

Minutes of the regular meeting of the City Commission held Monday, January 24, 2022, at 7:00 p.m., in the City Commission Room, 320 W. Broadway St., Mt. Pleasant, Michigan with virtual options.

Mayor Perschbacher called the meeting to order.

The Pledge of Allegiance was recited.

Commissioners Present: Mayor Amy Perschbacher and Vice Mayor Olivia Cyman; Commissioners Mary Alsager, Brian Assmann, Maureen Eke & George Ronan

Commissioners Absent: Liz Busch

Others Present: City Manager Aaron Desentz, City Clerk Heather Bouck and City Attorney Laura Genovich

Additions/Deletions to Agenda

Moved by Commissioner Alsager and seconded by Commissioner Ronan to add Item 29 "Waiver of Conflict" to the agenda. Motion unanimously adopted.

Receipt of Petitions and Communications

Received the following petitions and communications:

1. City Manager report on pending items.
2. Fourth Quarter Investment Report.
3. Planning Commission 2021 Annual Report.
4. Planning Commission Meeting Minutes. (November)
5. Listing of payrolls and warrants from December 13, 2021 through January 9, 2022.
6. Correspondence received from Hunter Brands regarding zoning.

Moved by Commissioner Alsager and seconded by Commissioner Ronan to approve the following items on the Consent Calendar:

7. Minutes of the regular meeting of the City Commission held January 10, 2022.
8. Minutes of the closed session of the City Commission held January 10, 2022.
9. Resolution in support of final approval of Temporary Traffic Control Order #2-2022 as follows:

WHEREAS, under the date of August 2, 2021 the Traffic Engineer of the City of Mt. Pleasant issued temporary traffic control order No. 2-2022 (Place parking ordinance signs for snow emergencies at city limit entry road locations on city major streets, state roads, and county roads. Remove existing parking ordinance signs.)

New signs to read:

"PARKING ORDINANCE

NO PARKING ON STREETS WHEN SNOW EMERGENCY IS IN EFFECT"

Said temporary traffic control order was presented to the City Commission on January 24, 2022 for review and after reviewing said temporary control order and being fully advised in the premises,

BE IT RESOLVED, that the City Commission approves making temporary traffic control order No. 2-2022 a permanent traffic control order.

10. Resolution in support of final approval of Temporary Traffic Control Order #3-2022 as follows:

WHEREAS, under the date of October 1, 2021 the Traffic Engineer of the City of Mt. Pleasant issued temporary traffic control order No. 3-2022 (All parking spaces in city parking lots 7 and 8 to become 10-hour permit parking spaces. Remove existing 3-hour and 1-hour parking signs. Add/relocate existing signs to provide one 10-hour permit parking sign at each entrance.)

Said temporary traffic control order was presented to the City Commission on January 24, 2022 for review and after reviewing said temporary control order and being fully advised in the premises,

BE IT RESOLVED, that the City Commission approves making temporary traffic control order No. 3-2022 a permanent traffic control order.

11. Resolution in support of final approval of Temporary Traffic Control Order #4-2022 as follows:

WHEREAS, under the date of October 1, 2021 the Traffic Engineer of the City of Mt. Pleasant issued temporary traffic control order No. 4-2022 (Add "No Right Turn on Red Signal" sign on eastbound Pickard at Main/Pickard signal.)

Said temporary traffic control order was presented to the City Commission on January 24, 2022 for review and after reviewing said temporary control order and being fully advised in the premises,

BE IT RESOLVED, that the City Commission approves making temporary traffic control order No. 4-2022 a permanent traffic control order.

12. Resolution in support of final approval of Temporary Traffic Control Order #5-2022 as follows:

WHEREAS, under the date of October 13, 2021 the Traffic Engineer of the City of Mt. Pleasant issued temporary traffic control order No. 5-2022 (Place "even" and "odd" overnight permit parking signs in the City Hall parking lot [lot 13] and lot 12.)

Said temporary traffic control order was presented to the City Commission on January 24, 2022 for review and after reviewing said temporary control order and being fully advised in the premises,

BE IT RESOLVED, that the City Commission approves making temporary traffic control order No. 5-2022 a permanent traffic control order.

13. Resolution authorizing MDOT Contract Number 21-5404 (maintenance of new sidewalk at US-127BR/Mission Street and Corporate Drive) as follows:

WHEREAS, a Contract Agreement (MDOT Contract No. 21-5404) has been submitted by the Michigan Department of Transportation (MDOT) which requires the City of Mt. Pleasant to adopt a resolution authorizing the approval of the contract for maintenance and operation by the City to MDOT for new sidewalk to be installed at the intersection of US-127 BR/Mission Street and Corporate Drive within MDOT trunkline limited access right-of-way.

WHEREAS, the addition of sidewalk on Corporate Drive will improve walkability and pedestrian access in the city; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Manager be authorized to execute said Contract on behalf of the City of Mt. Pleasant.

14. Resolution in support of a Redevelopment Liquor License for Pleasant City Coffee and Books LLC as follows:

WHEREAS, the City Commission has established a Redevelopment Liquor License Development District pursuant to Act 501 of Public Acts 2006 436.1521a(1)(b), and;

WHEREAS, the City of Mt. Pleasant Central Business District Tax Finance Authority (CBD TIFA) and Mission/Pickard Street Downtown Development Authority (DDA) have realized considerable public and private investment within the past five years, and;

WHEREAS, the CBD TIFA and DDA districts were established under appropriate statutory provision, and;

WHEREAS, the City of Mt. Pleasant shall provide the Michigan Liquor Control Commission a map clearly outlining the boundaries of the Redevelopment Liquor License Development District, and;

WHEREAS, the City Commission finds that Pleasant City Coffee and Books LLC meets the provisions of Public Act 501 of 2006, including:

- Is engaged in dining, entertainment or recreation and open to the general public;
- Have a seating capacity of at least 25 people;
- Investment by Pleasant City Coffee and Books LLC of \$116,158 in the rehabilitation or restoration of the building where the license will be housed over a period of the preceding five years;

WHEREAS, the City of Mt. Pleasant shall provide to the Michigan Liquor Control Commission an affidavit from the City Assessor, as certified by the City Clerk, stating the total amount of public and private investment in real and personal property with the selected portion of CBD TIFA and DDA districts, which shall not be less than \$200,000 for each license requested, over the preceding time periods, and,

NOW BE IT THEREFORE RESOLVED, the City Commission hereby approves the request from Pleasant City Coffee and Books LLC, "ABOVE ALL OTHERS" for a new Class C license under 436.1521a(1)(b), to be permitted at 203/205 West Broadway, Mt. Pleasant, Isabella County, Michigan.

15. Set special meeting of the City Commission for Wednesday, March 9, 2022 at 5:45 p.m. for discussion on goals and objectives.
16. Set special meeting of the City Commission for Monday, April 18, 2022 at 5:30 p.m. for follow-up discussion on goals and objectives.
17. Resolution Authorizing the City Manager to digitally sign contract amendment for Phase II of the Runway 9 Approach Slope Clearing Project as follows and budget amendment:

WHEREAS, the Michigan Department of Transportation will submit a contract amendment (Federal Project Number B-26-0069-2621, Job No. 129406CON), for Phase II of the Runway 9 Approach Slope Clearing Project, which requires the City of Mt. Pleasant to adopt a resolution authorizing the

approval of the amendment to increase the contract amount to add construction administration services to the project; and

WHEREAS, this project will improve the safety for airport traffic; and
WHEREAS, the contract amendment is necessary for the project to proceed;

NOW, THEREFORE, BE IT RESOLVED, that the city manager is authorized to digitally sign the contract amendment on behalf of the City of Mt. Pleasant.

18. Contract with Alpine Tree Service of Newaygo, Michigan in the amount of \$551,856 for Phase II of the Runway 9 Approach Slope Clearing Project.
19. Mayor Perschbacher made the following appointments of City administrative officials to the following boards and commissions:

Building Authority

Finance Director Mary Ann Kornexl

Center for Applied Research Technology/

Local Development Finance Authority

City Manager Aaron Desentz

Finance Director Mary Ann Kornexl, alternate

9-1-1/Central Dispatch Governing Board

Fire Chief Rick Beltinck

Police Captain Andy Latham, alternate

Isabella County Material Recovery Facility,

Governing Board

Street Superintendent Matt Weaver

MML Legislative Coordinator

City Manager Aaron Desentz

Mid-Michigan Area Cable and Telecommunications

Consortium Board

Public Relations Director Darcy Orlik

Middle Michigan Development Corporation

City Manager Aaron Desentz

Economic Development Director Bill Mrdeza, alternate

20. Warrants dated January 11, 12, 13, 19 and 20, 2022 and Payrolls dated January 12, 2022 all totaling \$838,249.42.

AYES: Commissioners Alsager, Assmann, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: Commissioner Busch

Motion carried.

A public hearing was held on the necessity of the public improvement; consider resolution #3 to proceed with improvements; consider resolution #4 to accept the special assessment roll and set a public hearing for Monday, February 14, 2022 at 7:00 p.m.

regarding said roll for Special Assessment District #1-22. Correspondence received from Robert Backus, Attorney for property owner JJ&B, 115 S. University Street, opposing the special assessment district.

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

Moved by Vice Mayor Cyman and seconded by Commissioner Assmann to adopt Resolutions #3 and #4 for Special Assessment District 1-22.

SPECIAL ASSESSMENT DISTRICT 1-22
RESOLUTION NO. 3

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described; and,

WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment No. 1-22;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to install public improvements as follows: reconstruct the alley in the block between Michigan, Main, Broadway & University in the City Special Assessment District No. 1-22.
2. The plans, profiles and specifications previously prepared by the City Manager are hereby approved.
3. The Commission hereby approves the detailed estimates of cost and determines a total estimated cost of \$142,000.00. The amount of \$62,812.85 shall be spread by special assessments upon the City Special Assessment District No. 1-22, and the amount of \$79,187.15 shall be the obligation of the city-at-large.
4. The City Assessor is directed to prepare a special assessment roll in accordance with the Commission's determination.
5. When the Assessor has completed the assessment roll, she shall file the roll with the City Clerk for presentation to the Commission.
6. All resolutions and parts of resolutions conflicting with the provisions of this resolution be and the same hereby are rescinded.

SPECIAL ASSESSMENT DISTRICT 1-22
RESOLUTION NO. 4

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 1-22 to special assess that portion of the cost of the public improvements to the properties specially benefited by said public improvements, and the same has been presented to the City Commission by the City Clerk; and,

WHEREAS, the Special Assessment District No. 1-22 is described as: reconstruct the alley in the block between Michigan, Main, Broadway & University in the City Special Assessment District No. 1-22;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is accepted and will be on file in the office of the City Clerk for public examination.
2. The City Commission shall meet at City Hall, 320 West Broadway on February 14, 2022 at 7 p.m., to hear all persons interested in reviewing the special assessment roll, and shall be afforded an opportunity to be heard, and the City Clerk is directed to publish and mail, in accordance with applicable statutory and ordinance provisions, the notice of hearing.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioners Alsager, Assmann, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: Commissioner Busch

Motion carried.

A public hearing was held on the necessity of the public improvement; consider resolution #3 to proceed with improvements; consider resolution #4 to accept the special assessment roll and set a public hearing for Monday, February 14, 2022 at 7:00 p.m. regarding said roll for Special Assessment District #2-22. Correspondence received from Robert Backus, Attorney for property owner JJ&B, 115 S. University Street, and Doug Janes, 115 S. University St. opposing the special assessment district. Previous comments of Robert Backus should have been made in regards to Special Assessment District #2-22 not #1-22.

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

Moved by Vice Mayor Cyman and seconded by Commissioner Ronan to adopt Resolutions #3 and #4 for Special Assessment District 2-22.

SPECIAL ASSESSMENT DISTRICT 2-22
RESOLUTION NO. 3

WHEREAS, the City Commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described; and,

WHEREAS, the City Commission deems it advisable and necessary to proceed with Special Assessment No. 2-22;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to install public improvements as follows: reconstruct the alley between Broadway and Michigan from University to 115.5 feet east of Franklin in the City Special Assessment District No. 2-22.
2. The plans, profiles and specifications previously prepared by the City Manager are hereby approved.
3. The Commission hereby approves the detailed estimates of cost and determines a total estimated cost of \$132,000.00. The amount of \$53,586.96 shall be spread by special assessments upon the City Special Assessment District No. 2-22, and the amount of \$78,413.04 shall be the obligation of the city-at-large.
4. The City Assessor is directed to prepare a special assessment roll in accordance with the Commission's determination.
5. When the Assessor has completed the assessment roll, she shall file the roll with the City Clerk for presentation to the Commission.
6. All resolutions and parts of resolutions conflicting with the provisions of this resolution be and the same hereby are rescinded.

SPECIAL ASSESSMENT DISTRICT 2-22
RESOLUTION NO. 4

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 2-22 to special assess that portion of the cost of the public improvements to the properties specially benefited by said public improvements, and the same has been presented to the City Commission by the City Clerk; and,

WHEREAS, the Special Assessment District No. 2-22 is described as: reconstruct the alley between Broadway and Michigan, from University to 115.5 feet east of Franklin in the City Special Assessment District No. 2-22;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is accepted and will be on file in the office of the City Clerk for public examination.
2. The City Commission shall meet at City Hall, 320 West Broadway on February 14, 2022 at 7 p.m., to hear all persons interested in reviewing the special assessment roll, and shall be afforded an opportunity to be heard, and the City Clerk is directed to publish and mail, in accordance with applicable statutory and ordinance provisions, the notice of hearing.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Commissioners Alsager, Assmann, Cyman, Eke, Perschbacher & Ronan

NAYS: None

ABSENT: Commissioner Busch

Motion carried.

Moved by Commissioner Alsager and seconded by Commissioner Assmann to authorize the purchase of 800 MHz (megahertz) radios from ProComm Inc in the amount of \$207,709 along with the MPSCS radio programming cost of \$10,750 for a total project cost of \$218,459 and approve a budget amendment for the project cost of \$218,460 and the Capital Improvement Fund Transfer of \$107,160. Motion unanimously adopted.

Moved by Vice Mayor Cyman and seconded by Commissioner Eke to authorize, along with the associated budget amendment, a contract extension with The Mannick & Smith Group of Canton, Michigan for a not-to-exceed amount of \$90,000 to perform environmental consulting services at the former city landfill. Motion unanimously adopted.

Moved by Commissioner Ronan and seconded by Commissioner Eke to approve the airport staffing changes, the following fee changes as recommended by the Airport Joint Operations and Management Board:

RAMP FEES

Fee for aircraft less than 25,000 lbs. empty weigh = \$75.00

*to waive ramp fee 100 gallons of fuel must be purchased

Fee for aircraft more than 25,000 lbs. empty weigh = \$100.00 + \$50.00 facility fee

*to waive ramp fee 150 gallons of fuel must be purchased

Fee for aircraft more than 40,000 lbs. empty weigh = \$200.00 + \$50.00 facility

*fee to waive ramp fee 200 gallons of fuel must be purchased

OVERNIGHT HANGAR RENT

Aircraft below 25,000 lbs. = \$150 over night

Aircraft above 25,000 lbs. = \$200 over night

Aircraft above 40,000 lbs. = \$300 over night

De-Icing Services - Aircraft in to de-ice will be charged a \$150 hangar fee and a \$25 tow fee

HOURLY CALL-OUT RATE

Based aircraft \$50 will cover up to 1 hour and \$50 per hour after

*(Minimal charge for second hour is \$50, even if it is a fraction of an hour)

Non-based aircraft \$100 will cover up to 1 hour and \$100 per hour after

*(minimal charge for second hour is \$100 even if it is a fraction of an hour)

After midnight, \$150 will cover up to 1 hour and \$150 per hour after

*(minimal charge for second hour is \$150, even if it is a fraction of an hour)

Additional staff: \$200 will cover up to one hour and \$200 per hour after

*(minimal charge for second hour is \$200, even if it is a fraction of an hour)

Additional staff after midnight: \$250 will cover up to 1 hour and \$250 per hour after

*(minimal charge for second hour is \$250, even if it is a fraction of an hour)

JET A FUEL

Increase profit margin on Jet A fuel from \$2.01 to \$2.07;

and a budget amendment in the amount of \$12,600. Motion unanimously adopted.

Mayor Perschbacher made the following appointments to City boards and commissions.

Appointments Committee

Mary Alsager-Chair

Olivia Cyman

George Ronan

Central Michigan Center for Recovery,
Education, and Wellness (CMCREW)

Maureen Eke

Charter Committee

George Ronan-Chair

Mary Alsager

Amy Perschbacher

Council of Governments

Olivia Cyman

Intergovernmental Liaison

Amy Perschbacher - Mayor

Olivia Cyman - Vice Mayor

International Relations/Sister City Council

Maureen Eke

Liz Busch, alternate

Mt. Pleasant Area Diversity Council

Liz Busch

Property Committee

Amy Perschbacher - Chair

Brian Assmann

Olivia Cyman

Moved by Commissioner Alsager and seconded by Commissioner Ronan to appoint City Commissioners to City standing and special committees as follows:

Audit Committee

Amy Perschbacher
Brian Assmann
George Ronan, alternate

City/CMU Student Liaison Committee

Mary Alsager
Olivia Cyman

Economic Development Corporation

Brownfield Redevelopment Authority

Amy Perschbacher
Mary Alsager

Principal Shopping Board

George Ronan

Tax Increment Finance Authority

George Ronan

Motion unanimously adopted.

Moved by Commissioner Ronan and seconded by Commissioner Eke to refer drive-thru stacking requirements to the Planning Commission for review and options due to the recent ZBA decision. Motion unanimously adopted.

Moved by Vice Mayor Cyman and seconded by Commissioner Ronan to deny the Waiver of Conflict from Clark Hill. Motion unanimously adopted.

Announcements on City-Related Issues and New Business

Commissioner Alsager expressed her appreciation for the report received from the Planning Commission and felt the product was great work.

Public Comment on Agenda and Non-Agenda Items

Dale Mueller, 1703 W. Michigan, questioned if the City follows their own City Code.

Moved by Commissioner Alsager and seconded by Vice Mayor Cyman to enter closed session to consult with the City Attorney regarding trial or settlement strategy in connection with pending litigation in *Pure Releaf N Union LLC v City of Mount Pleasant*, 20-16511; *Cedjo Services & N-East Services v City of Mount Pleasant*, 20-16504; and *Cary Investments v City of Mount Pleasant*, Court of Appeals Case No. 357862, for the reason that

an open meeting would have a detrimental financial effect on the litigating or settlement position of the City”

AYES: Commissioners Alsager, Assmann, Cyman, Eke, Perschbacher & Ronan.

NAYS: None

ABSENT: Commissioner Busch

Motion carried.

The Commission recessed at 7:53 p.m. and went into closed session at 8:04 p.m.

A separate set of minutes was taken for the closed session. The Commission reconvened the open meeting at 8:24 p.m.

Mayor Perschbacher adjourned the meeting without objection at 8:25 p.m.

Amy Perschbacher, Mayor

Heather Bouck, City Clerk