice and direction, he or she shall not be subject to sanctions as detailed in subsection (5).

(2) Disclosure.

(a) Before any discussion on the matter by the body on which he or she serves, an official shall disclose to that body any situation that could appear to some to violate this section and disclose any guidance the official received as provided by subsection (1). The official shall or shall not participate in the consideration of the matter as provided in the City Manager's or City attorney's opinion. If the official is not to participate, he or she shall leave the dais or other place where members of the body sit during its meetings to return after the body completes its consideration of that matter.

(b) If, regardless of compliance with this section, an official strongly believes that, due to a close family or friendship relationship, he or she would find it very difficult to objectively participate in a matter before the body on which the official serves, the official may ask remaining members of the body on which the official serves to excuse the official from his or her duty to otherwise participate in the discussion and action on that matter. The remainder of the body, by a majority vote, may excuse the official's participation. An official shall have no duty to request the body to excuse the official's participation, the body shall have no duty to grant such a request, and no other persons shall have any right under this subsection (b).

(3) If questions are first raised at a meeting about the applicability of this provision to an official and a matter pending at that meeting, the highest ranking City staff member at the meeting shall address the issue. The meeting may be recessed to seek advice from the City Manager or City attorney or consideration of the matter may be postponed to a later meeting.

(4) Procedure.

(a) Anyone may contact the chair of the body on which an official serves or the City Manager with any allegations or concerns that an official has violated this section. If the chair of a body is contacted, the chair shall contact the City Manager. For an issue regarding a Commissioner, the Mayor or any Commissioner may contact the City attorney without first contacting the City Manager.

(b) The City Manager or, with the City Manager's consent, the chair of the affected body, may contact the City attorney for an opinion regarding the allegations or concerns. For an issue regarding a Commissioner, the City attorney shall be contacted.

(c) The City Manager or the City attorney may ask the affected official and others for information the City Manager or the City attorney think is relevant. All officials shall promptly and fully comply with such requests. For an issue regarding a Commissioner, the City attorney shall conduct the inquiry.

(d) After obtaining the information, the City Manager or City attorney shall opine as to whether or not a violation of this section occurred. (For an issue regarding a Commissioner, the City attorney shall render the opinion.) If she or he concludes a violation occurred, she or he shall explain any needed and optional actions to be taken and include any information

and considerations that may be helpful in addressing the situation. The affected body, the Commission, and City staff and officers shall act upon that opinion as they deem appropriate.

(e) If the City Manager or City attorney concludes no violation of this section occurred, she or he shall notify the complaining party and such City staff and officers as she or he deem appropriate.

(f) If anyone, including the complainant, another official, City staff, or anyone else actually affected by the situation, believes the City Manager's or City attorney's opinion is incorrect or the accompanying information is incorrect, that person may address the Commission regarding the issue. Any action by the Commission is final.

(g) If an official violated this section and that violation may have affected the outcome of any action, the affected body shall reconsider the decision or action as directed by the City Manager or City attorney.

(5) In addition to any other results,⁸ the Commission may impose one or more of the following sanctions for a violation of this section. In deciding which, if any, of these sanctions to impose, the Commission may consider such factors as: (i) the severity of the violation, (ii) its intentionality,⁹ (iii) its effects,¹⁰ (iv) whether it was the violating official's first or a repeated violation of this section, (v) whether the violating official acknowledged the violation and intends future compliance with this section, and (vi) other factors the Commission may deem pertinent under the circumstances.

(a) A violation of this section constitutes misconduct, misfeasance and malfeasance in office. For all appointed officials it therefore can be grounds for removal from office.

(b) Upon the affirmative vote of either a majority of its members either the Commission may publicly censure an official for a violation of this section. The official who is the subject of the body's action shall not participate in the consideration or decision on the censure.

(c) If the violation of this section included the disclosure of confidential information, the Commission may decide to withhold confidential information from the violating official. If the confidential information was information presented during a closed session, the Commission may bar the violating official from participating in one or more future closed sessions. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

(d) If the violation of this section was willful or knowing and the City is sued, fined, or suffers another loss as a result, the Commission may seek indemnification or contribution from the violating official that could include amounts paid in any settlement, judgment, fine or other penalty, plus the costs (e.g., attorneys' fees, expert costs, discovery costs, etc.) to defend any such action. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

YEAS: Commissioner(s) _____
NAYS: Commissioner(s) _____
ABSTAIN: Commissioner(s) _____
ABSENT: Commissioner(s) _____

⁸ A violation of this section is a violation of the City Code any may also be a violation of other applicable charter provisions, law, rules or regulations. Actions may also be taken and remedies sought for the violation of the other applicable requirements.

⁹ That is, whether it was deliberate, unintentional, an oversight, an error in judgment, etc.

¹⁰ That is, whether it had policy, legal or other consequences, whether a decision needed to be reconsidered, whether it resulted in cost to the City, etc.

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on _____, 2018.

Date: _____, 2018

Allison Quast-Lents, Mayor

Date: _____, 2018

Jeremy Howard, City Clerk

Introduced: _____, 2018

Adopted: _____, 2018

Published: _____, 2018

Effective: _____, 2018

**CITY COMMISSION
CITY OF MOUNT PLEASANT**

Isabella County, Michigan

Commissioner _____, supported by Commissioner _____, moved adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.12, 30.13, 30.15, AND 31.01, AND TO ADD SECTION 30.16 OF THE MOUNT PLEASANT CITY CODE REGARDING COMMISSION MEETINGS

The City of Mount Pleasant Ordains:

Section 1. Amendment. Sections 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.13, 30.15, and 31.01 of the Mount Pleasant City Code are amended to read as follows:

§ 30.04 AGENDA.

(A) All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Commission as part of the agenda shall be delivered to the City Manager five working days preceding the Commission meeting. The City Manager, after consultation with the Mayor and/or Vice Mayor, shall prepare the agenda. The City Manager shall furnish Commissioner, the Mayor, the City Clerk and the City Attorney with a copy of the agenda prior to the Commission meeting and as far in advance of the Commission meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Commission by administrative officials except those of an urgent nature, and the same, when so presented, shall have the written approval of the City Manager before presentation. During the Commission meeting, items may be added to the agenda or removed from the agenda with a two-thirds vote of the entire Commission then serving.

(B) On a periodic basis, the Commission shall, by resolution, approve the form of the agenda for Commission meetings.

§ 30.05 CALL TO ORDER.

The presiding officer shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Commission to order. In the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Commission to order, whereupon a temporary chairperson shall be elected by the Commissioners present. Upon the arrival of the Mayor or Vice Mayor, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

§ 30.06 ROLL CALL.

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the Commissioners, and the names of those present shall be entered in the minutes.

§ 30.07 RULES OF DEBATE.

(A) The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are herein imposed on all Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as the presiding officer.

(B) Every Commissioner desiring to speak shall address the chair and, upon recognition of the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(C) A Commissioner, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a Commissioner, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

(D) The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(E) A motion to reconsider any action taken by the Commission may be made only on the day such action was taken. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion shall be made by one of the prevailing side, but may be seconded by any Commissioner, and may be made at any time and have precedence over all other motions or while a Commissioner has the floor. The question may then be debated, if applicable.

(F) A motion to rescind any action taken by the Commission may be made by any Commissioner if the original motion has not been acted up on or the action or parts of the action can be undone. If the motion to rescind is added to the agenda during the Commission meeting (no prior notice given), such motion shall require a 2/3 vote of the entire Commission to pass.

(G) A Commissioner may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

§ 30.08 ADDRESSING THE COMMISSION.

(A) *Prior permission not required.* Any person may address the Commission during a Commission meeting without securing the prior permission of the Commission or the presiding officer, subject to the following:

(1) Interested parties or their authorized representatives may address the Commission by written communication with respect to any matter by delivering the City Manager a copy of the written communication before the end of the regular business day on the day of the Commission meeting.

(2) Interested persons or their authorized representatives may address the Commission during a Commission meeting by oral communications. The Commission, by resolution, shall designate the time during each meeting when the public shall have an opportunity to speak.

(B) *Addressing the Commission after motion made.* After a motion is made by the Commission, no person shall address the Commission without first securing the permission of the Commission to do so.

(C) *Manner of addressing the Commission; time limit.* Each person addressing the Commission shall stand, give his/her name and address in an audible tone of voice for the record, and unless further time is granted by the Commission, shall limit his/her address to five minutes during each public opportunity to speak, with the exception that such individual may also address the Commission a second time for an additional three minutes during each public opportunity to speak. In addition, the Commission may, by motion, grant an individual the right to address the Commission for a longer period of time. All remarks shall be addressed to the Commission as a body and not to any individual Commissioner thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Commissioner, without the permission of the presiding officer. No questions shall be asked a Commissioner except through the presiding officer.

§ 30.09 VOTING UPON QUESTIONS.

All votes shall be taken by "yeas" and "nays" except for nominations to fill the Mayor and the Vice Mayor positions. The vote shall be so entered upon the journal as to show the names of those voting in the affirmative and in the negative. If the vote is unanimous, the record need merely so state. The failure or refusal of any Commissioner to vote shall be considered an affirmative vote. When voting on nominations to fill the Mayor and Vice Mayor positions, the vote shall be cast by naming one of the persons nominated for the position. The position shall be filled by the nominee who receives at least a majority of the votes of the full Commission.

§ 30.10 DECORUM.

(A) While the Commission is in session the Commissioners shall preserve order and decorum, and a Commissioner shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Commission nor disturb any Commissioner while speaking or refuse to obey the orders of the Commission or its presiding officer, except as otherwise herein provided.

(B) Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith, by the presiding officer, barred from further audience before the Commission, unless permission to continue be granted by a majority vote of the Commission.

§ 30.11 SPECIAL AND STANDING COMMITTEES.

(A) *Standing committees.* The Commission may create one or more standing committees of its members. Each standing committee shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to the standing committee.

(B) *Special committees.* The Commission may create such special committees as the Commission may determine from time to time. Each special committee shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to it.

(C) *Appointments.* The Mayor shall appoint the members of each standing committee and/or special committee.

(D) Any reports of standing or special committees must be supported by a majority of the committee.

§ 30.12 PROTESTS FILED ON COMMISSION ACTIONS.

Any Commissioner shall have the right to have the reasons for his/her dissent from, or protest against, any action of the Commission entered on the minutes.

§ 30.13 ORDINANCES, RESOLUTIONS AND CONTRACTS.

(A) No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or prepared on request of the City Manager.

(B) All ordinances, resolutions and contract documents shall, before presentation to the Commission, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Manager where there are substantive matters of administration involved.

(C) Ordinances, resolutions and other matters or subjects requiring action by the Commission shall be introduced and sponsored by a Commissioner; otherwise, they shall not be considered.

(D) Nothing in this section shall be deemed to alter the procedures established for initiative and referendum as set forth in the City Charter, Article VI.

§ 30.15 OTHER RULES TO GOVERN.

The rules of parliamentary practice, comprised in Robert's Rules of Order (latest edition), shall govern the meetings of the Commission in all cases to which they are applicable, provided they are not in conflict with the Charter, this chapter or resolutions adopted pursuant to this chapter.

§ 31.01 NOMINATING PETITIONS.

All nominating petitions to fill the elective offices provided under Article IV of the Charter of the City of Mount Pleasant shall be filed with the City Clerk within the time limitation set for filing petitions as provided by the laws of the State.

Section 2. Addition. Section 30.16 of the Mount Pleasant City Code is added to read as follows:

§ 30.16 ETHICS POLICY.

(A) The City's leaders are to advance common interests rather than their own interests and are to be wholly accountable to the people. This section does not comprehensively define ethical behavior but instead defines minimal, enforceable ethical standards for City leaders.

(B) This section applies to Commissioners and to members of boards, commissions, and other bodies appointed by the Mayor or the Commission¹ and the Housing Commission.²

¹ Currently, this includes the Airport Advisory Board, Board of Review, Brownfield Redevelopment Authority Board of Directors, Building Authority Board, Building, Fire and Sanitary Sewer Board of Appeals, Downtown Development Authority Board of Directors,

(C) The following definitions shall apply to terms used in this Section.

(1) *Anyone* means any person or entity.

(2) *Confidential information* means information in whatever form obtained by an official during the course of his or her service to the City that is not available to or may be exempted from disclosure to members of the general public under the FOIA or another applicable law, rule, regulation, or court order. (An official may disclose to anyone how to make a FOIA request or how to challenge a denial of a FOIA request.)

(3) *Conflict of interest* means one or more of the following situations:

(a) A decision to be made by the City body on which the official serves or, in the case of a Commissioner, a decision to be made by any City body, could result in private gain for the official, a member of the official's household, or a member of the official's immediate family residing outside the official's household.

(b) A decision to be made by the City body on which the official serves could result in private gain for (i) anyone the official represents as an attorney, accountant, or other professional, (ii) an entity for which the official serves as an officer, director or, for a limited liability company or partnership, as a member, or (iii) unless the interest is held in a manner so that the official does not directly control the number of shares, portion of the ownership interest, or its value, an entity in which the official either owns more than 10% of the total stock or other ownership interest in the entity, or has an interest totaling \$50,000 or more in value.³ Subsection (i) does not apply to an attorney, accountant, or other professional whose client is only a lender on a project.

(4) *Entity* means an association, business corporation, general partnership, governmental agency or unit, limited liability company, limited partnership, non-profit corporation, individual's assumed name, or any other legal person or identity other than an individual.

(5) *FOIA* means Michigan's Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*

(6) *Official* means a person to whom this section applies as stated in Subsection (B).

(7) *Official's household* means those persons residing in the same dwelling unit as the official.

(8) *Official's immediate family* means the spouse, children, siblings or parents of the official.

(9) *Private gain* means any direct financial benefit that is different than any financial benefit members of the general public or a significant group of the general public would gain in similar circumstances.⁴

(10) *Sole proprietor* means (i) the sole owner of a business that is not formed as an entity, or (ii) the sole holder of any equity or ownership interest in a business entity.

(D) The following standards shall apply to all officials in their service to the City.

Downtown Development Board, Economic Development Corporation Board of Directors, Fire and Police Retirement Board, Historic District Commission, Local Development Finance Authority Board of Directors, Local Officials Compensation Commission, Parks and Recreation Commission, Planning Commission, Tax Increment Finance Authority Board of Directors, and Zoning Board of Appeals.

² The City Manager appoints the Housing Commissioners, §32.02, but the City Commission may remove them upon the recommendation of the City Manager, MCL 125.654(3).

³ For example, in a mutual fund, blind trust, or other arrangement where the official has no control over the purchase or sale of individual stocks, the make-up of a portfolio, etc.

⁴ Gain that is or could be realized by the City is not private gain because it inures to the benefit of the general public that the City serves. Gain that is or could be realized by a group, such as businesses in a certain area, also is not private gain. There is also no private gain or conflict of interest where state law requires a board to be comprised, at least in part, of representatives of businesses, neighborhoods, entities, or areas. However, if a particular decision or action would affect a single individual, family or business, private gain may result.

- (1) An official shall comply with all charter provisions, this Code, laws, rules, regulations, articles of incorporation, bylaws, procedures and policies applicable to (i) the official's office, (ii) the body on which the official serves, or (iii) the meetings the official attends.
- (2) An official shall not (i) disclose to anyone any confidential information before it is authorized for release to the general public or (ii) use confidential information for private gain.
- (3) Representation.
 - (a) An official shall not represent his or her personal views as those of the City or the body on which the official serves.
 - (b) An official shall not make any statements or answer any questions on behalf of the City or the body on which the official serves unless expressly authorized by the body on which the official serves, the Commission, or, for officials other than a Commissioner, the City Manager.
 - (c) An official shall not represent that he or she has any authority separate from that of the body on which he or she serves.⁵
 - (d) An official shall act within the authority granted to the body on which he or she serves and shall respect the roles of other officials and bodies.⁶
 - (e) An official shall not interfere with the City's administrative functions or the duties of City staff and shall not impair the City staff's ability to implement policy decisions made by any official body.
- (4) Except to the extent they would be available to others in similar circumstances,⁷ an official shall not use or attempt to use City personnel resources, property, funds, or information for private gain.
- (5) An official shall not solicit or accept a gift or a loan of money, goods, services, or other things of value which may tend or may reasonably appear to be intended to influence the manner in which the official performs his or her duties.
- (6) Private Gain.
 - (a) An official shall not vote, act upon, participate in any discussion or, except as provided below, engage in any communications regarding any matter from which he or she knowingly may realize any private gain or regarding which he or she has a conflict of interest.
 - (b) An official shall not represent any individual or entity before a body on which he or she serves. A Commissioner shall not represent any individual or entity before anybody subject to this section. However this does not limit any official's ability to appeal his or her residential (or, if the official is the sole proprietor of a business, that business') property tax valuation or to address zoning or construction matters involving his or her residence (or, if the official is the sole proprietor of a business, such matters involving that business).
- (7) An official shall not display any favor for or disfavor of anyone in the discharge of the official's duties. City actions and decisions shall be made fairly and impartially. An official shall treat persons appearing before a body with courtesy and respect. However, this does not prevent an official from stating his or her views or advocating regarding matters under consideration or communications to that public body.

⁵ Except for specific statutory or other authority granted to specific officers of a body, unless the body otherwise designates, it is the body on which the official serves, not an individual official, that has governmental authority.

⁶ Because it is directly elected by the people, the Commission has the overall policy making and oversight role for the City. Other bodies serve roles that advise or recommend to the Commission and exercise authority granted by the Commission or by applicable laws, ordinances, rules and regulations.

⁷ For example, assistance by economic development personnel, the rental of City-owned park facilities, and the mayor's performance of a wedding.

(E) It is the intent of these provisions to encourage officials to disclose potential concerns and seek advice as needed or desired to ensure compliance. Accordingly, this section shall be administered and enforced as follows:

- (1) Any official, other than a Commissioner, in an effort to comply with this section, may seek the advice of the City Manager and, with the City Manager's consent, the City attorney, regarding any upcoming proceeding, action or decision, or regarding any potential situation addressed by this section. A Commissioner, in an effort to comply with this section, may directly seek the advice of the City attorney. If an official (i) does so prior to any violation of this section, (ii) truthfully and fully discloses all information requested by the City Manager or City attorney, and (iii) complies with the City Manager's or City attorney's advice and direction, he or she shall not be subject to sanctions as detailed in subsection (5).
- (2) Disclosure.
 - (a) Before any discussion on the matter by the body on which he or she serves, an official shall disclose to that body any situation that could appear to some to violate this section and disclose any guidance the official received as provided by subsection (1). The official shall or shall not participate in the consideration of the matter as provided in the City Manager's or City attorney's opinion. If the official is not to participate, he or she shall leave the dais or other place where members of the body sit during its meetings to return after the body completes its consideration of that matter.
 - (b) If, regardless of compliance with this section, an official strongly believes that, due to a close family or friendship relationship, he or she would find it very difficult to objectively participate in a matter before the body on which the official serves, the official may ask remaining members of the body on which the official serves to excuse the official from his or her duty to otherwise participate in the discussion and action on that matter. The remainder of the body, by a majority vote, may excuse the official's participation. An official shall have no duty to request the body to excuse the official's participation, the body shall have no duty to grant such a request, and no other persons shall have any right under this subsection (b).
- (3) If questions are first raised at a meeting about the applicability of this provision to an official and a matter pending at that meeting, the highest ranking City staff member at the meeting shall address the issue. The meeting may be recessed to seek advice from the City Manager or City attorney or consideration of the matter may be postponed to a later meeting.
- (4) Procedure.
 - (a) Anyone may contact the chair of the body on which an official serves or the City Manager with any allegations or concerns that an official has violated this section. If the chair of a body is contacted, the chair shall contact the City Manager. For an issue regarding a Commissioner, the Mayor or any Commissioner may contact the City attorney without first contacting the City Manager.
 - (b) The City Manager or, with the City Manager's consent, the chair of the affected body, may contact the City attorney for an opinion regarding the allegations or concerns. For an issue regarding a Commissioner, the City attorney shall be contacted.
 - (c) The City Manager or the City attorney may ask the affected official and others for information the City Manager or the City attorney think is relevant. All officials shall promptly and fully comply with such requests. For an issue regarding a Commissioner, the City attorney shall conduct the inquiry.
 - (d) After obtaining the information, the City Manager or City attorney shall opine as to whether or not a violation of this section occurred. (For an issue regarding a Commissioner, the City attorney shall render the opinion.) If she or he concludes a violation occurred, she or he shall explain any needed and optional actions to be taken and include any information and considerations that may be helpful in addressing the situation. The affected body, the Commission, and City staff and officers shall act upon that opinion as they deem appropriate.

(e) If the City Manager or City attorney concludes no violation of this section occurred, she or he shall notify the complaining party and such City staff and officers as she or he deem appropriate.

(f) If anyone, including the complainant, another official, City staff, or anyone else actually affected by the situation, believes the City Manager's or City attorney's opinion is incorrect or the accompanying information is incorrect, that person may address the Commission regarding the issue. Any action by the Commission is final.

(g) If an official violated this section and that violation may have affected the outcome of any action, the affected body shall reconsider the decision or action as directed by the City Manager or City attorney.

(5) In addition to any other results,⁸ the Commission may impose one or more of the following sanctions for a violation of this section. In deciding which, if any, of these sanctions to impose, the Commission may consider such factors as: (i) the severity of the violation, (ii) its intentionality,⁹ (iii) its effects,¹⁰ (iv) whether it was the violating official's first or a repeated violation of this section, (v) whether the violating official acknowledged the violation and intends future compliance with this section, and (vi) other factors the Commission may deem pertinent under the circumstances.

(a) A violation of this section constitutes misconduct, misfeasance and malfeasance in office. For all appointed officials it therefore can be grounds for removal from office.

(b) Upon the affirmative vote of either a majority of its members either the Commission may publicly censure an official for a violation of this section. The official who is the subject of the body's action shall not participate in the consideration or decision on the censure.

(c) If the violation of this section included the disclosure of confidential information, the Commission may decide to withhold confidential information from the violating official. If the confidential information was information presented during a closed session, the Commission may bar the violating official from participating in one or more future closed sessions. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

(d) If the violation of this section was willful or knowing and the City is sued, fined, or suffers another loss as a result, the Commission may seek indemnification or contribution from the violating official that could include amounts paid in any settlement, judgment, fine or other penalty, plus the costs (e.g., attorneys' fees, expert costs, discovery costs, etc.) to defend any such action. A Commissioner who is the subject of the action shall not participate in its consideration or vote on it.

Section 3. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

YEAS: Commissioner(s) _____

NAYS: Commissioner(s) _____

ABSTAIN: Commissioner(s) _____

ABSENT: Commissioner(s) _____

⁸ A violation of this section is a violation of the City Code any may also be a violation of other applicable charter provisions, law, rules or regulations. Actions may also be taken and remedies sought for the violation of the other applicable requirements.

⁹ That is, whether it was deliberate, unintentional, an oversight, an error in judgment, etc.

¹⁰ That is, whether it had policy, legal or other consequences, whether a decision needed to be reconsidered, whether it resulted in cost to the City, etc.

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on _____, 2018.

Date: _____, 2018

Allison Quast-Lents, Mayor

Date: _____, 2018

Jeremy Howard, City Clerk


Introduced: _____, 2018

Adopted: _____, 2018

Published: _____, 2018

Effective: _____, 2018

COMMISSION LETTER #163-18
MEETING DATE: OCTOBER 8, 2018

TO: MAYOR AND CITY COMMISSION OCTOBER 3, 2018
FROM: NANCY RIDLEY, CITY MANAGER 
SUBJECT: PUBLIC HEARING ON AN ORDINANCE TO AMEND SECTION 98.37 OF
THE MT. PLEASANT CITY CODE REGARDING SNOW AND ICE REMOVAL
AND CONSIDER APPROVAL OF THE SAME

Attached are the materials from the September 24 City Commission meeting when this matter was set for public hearing. The prior materials outline the history of discussions on this matter and provide an overview of the ordinance changes.

After holding the public hearing the City Commission essentially has the same three options available. Those options are as follows:

1. Approve the draft as presented.
2. Postpone action until further discussion can be held in a work session.
3. Take no action which would result in the current ordinance remaining in place.

Recommended motion:

Move to approve the ordinance changes to Section 98.37 as drafted.


OR

Move to postpone action on changes to Section 98.37 until a work session discussion can be held.

NJR/ap

COMMISSION LETTER #157-18
MEETING DATE: SEPTEMBER 24, 2018

TO: MAYOR AND CITY COMMISSION SEPTEMBER 19, 2018

FROM: NANCY RIDLEY, CITY MANAGER 

SUBJECT: INTRODUCE AN ORDINANCE TO AMEND SECTION 98.37 OF THE MT. PLEASANT CITY CODE REGARDING SNOW AND ICE REMOVAL AND SET A PUBLIC HEARING FOR OCTOBER 8, 2018 ON THE SAME.

The City Commission has held a number of work session discussions, requested various research and surveys, and obtained input on sidewalk snow removal. Although there is a desire to have clear sidewalks and it would be desirable for all property owners to be good neighbors that provide clear sidewalks, it was recognized that change cannot occur quickly. Throughout the process three primary options were discussed as potential methods to increase the likelihood of having clear sidewalks during the winter months. Those options include the following:

- Option 1-Hire a contractor to clear 44 miles of sidewalk in the CD-3, CD-3L districts.
 - A Request for Proposals (RFP) for such service was sent out for bid this summer
 - No bids were received
 - Feedback received indicated concerns regarding:
 - Significant capital investment required
 - Concern about ability to have sufficient on-call staff
- Option 2-Utilize City staff to clear sidewalks
 - The same challenges that an outside contractor would have apply to utilizing City staff for this service.
- Option 3-Ordinance requirement for all property owners to clear sidewalks

At the work session on August 13, 2018 discussion was held regarding the ordinance change of Option 3 and a draft ordinance was discussed. After that discussion the general agreement was to have staff and the City Attorney present an amended ordinance for City Commission consideration that included a one year educational period for residential properties.

Attached to this communication is the current ordinance which requires commercial and industrial properties to clear the sidewalks within 18 hours after the snow fall ends. Attached is a new ordinance which keeps those requirements in place and includes the additional following provisions:

- Provides clarity that the responsibility falls to the building and land owners

- Provides clarity that the cessation of snow and ice is according to information received from the National Weather Service
- Utilizes the definitions from the General Property Tax Act to identify commercial, industrial and residential properties
- Provides 48 hours after the cessation of snow for clearing of residential sidewalks
- Includes provisions for clearing sidewalks in the event of continuous snowfall
- In addition to the ability to issue a municipal civil infraction, the language includes a provision for costs to be added as a lien on the tax bill if the City clears the sidewalk
- Indicates that enforcement for residential properties would begin in November 2019

The discussion during the work session regarding the implementation of enforcement in 2019 was based on the following desires:

- ✓ Allows one year to properly educate residential property owners on the change
- ✓ Provides one year for property owners who are physically challenged to clear their sidewalk to identify other potential options for the work to be completed

Discussion on enforcement indicated that a rotating schedule for enforcement would be implemented starting with different areas of the City each time, since there is not enough enforcement staff to cover the entire City at once. In addition, there was general agreement that City staff would no longer clear school routes if the ordinance was approved.

The attached amended ordinance addresses the items discussed during the August 13 work session. The City Commission has essentially three options with this draft ordinance as follows:

1. Accept the draft as presented and set a public hearing for October 8, 2018
2. Postpone action until further discussion can be held on the updated draft
3. Take no action

Due to the amount of discussion this item has had, it is recommended the City Commission move forward with setting a public hearing so that formal public input can be received on the draft. After holding the public hearing, the City Commission can then determine what the preferred next steps are.

Recommended motion:

Move to accept the draft ordinance amendment regarding sidewalk snow and ice removal and set a public hearing for October 8, 2018

NJR/ap

Mount Pleasant, Michigan City Code

§ 98.37 SNOW AND ICE REMOVAL FROM SIDEWALKS.

(A) (1) Every person, partnership or corporation in charge or in control of any commercial or industrial building or commercial or industrial lot of land within the city fronting or abutting on a paved sidewalk, whether its owner, tenant, occupant, lessee, or otherwise, shall remove and clear away or cause to be removed and cleared away, snow and ice from a patch of at least 48 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

(2) Except as provided in division (B) hereof, snow and ice shall be so removed from sidewalks in all business districts within the city by 18 hours after the cessation of fall and accumulation of snow, sleet or freezing rain, with the exception of Sundays and holidays. Holidays to be defined as Thanksgiving Day, Christmas Day, and New Year's Day. The exclusion of Sundays and holidays applies only if the subsidence of snow storm occurs after 4:00 p.m. the previous day, in which case sidewalks must be cleaned by 12:00 p.m. (noon) the day following a Sunday or a holiday.

(B) In the event snow and ice on a sidewalk have become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in division (A) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in said sidewalk of at least 48 inches in width to be thoroughly cleaned.

(C) If the sidewalks covered in this section are not cleared within the time limits set above, the property or business owner will be issued a civil infraction ticket. After the receipt of a civil infraction ticket, the property or business owner will have a 24-hour period to comply with the requirements of this section.

(D) If the property or business owner fails to clear the sidewalks after the 24-hour period following the issuance of a civil infraction ticket, the DPW crews are authorized to clear the walk. The cost to clear the walk will be charged to the property owner at a fee to be set by resolution of the Commission.

(Ord. 773, passed 8-28-95; Am. Ord. 781, passed 12-18-95; Am. Ord. 793, passed 11-11-96) Penalty, see § 98.99

**CITY COMMISSION
CITY OF MOUNT PLEASANT**

Isabella County, Michigan

Commissioner _____, supported by Commissioner _____, moved adoption of the following ordinance:

ORDINANCE NO. ____

**AN ORDINANCE TO AMEND SECTION 98.37 OF THE MOUNT PLEASANT CITY
CODE REGARDING SNOW AND ICE REMOVAL**

The City of Mount Pleasant Ordains:

Section 1. Amendment. Section 98.37 of the Mount Pleasant City Code is amended to read as follows:

§ 98.37 SNOW AND ICE REMOVAL FROM SIDEWALKS.

(A) (1) All building and land owners (collectively referred to as “owners”) are responsible to remove snow and ice from the sidewalk that fronts or abuts the building or land or as may extend to an adjoining road.

(2) Owners must remove snow and ice from the sidewalk within the timeframes listed in this section, which are based on the cessation of snow and ice as determined by the Department of Public Safety Director or his or her designee in accordance with information from the National Weather Service.

(3) For commercial or industrial buildings or properties, as defined and classified by the general property tax act, 1983 PA 206, except as provided in division (B) hereof, owners shall remove snow and ice from sidewalks within the city by 18 hours after the cessation of fall and accumulation of snow, sleet, or freezing rain. In the event of continuous snow, sleet, or freezing rain, sidewalks shall be cleared at least every 48 hours.

(i) If the snow and ice accumulation occurs after 4:00 p.m. on a Saturday or the day before a holiday (defined as Thanksgiving Day, Christmas Day, and New Year's Day), the owner shall remove the snow and ice from sidewalks by 12:00 p.m. on the day following the Sunday or holiday.

(4) For residential properties, as defined and classified by the general property tax act, 1983 PA 206, except as provided in division (B) hereof, owners shall remove snow and ice from sidewalks within the city by 48 hours after the cessation of fall and accumulation of snow, sleet, or freezing rain. In the event of continuous snow, sleet, or freezing rain, sidewalks shall be cleared at least every 72 hours.

(B) In the event snow and ice on a sidewalk have become so hard that it cannot be removed without likelihood of damage to the sidewalk, the owner shall, within the time mentioned in division (A) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, thoroughly clear the snow and ice from the sidewalk.

(C) If the sidewalks covered in this section are not cleared within the time limits set above, a civil fraction shall be issued in accordance with section 98.99 of the code.

(D) In addition to or in the alternative to pursuing a civil infraction violation, the City Manager or the City Manager's designee is also authorized to formally notice, in writing, any violations of this section.

(1) Said notice will require the owner to remove snow and ice in accordance with this section within 24 hours after receipt. The notice shall be addressed to the last-known owner as shown on the city's tax assessment records, and it shall be hand delivered to the owner or sent by first-class mail and posted upon the premises. If the notice is not hand delivered, it shall be deemed received two business days after mailing and posting on the premises.

(2) If the owner fails to comply with the notice, then the city may remove or may cause the snow and ice to be so removed at the owner's expense. The city shall send the owner an invoice for such work at an amount set by resolution of the Commission. The invoice shall inform the recipient of the right to request a hearing before the Department of Public Works Director (provided the Department of Public

Works Director was not involved in issuing the notice) within 15 days of the issuance of the bill. At the hearing, the recipient shall have the opportunity to show cause as to why he or she should not be held financially responsible for the cost of the work.

(3) Any unpaid invoices issued under division (2) shall be added to the owner's next regular tax bill from the city. Where the full amount due the city is not paid and the tax bill becomes delinquent, the City Manager shall cause to be recorded in the Treasurer's office of the city a sworn statement, showing the cost and expense incurred for the work, and the date, place, or property on which the work was done, and the recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest in the amount of 1% per month since the work was performed, plus the costs of court, if any, for collection until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice that the amount of the principal plus interest constitutes a charge against the property designated or described in the statement and is due and collectable as provided by law.

(E) Notwithstanding the above, the city shall not issue formal notices under division (D) or prosecute civil infractions under division (C) of this section against residential properties until November 1, 2019. The city may issue educational violation notices to persons in violation of that division prior to that date as a means of informing and educating such persons about its requirements.

Section 2. Publication and Effective Date. The City Clerk shall cause to be published a notice of adoption of this ordinance within 10 days of the date of its adoption. This ordinance shall take effect 30 days after its adoption.

YEAS: Commissioner(s) _____
NAYS: Commissioner(s) _____
ABSTAIN: Commissioner(s) _____
ABSENT: Commissioner(s) _____

CERTIFICATION

As the City Clerk of the City of Mount Pleasant, Isabella County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Mount Pleasant City Commission at a regular meeting held on _____, 2018.

Date: _____, 2018

Allison Quast-Lents, Mayor


Date: _____, 2018

Jeremy Howard, City Clerk

Introduced: _____, 2018
Adopted: _____, 2018
Published: _____, 2018
Effective: _____, 2018

COMMISSION LETTER #164-18
MEETING DATE: OCTOBER 8, 2018

TO: MAYOR AND CITY COMMISSION OCTOBER 3, 2018

FROM: NANCY RIDLEY, CITY MANAGER 

SUBJECT: CONSIDER SETTING A SPECIAL MEETING FOR OCTOBER 29, 2018 AT 7:00 P.M. IN THE CMU BOVEE UNIVERSITY CENTER FOR THE PURPOSE OF MEETING WITH CENTRAL MICHIGAN UNIVERSITY STUDENT GOVERNMENT ASSOCIATION

Based on a discussion with the current Central Michigan University (CMU) Student Government Association (SGA) President, the idea of holding a City Commission meeting on CMU's campus was discussed. The purpose of this meeting would be to accomplish the following:

- Demonstrate for SGA representatives how a typical City Commission meeting is run
- Provide an opportunity for SGA members to meet the City Commissioners
- Provide an opportunity for SGA members to provide input to the City Commission

We are recommending a special meeting of the City Commission be set for Monday, October 29 at 7:00 p.m. on the campus of CMU. The meeting would be held in the Bovee University Center Auditorium on the second floor. This date and time is when the SGA would typically meet so the City Commission would take place prior to the SGA meeting.

We will make arrangements for MAC TV to film the meeting just as they do with all other City Commission meetings so that it can be replayed on Channel 188 and the website.

Recommended motion:

Move to set a special meeting for October 29, 2018 at 7:00 p.m. at the CMU Bovee University Center for the purpose of meeting with the SGA.

NJR/ap

CHECK REGISTER FOR CITY OF MT PLEASANT
CHECK DATE FROM 9/14/2018 - 9/27/2018

Check Date	Vendor Name	Description	Amount
Bank COMM	COMMON CASH		
09/14/2018	CITY TREASURER - UTILITIES	WATER/SEWER	\$9,998.82
09/18/2018	CITY TREASURER-PAYROLL FUND	REG PAY #422 9/21/18	256,981.62
09/27/2018	MEDIANEWS - 21CM ADVERTISING	CONTRACT SVCS	725.41
09/27/2018	MOHAMED ABDELGAWAD	CONTRACT SVCS	72.00
09/27/2018	ABELE GREENHOUSE	CONTRACT SVCS	540.00
09/27/2018	AIRGAS USA, LLC	CONTRACT SVCS/SUPPLIES	342.40
09/27/2018	ALEXANDER CHEMICAL CORPORATION	CHEMICALS	10,399.28
09/27/2018	AMERICAN LEGAL	CONTRACT SVCS	434.25
09/27/2018	ATI GROUP	CONTRACT SVCS	2,375.00
09/27/2018	AVFUEL CORPORATION	FUEL	20.00
09/27/2018	BAY VALLEY OIL LLC	VEHICLE MAINT/SUPPLIES	220.00
09/27/2018	BENTLEY SYSTEMS, INC	CONTRACT SVCS	838.50
09/27/2018	BILL'S CUSTOM FAB, INC	CONTRACT SVCS	51.37
09/27/2018	BORK MACHINE & REPAIR	CONTRACT SVCS	200.00
09/27/2018	BILL BRICKNER	REIMBURSEMENT	211.48
09/27/2018	BLAKE BROWN	CONTRACT SVCS	93.00
09/27/2018	CRAIG D BRUNE	REIMBURSEMENT	40.33
09/27/2018	C & O SPORTSWEAR	SUPPLIES	4,974.00
09/27/2018	C2AE	CONTRACT SVCS	15,766.52
09/27/2018	CARMEUSE LIME, INC.	CHEMICALS	6,877.41
09/27/2018	CDW GOVERNMENT, INC	SUPPLIES	7,623.30
09/27/2018	CLAUDIA B. DOUGLAS	BUY BACK CEMETERY SPACES	500.00
09/27/2018	CENTRAL ASPHALT, INC	SUPPLIES/CONTRACT SVCS	309,902.70
09/27/2018	CENTRAL PLUMBING, INC.	CONTRACT SVCS	1,696.04
09/27/2018	CHARTER COMMUNICATIONS	CONTRACT SVCS	143.72
09/27/2018	CLARK HILL P.L.C.	CONTRACT SVCS	1,869.00
09/27/2018	CENTRAL MICHIGAN UNIVERSITY	CONTRACT SVCS	1,184.00
09/27/2018	CMU RESEARCH CORPORATION	LDFA GRANT	73,525.00
09/27/2018	CONSUMERS ENERGY	UTILITIES	40,076.81
09/27/2018	COUCKE PROPERTY SERVICES, LLC	CONTRACT SVCS	7,500.00
09/27/2018	MICHAEL COVARRUBIAS	TRAINING	403.84
09/27/2018	COYNE OIL CORPORATION	FUEL	3,813.61
09/27/2018	CBC CREDIT SERVICES, INC.	CONTRACT SVCS	80.00
09/27/2018	ANDREW CURTISS	FARMERS MKT TOKEN REIMB	195.35
09/27/2018	BAILEY DAVIS	CONTRACT SVCS	108.00
09/27/2018	DISTRIBUTORS GROUP, INC	SUPPLIES	1,449.97
09/27/2018	DRONE THE NEWS	CONTRACT SVCS	155.00
09/27/2018	CHRISTY DUSH	TRAINING	191.72
09/27/2018	ETNA SUPPLY	SUPPLIES	888.85
09/27/2018	FASTENAL COMPANY	SUPPLIES	95.04
09/27/2018	FERGUSON WATERWORKS #3386	METER REPLACEMENT	2,900.00

CHECK REGISTER FOR CITY OF MT PLEASANT
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Check Date	Vendor Name	Description	Amount
Bank COMM	COMMON CASH		
09/27/2018	FISHBECK, THOMPSON, CARR & HUBER	CONTRACT SVCS	1,608.63
09/27/2018	FREDRICKSON SUPPLY, LLC	CONTRACT SVCS	1,895.46
09/27/2018	GRAINGER	SUPPLIES	89.73
09/27/2018	GRANGER	CONTRACT SVCS	65.00
09/27/2018	GREEN SCENE LANDSCAPING, INC.	CONTRACT SVCS	61.56
09/27/2018	GREEN'S 24 HOUR TOWING	CONTRACT SVCS	50.00
09/27/2018	HACH COMPANY	SUPPLIES	2,569.10
09/27/2018	THE HEARTHSTONE OVEN	FARMERS MKT TOKEN REIMB	294.05
09/27/2018	ISABELLA CO TRANSP COMM	CONTRACT SVCS	15.00
09/27/2018	INSIGHT PIPE CONTRACTING, LLC	CONTRACT SVCS	29,485.00
09/27/2018	IN-STITCHES	UNIFORM	108.00
09/27/2018	THE ISABELLA CORPORATION	CONTRACT SVCS	15,686.48
09/27/2018	ISABELLA COUNTY	CONTRACT SVCS	32.00
09/27/2018	ABID ISRAR	CONTRACT SVCS	106.00
09/27/2018	J & B MEDICAL SUPPLY, INC.	SUPPLIES	185.40
09/27/2018	JACK DOHENY COMPANIES, INC	SUPPLIES	330.00
09/27/2018	JNR ENGRAVING	SUPPLIES	10.25
09/27/2018	JACOB KAIN	TRAINING	206.68
09/27/2018	CALVIN KEYES	CONTRACT SVCS	52.00
09/27/2018	KONECRANES, INC.	CONTRACT SVCS	800.00
09/27/2018	KRAPOHL FORD LINCOLN MERC	SUPPLIES/VEHICLE MAINT	37.75
09/27/2018	KENNEDY LAGALO	CONTRACT SVCS	52.00
09/27/2018	RYAN LONGORIA	REIMBURSEMENT	51.67
09/27/2018	STATE OF MICHIGAN	POSTAGE/HANDLING	271.48
09/27/2018	MHOK, PLLC	PROSECUTORIAL RETAINER	7,193.00
09/27/2018	IZAAK MARCINIAK	CONTRACT SVCS	108.00
09/27/2018	TYLER MARTIN	CONTRACT SVCS	106.00
09/27/2018	MCGUIRK SAND & GRAVEL INC	SUPPLIES	360.00
09/27/2018	MCLAREN CORPORATE SERVICES	CONTRACT SVCS	646.00
09/27/2018	MID MICHIGAN AREA CABLE	CONTRACT SVCS	450.00
09/27/2018	MID-MICHIGAN INDUSTRIES	CONTRACT SVCS	6,331.00
09/27/2018	MICHIGAN PIPE & VALVE	SUPPLIES	1,890.00
09/27/2018	MT PLEASANT HEATING	CONTRACT SVCS	944.00
09/27/2018	MT PLEASANT TIRE SERVICE, INC	SUPPLIES/VEHICLE MAINT	675.29
09/27/2018	WILLIAM MRDEZA	TRAINING	268.31
09/27/2018	MR. ELECTRIC OF CENTRAL MICHIGAN	CONTRACT SVCS	1,309.93
09/27/2018	MY CHRYSLER DODGE JEEP RAM FIAT	CONTRACT SVCS	257.28
09/27/2018	NALCO COMPANY LLC	CHEMICALS	834.24
09/27/2018	RILEY NOTTINGHAM	CONTRACT SVCS	26.00
09/27/2018	NYE UNIFORM COMPANY	UNIFORMS	310.19
09/27/2018	WYATT OWEN	CONTRACT SVCS	80.00

CHECK REGISTER FOR CITY OF MT PLEASANT
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Check Date	Vendor Name	Description	Amount
Bank COMM	COMMON CASH		
09/27/2018	KEAGEN PAISLEY	CONTRACT SVCS	106.00
09/27/2018	SARAH PARROTT	REIMBURSEMENT	82.30
09/27/2018	PIONEER PRODUCE	FARMERS MKT TOKEN REIMB	112.90
09/27/2018	PLEASANT GRAPHICS, INC	SUPPLIES	533.00
09/27/2018	PVS STEEL SERVICES, INC	CHEMICALS	4,344.82
09/27/2018	ELIZABETH RATKOS	CONTRACT SVCS	72.00
09/27/2018	TOM GEHRING	REFUND	82.00
09/27/2018	SHUNA STEVENS	REFUND	35.00
09/27/2018	JEFF HOHLBEIN	REFUND	32.50
09/27/2018	JESSE WEZENSKY	REFUND	32.50
09/27/2018	MARIE RICHARDS	REFUND	217.00
09/27/2018	ERIC PIERSON	REFUND	210.00
09/27/2018	CHRISSY LANE	REFUND	210.00
09/27/2018	DERREK KNICKERBOCKER	REFUND	90.00
09/27/2018	MEAGAN LONG	REFUND	15.00
09/27/2018	JOHN HOYLE	REFUND	32.50
09/27/2018	JUSTIN KEATTS	REFUND	35.00
09/27/2018	AUSTIN REID	CONTRACT SVCS	80.00
09/27/2018	REPUBLIC SERVICES #239	CONTRACT SVCS	16,539.63
09/27/2018	RISE MACHINE	CONTRACT SVCS	200.00
09/27/2018	COLLIN ROBINSON	CONTRACT SVCS	93.00
09/27/2018	ROMANOW BUILDING SERVICES	CONTRACT SVCS	5,621.21
09/27/2018	ROWE PROFESSIONAL SERVICES COMPANY	CONTRACT SVCS	3,090.00
09/27/2018	RTI LABORATORIES, INC.	CONTRACT SVCS	110.00
09/27/2018	BLAKE SCHNEIDER	CONTRACT SVCS	80.00
09/27/2018	LOGAN SCHAFER	CONTRACT SVCS	300.00
09/27/2018	SCIENTIFIC BRAKE & EQUIPMENT CO	CAPITAL ACQUISITIONS	4,443.00
09/27/2018	SHANNON CHEMICAL CORPORATION	CHEMICALS	383.40
09/27/2018	SCOTT SHAVER	FARMERS MKT TOKEN REIMB	1,733.10
09/27/2018	SPARLING CORPORATION	CONTRACT SVCS	1,714.96
09/27/2018	MICHELLE SPONSELLER	TRAINING	134.56
09/27/2018	STATE OF MICHIGAN - MDOT	LICENSE FEE	50.00
09/27/2018	SUPERION, LLC	CONTRACT SVCS	60,308.48
09/27/2018	CHRISTOPHER SWIER	FARMERS MKT TOKEN REIMB	85.10
09/27/2018	THIELEN TURF IRRIGATION, INC	CONTRACT SVCS	680.81
09/27/2018	DOUGLAS DAY PROPERTY GROUP	UB REFUND	19.98
09/27/2018	THE PAINTED TURTLE	UB REFUND	1,073.36
09/27/2018	UNIFIRST CORPORATION	CONTRACT SVCS	47.12
09/27/2018	UNIVAR USA INC	CHEMICALS	2,489.50
09/27/2018	DEREK VITALE	CONTRACT SVCS	108.00
09/27/2018	JAKE WALRAVEN	FARMERS MKT TOKEN REIMB	278.00

CHECK REGISTER FOR CITY OF MT PLEASANT
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Check Date	Vendor Name	Description	Amount

Bank COMM	COMMON CASH		
09/27/2018	CAMERON WASHINGTON	CONTRACT SVCS	52.00
09/27/2018	SHERYL WERNETTE	FARMERS MKT TOKEN REIMB	108.30
09/27/2018	BILL WESENBERG	FARMERS MKT TOKEN REIMB	983.00
09/27/2018	DAVID WHITEHEAD	FARMERS MKT TOKEN REIMB	146.30
09/27/2018	WIELAND TRUCK CENTER	CONTRACT SVCS	1,025.94
09/27/2018	W.W. WILLIAMS	CONTRACT SVCS	2,858.00
09/27/2018	LOUISE WYMER	FARMERS MKT TOKEN REIMB	881.25
09/27/2018	YEO & YEO CONSULT PC CPA	CONTRACT SVCS	3,278.00
			<u> </u>
COMM TOTALS:			
Total of 131 Checks:			\$956,554.34
Less 0 Void Checks:			0.00
Total of 131 Disbursements:			<u>\$956,554.34</u>