

Regular Meeting of the Mt. Pleasant City Commission
Monday, May 22, 2023
7:00 p.m.

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

LAND ACKNOWLEDGEMENT STATEMENT:

ROLL CALL:

PROCLAMATIONS AND PRESENTATIONS:

1. Introduce and swear in Mt. Pleasant Police Officer Cameron Smith.
2. Introduce Parks and Recreation Director Phil Biscorner.
3. Proclamation recognizing Gun Violence Awareness Day (June 2, 2023) to be received by Allan Riggs and Theresa Turner of MOMS Demand Action for Gun Sense in America.
4. Presentation of the 2022 Community Improvement Awards.

ADDITIONS/ DELETIONS TO AGENDA:

PUBLIC INPUT ON AGENDA ITEMS:

RECEIPT OF PETITIONS AND COMMUNICATIONS:

5. Minutes of the Park and Recreation Commission (February).

CONSENT ITEMS:

6. Approval of the minutes from the regular meeting held May 8, 2023.
7. Consider approval of Employer Delegate to Municipal Employees' Retirement System (MERS) annual meeting.
8. Consider appointment of City Treasurer and Deputy Treasurer.
9. Consider amendment to the contract for bond counsel and municipal financial advising services with Dickinson Wright and Bendzinski & Co.
10. Consider approval of a contract with Pro Surfaces for Horizon Park Pickle Ball Courts and accompanying budget amendment.
11. Consider contract with Grand River Construction for the M-20 Pedestrian Bridge -Superstructure Replacement.

All interested persons may attend and participate. Persons with disabilities who need assistance to participate may call the Human Resources Office at 989-779-5313. A 48-Hour advance notice is necessary for accommodation. Hearing or speech impaired individuals may contact the City via the Michigan Relay Service by dialing 7-1-1.

City Commission Agenda

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12. Consider approval of Payrolls and Warrants.

PUBLIC HEARINGS:

13. Public hearing on the Drinking Water State Revolving Fund (DWSRF) final project plan for Water Treatment Plant improvements and consider resolution approving the same and designate an authorized project representative.
14. Public hearing on an amendment to *Chapter 39: Human Rights* of the Mt. Pleasant Code of Ordinances and consider approval of the same.
15. Public hearing on 2024-2029 Capital Improvement Plan.

NEW BUSINESS:

ANNOUNCEMENTS ON CITY-RELATED ISSUES AND NEW BUSINESS:

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS:

RECESS:

WORK SESSION:

16. Discussion on sidewalk snow removal.

CLOSED SESSION:

ADJOURNMENT:

All interested persons may attend and participate. Persons with disabilities who need assistance to participate may call the Human Resources Office at 989-779-5313. A 48-Hour advance notice is necessary for accommodation. Hearing or speech impaired individuals may contact the City via the Michigan Relay Service by dialing 7-1-1.

TO: MAYOR AND CITY COMMISSION

MAY 22, 2023

FROM: AARON DESENTZ, CITY MANAGER

SUBJECT: CITY MANAGER REPORT ON AGENDA ITEMS

Proclamations and Presentations:

Receipt of Petitions and Communications:

Consent Items:

8. Consider the appointment of City Treasurer and Deputy Treasurer.
 - a. The City's Finance Director and Treasurer Mary Ann Kornexl is retiring this coming June. She will be replaced by Assistant Finance Director Chris Saladine. The vacant Assistant Finance Director role will be combined with some of the Treasurer duties. After a successful hiring process, Christine Witmer has been chosen to fulfill the role of Assistant Finance Director/Treasurer. The City Commission is asked to approve the appointment of Christine Witmer as the City's Treasurer per the City Charter. The City Commission is also asked to designate Chris Saladine as the Deputy Treasurer to perform the Treasurer duties during the absence of the Treasurer.
9. Consider amendment to the contract for bond counsel and municipal financial advising services with Dickinson Wright and Bendzinski & Co.
 - a. The City approved a contract with Dickinson Wright and Bendzinski & Co to act as Bond Counsel and Municipal Finance Advisors for the Water Resource Recovery Facility (WRRF) rehabilitation project. The project was split into two (2) phases. Costs for the bond counsel and finance advising services have increased with the increased size of the project compared to the original project that both firms bid on. Both firms were the low bidder in 2021 when bids were received. Based on this, staff is asking the City Commission to approve a revised contract for Dickinson Wright for an additional \$21,250 and a revised contract for Bendzinski & Co for an additional \$4,775.
10. Consider approval of a contract with Pro Surfaces for Horizon Park Pickle Ball Courts and accompanying budget amendment.
 - a. The City Commission is asked to award a contract to Pro Surfaces for \$24,450 as well as a budget amendment for the conversion of the existing tennis courts at Horizon Park to four Pickle Ball courts. This project is listed in the City's Maser Plan and was recommended by the Parks and Recreation Commission. Upgrades to Horizon Park were budgeted in 2022 for \$115,000 which was deemed inadequate for the upgrades proposed and therefore not included in the carryover amendment earlier this year as alternatives were pursued.
11. Consider a contract with Grand River Construction for the M-20 Pedestrian Bridge - Superstructure Replacement.
 - a. The City Commission is asked to award a contract to Grand River Construction for \$497,044.48 for the replacement of the M-20 Pedestrian Bridge. The quote is below the budgeted \$530,000 for the project.

Public Hearings:

13. Public hearing on the Drinking Water State Revolving Fund (DWSRF) final project plan for Water Treatment Plant improvements and consider resolution approving the same and designate an authorized project representative.

- a. The City Commission is asked to hold a public hearing on the proposed \$38.4 million upgrades to the Water Treatment Plant (WTP) as part of the Drinking Water State Revolving Fund (DWSRF) program. A presentation was provided to the City Commission on 05/08/2023. The presenter, Brian VanZee of Fishbeck Engineering, will be at the 05/22/2023 City Commission meeting to provide an overview of the project plan. After the public hearing, the City Commission is asked to approve the project plan.

Recommended Action: A motion to adopt the attached Resolution for inclusion in the DWSRF program application.

14. Public hearing on an amendment to Chapter 39: Human Rights of the Mt. Pleasant Code of Ordinances and consider approval of the same.

- a. Recently, Governor Whitmer signed an amendment to the Michigan Elliot Larsen Act. The amendment now applies the following protections:

A person engaging in a real estate transaction, or a real estate broker or salesperson, shall not on the basis of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, familial status, or marital status.

Based on the modifications, staff reviewed the City's Human Rights Ordinance and has proposed the attached to match compliance with the changes in State law. While the City already put into place protections for gender identity, the ordinance lacked language protecting gender expression. The City's Labor Attorney has also made a recommendation based on religious freedoms. All the changes are noted in the redlined version of the City's ordinance in your City Commission packet.

The City Commission is asked to hold a public hearing. After the public hearing, the City Commission is asked to consider approval of the proposed ordinance amendment.

Recommended Action: A motion to adopt the proposed ordinance amendment.

15. Public hearing on 2024-2029 Capital Improvement Plan.

- a. Per the City Charter, a public hearing must be held before the adoption of the Capital Improvement Plan (CIP). After the public hearing, the City Commission will not need to take immediate action as the CIP will be brought back to the City Commission for consideration at the first meeting in June.

New Business:

Work Session:

16. Discussion on sidewalk snow removal.

- a. During conversation at the City's goals and objectives work session in February, several points were discussed about walkability and snow removal on the City's sidewalks. Several points were made regarding the City's sidewalk snow removal requirements and program. Enough interest was generated which warranted a conversation on sidewalk snow removal at a work session. The City Commission is asked to consider the following:
 - i. What is the goal of the City Commission respective to sidewalk snow removal?
 - 1. Currently, no ordinance exists that requires residents to remove snow from sidewalks. This was discussed as a barrier to walkability in the community.
 - 2. Is the goal to have sidewalks clear of snow and ice city-wide?
 - ii. Who should be responsible for clearing the sidewalks if the City Commission determines that this is the goal?
 - 1. City staff clears 30 miles of residential sidewalks per the existing snow removal program. This is done after streets are cleared which would mean that sometimes sidewalks are not cleared for a few days after a large snow event.
 - a. While snow is removed, it is worth noting that the City does not have equipment for deicing sidewalks.
 - 2. Commercial property owners are required to clear snow in front of their commercial properties within 18 hours of snow cessation.
 - 3. The City Parks staff clear 5 miles of snow as part of the City's trail/pathways system.
 - 4. This leaves 35 miles of sidewalks with no assigned method of snow removal.
 - iii. Should the City consider an ordinance that requires all property owners to remove snow from sidewalks adjacent to their property?
 - 1. If all property owners are required, should the City continue plowing the 30 miles of residential sidewalks?

Closed Session:

PROCLAMATION

- WHEREAS,** every day, more than **120** Americans are killed by gun violence and more than **200** are shot and wounded, with an average of more than **17,000**-gun homicides every year; and
- WHEREAS,** Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and
- WHEREAS,** Michigan has 1,382-gun deaths every year, with a rate of 13.7 deaths per 100,000 people, a crisis that costs the state \$16.8 billion each year, of which \$380.5 million is paid by taxpayers. Michigan has the 25th highest rate of gun deaths in the US; and
- WHEREAS,** gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and
- WHEREAS,** cities across the nation, including in Mount Pleasant, are working to end the senseless violence with evidence-based solutions; and
- WHEREAS,** protecting public safety in the communities they serve is the mayors' highest responsibility; and
- WHEREAS,** support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and
- WHEREAS,** mayors and law enforcement officers —in partnership with local violence intervention activists and resources —know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and
- WHEREAS,** gun violence prevention is more important than ever as we see an increase in firearm homicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence;
- WHEREAS,** in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 2, 2023, to recognize the 26th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to - (1) Hadiya Pendleton and other victims of gun violence; and (2) the loved ones of those victims; and
- WHEREAS,** the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods, and orange is a color that symbolizes the value of human life; and
- WHEREAS,** anyone can join this campaign by pledging to wear orange on June 2nd, the first Friday in June in 2023, to help raise awareness about gun violence; and
- WHEREAS,** by wearing orange on June 2, 2023, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

NOW, THEREFORE I, Amy Perschbacher, Mayor of the City of Mount Pleasant, do hereby proclaim
June 2, 2023 as

NATIONAL GUN VIOLENCE AWARENESS DAY

in Mt. Pleasant and encourage all citizens to support their local communities' efforts to
prevent the tragic effects of gun violence and to honor and value human lives.

In Witness Whereof, I have hereunto set my hand
and Great Seal of the City of Mount Pleasant,
Michigan, this 22nd day of May 2023.

Amy Perschbacher, Mayor
City of Mount Pleasant

Memorandum



TO: Aaron Desentz
City Manager

CC: William R. Mrdeza
Director of Community Services & Economic Development

FROM: Manuela Powidayko
Director of Planning & Community Development

DATE: May 12, 2023

SUBJECT: 2022 Community Improvement Awards

Since 1979, the Planning Commission has presented a Community Improvement Award for residential and commercial projects. These awards are a way for the Planning Commission to acknowledge property owners for investment in our community.

Projects that were completed during calendar year 2022 were eligible for consideration.

The following properties were selected by the Planning Commission for recognition:

<u>Category</u>	<u>Address</u>	<u>Owner</u>
Commercial	214 N. Franklin	Jib Bob Restaurant (Jung, LLC)
Residential	502 S. University	Ken Williams

For the past eight years, students from the Graphic Arts program at Gratiot-Isabella Technical Education Center produced the awards. This year's awards were created by Ann Gross, Keiragh Thompson and Tierney Thompson. The students and their instructor Andrea Langley have been invited to attend the presentation.

Requested Action:

The Mayor present the awards at the May 22, 2023 City Commission meeting.

APPROVED MINUTES

Mt. Pleasant Parks and Recreation Commission

Tuesday, February 28, 2023

City Hall Chambers

6:00 p.m.

CALL TO ORDER – 6:00 pm

WELCOME NEW MEMBER – Kristin LaLonde

PLEDGE OF ALLEGIANCE

ATTENDANCE/DECLARATION OF QUORUM

- A. Commission Members Present: LaLonde, Little, Hamel, Mitchell, Sponseller
- B. Commission Members Absent: Batcheller
- C. Parks and Recreation Staff: Biscorner, Way

APPROVAL OF AGENDA/MINUTES & COMMISSION BUSINESS

- A. Changes/Approval of Agenda – motion by LaLonde, second by Sponseller to approve the agenda as presented. All Ayes.
- B. Approval of Minutes – motion by Sponseller, second by LaLonde to approve the minutes from the special meeting Tues., January 31, 2023. All Ayes.

PUBLIC COMMENTS - None

DEPARTMENT REPORTS

- A. Parks – Director Biscorner reported on the following:
 - Discussion ongoing between tennis and pickleball groups. Looking at a viable solution, which may include 1) rehab tennis courts at Horizon Park to pickleball 2) Add lines on courts at Island Park with temporary nets or 3) add pickleball courts to Island Park (would need to secure a permit from EGLE).
 - Projects – M20 Bridge Replacement – Fall 2023
 - Nelson Park Shop mostly complete, awaiting a few minor things.
 - Island Park South restroom – looking at April/May finish (re-roof final phase).
 - Ice Rink shut down due to inconsistent temperatures.
 - Parks Maintenance plan – officially started today. Staff has hired a consultant for this project (Barry Dunn Consulting) and will be sending out a SWOT survey to commission members for input or comments on operations.
 - Director Biscorner announced to the commission that Ryan Longoria will be leaving the city as of March 2 and that he has been named interim Parks & Recreation Director.
 - Chair Little commented on how the trails are being plowed and look great.
- B. Recreation – Lisa Way reported on the following:
 - The Great Egg Rec 'N Ramble to be held Saturday, April 1 from 1-4.
 - Farmer's Market will celebrate their 50th anniversary this year. Vendor registration information will be available mid-March.
 - Staff Moody will be presenting at the Michigan Farmers' market Association annual conference and the Michigan Library Association Conference about our "Cook the Kit" program.
 - We received a grant to offer food safety programming at the markets.
 - Start Smart Sampler begins the week of March 13.

- Under the Big Top Circus was held Feb. 10th at Morey Courts in partnership with Chippewa River District Library, My104.3/Buck 92 Radio. More than 750 people attended the FREE carnival/midway games and enjoyed a live juggling performance & refreshments.
- Interviews are underway to fill various Recreation/Farmer's Market Assistant positions.
- Winter basketball season wrapping up 2nd week of March with over 300 participants.
- Youth spring sports are open for registration.
- Adult sports offerings are now open for registration as well.
- Camp PEAK & daycamp registrations were set to open today; however, with poor weather conditions and school closings the date was moved to Thur., March 2.

OLD/NEW BUSINESS - none

OTHER BUSINESS/COMMISSIONER COMMENTS

Comm. Mitchell asked about the resident vs. non-resident ratios for sports.

Comm. LaLonde is glad to hear of our library collaborations (Cook the Kit, Storybook Trail).

ADJOURNMENT – 6:25 p.m.

Minutes of the regular meeting of the City Commission held Monday, May 8, 2023, 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.

Land Acknowledgement statement was recited.

Commissioners Present: Mayor Amy Perschbacher and Vice Mayor Mary Alsager; Commissioners Liz Busch, Bryan Chapman, Maureen Eke & Boomer Wingard

Commissioners Absent: Brian Assmann

Others Present: City Manager Aaron Desentz and City Clerk Heather Bouck

Proclamations and Presentations

Mayor Perschbacher read and presented a Proclamation recognizing Gamma Alpha Zeta Zeta Chapter to Colleen Green and Ann Harmon.

Mayor Perschbacher read and presented a Proclamation recognizing LGBTQ+ Pride Month (June, 2023) to Kt Mandoka of Great Lakes Bay Pride.

Peter Haefner of Vredeveld Haefner LLC presented the 2022 Annual Comprehensive Financial Report.

Brian Van Zee of fishbeck Engineering gave a presentation on Drinking Water State Revolving Fund (DWSRF) project.

Additions/Deletions to Agenda

Moved by Commissioner Eke and seconded by Commissioner Wingard to approve the Agenda with the addition of the Oath of Office for Bryan Chapman to the Agenda. Motion carried. (Chapman unable to act until sworn in)

City Clerk Bouck administered the Oath of Office to Commissioner Bryan Chapman for the term May 3, 2023 to December 31, 2023.

Receipt of Petitions and Communications

Received the following petitions and communications:

- 5b. Monthly report on police related citizen complaints received.
6. Brownfield Redevelopment Authority/Economic Development Corporation November Meeting Minutes.
7. Downtown Development Authority (DDA) February Meeting Minutes.
8. Airport Joint Operations and Management Board March Meeting Minutes.

9. 2023/2024 Planning Commission Work Session Schedule.
10. Notice of Temporary Traffic Control Order #4-2023.
11. 2022 Comprehensive Annual Finance Report.
12. 2022 Component Unit Financial Reports.

Moved by Commissioner Eke and seconded by Commissioner Chapman to approve the following items on the Consent Calendar:

13. Minutes of the regular meeting of the City Commission held April 24, 2023.
14. Contract with C&I Building Maintenance of Sparta, Michigan in the amount of \$38,195 for roof restoration (Sections 6 & 7) on the Public Safety Building and approve payment for supplies through Tremco Manufacturing of Beachwood, Ohio in the amount of \$29,025.40 for a total project cost of \$67,220.40.
15. Contract with Rocky Ridge Development LLC of Sylvania, Ohio for removal of lime residual in the amount of \$429,000.
16. Contract extension with Vredevelde Haefner for audit services in the amount of \$21,500 + optional services if needed.
17. Receive proposed amendment to Chapter 39: Human Rights of the Mt. Pleasant Code of Ordinances and set a public hearing for Monday, May 22, 2023 at 7:00 p.m. on same.
18. Set a public hearing for Monday, May 22, 2023 at 7:00 p.m. for public comment on the Drinking Water State Revolving Fund (DWSRF) final project plan for Water Treatment Plant improvements.
19. Amended Resolution for Development District License for China Master Restaurant, Inc. as follows:

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

WHEREAS, the City of Mt. Pleasant Mission/Pickard Downtown Development Authority (DDA) will realize considerable public and private investment within the next five years, and; WHEREAS, the Mission/Pickard DDA was established under Public Act 197 of 1975 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 Development District (DDA) License Development District, and;

Whereas, the City Commission finds that China Master Restaurant, Inc. 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 of more than \$75,000 in the rehabilitation or restoration of the building where the license will be housed in the next 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 Mission/Pickard DDA district, 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 China Master Restaurant, Inc., "ABOVE ALL OTHERS" for a new Class C license under 436.1521a(1)(b), to be permitted at 1216 South Mission, Mt. Pleasant, Isabella County, Michigan

20. Payrolls and Warrants dated May 4, 2023 all totaling \$262,724.45.
Motion unanimously adopted.

Moved by Commissioner Eke and seconded by Commissioner Chapman to make no change to the 2023 millage rate. Motion unanimously adopted.

Announcements on City-Related Issues and New Business

Vice Mayor Alsager announced that a solar townhall meeting will be held Wednesday, May 10th from 7 – 9 p.m. and on Thursday, May 11th from 11 a.m. to 1 p.m. in the City Commission Chambers, 320 W. Broadway Street.

Commissioner Wingard asked Manager Desentz to provide an update on the community garden. Supplies have been ordered and we are looking at Memorial weekend for opening. Sign-up information is to come. Commissioner Wingard congratulated Mt. Pleasant graduate Jareth Loveberry on his second place finish in the Kentucky Derby.

Commissioner Eke congratulated staff on the proposed amendments to the Human Rights Ordinance.

WORK SESSION – Presentation and discussion on 2024-2029 Capital Improvement Plan.

Assistant Finance Director/IT Director Chris Saladine opened the question-and-answer session on the 2024-2029 Capital Improvement Plan.

Moved by Commissioner Eke and seconded by Commissioner Busch to adjourn the meeting at 8:26 p.m. Motion unanimously adopted.

Amy Perschbacher, Mayor

Heather Bouck, City Clerk



MEMO TO: Aaron Desentz, City Manager

FROM: Susanne Gandy, Director of Human Resources

DATE: May 10, 2023

SUBJECT: MERS Annual Meeting – Employee and Officer Delegate

Every other year the City selects an Employee and Officer Delegate to represent us at the Annual MERS Conference. For 2023, the employees have elected Lisa Way, Office Professional II in the Parks and Recreation Department as the Employee Delegate. The leadership team has selected our new Deputy of Finance/City Treasurer, once appointed by the City Commission, to attend as the Officer Delegate.

The before mentioned staff will represent the City of Mt. Pleasant at the 77th Annual MERS Conference to be held in Detroit, Michigan on September 28-29, 2023.

Please present this to the City Commission for approval at the meeting to be held May 22, 2023.

Thank you.

Memorandum



TO: Aaron Desentz, City Manager

FROM: Chris Saladine, Assistant Finance Director

DATE: May 22, 2023

SUBJECT: City Treasurer Recommendation

Our long-time Director of Finance and Treasurer, Mary Ann Kornexl, will be retiring from the City this coming June. After examining and comparing the duties and responsibilities of the Finance Division as a whole, staff created a succession plan which left a vacancy in the Treasurer and Deputy Finance Director roles. The recruiting process began around the end of March by advertising through usual media sites and the Finance and Treasurers Michigan professional organizations. Seven applications were received. Four candidates were selected for an interview which occurred with two staff interview panels. The top candidate was universally chosen as the top choice among the interview panelists.

The top candidate from this recruiting process is Christine Witmer and she has been provided an offer of employment to be confirmed by the City Commission. Christine comes to us from Isabella County where she has worked for several years in the accounting department. Prior to working at the County, she worked in various accounting roles; both as a self-employed accountant and for private industry. Christine will begin the process of becoming a Michigan Certified Professional Treasurer and a Certified Public Funds Investment Manager which will take up to four years. We are confident that Christine will be successful fulfilling the City Treasurer/Deputy Finance Director position and look forward to her contributions to the City.

Requested Action:

In accordance with the City Charter, the Treasurer position is appointed by the City Commission. We recommend the City Commission confirm the appointment of Christine Witmer as City Treasurer. If confirmed by the City Commission, Christine will attend and be introduced at the June 12, 2023 City Commission meeting. Christine's start date would be June 5, 2023.

Similar to how the Clerk's office functions, I am recommending we appoint a Deputy Treasurer to perform the Treasurer duties in the Treasurer's absence. Therefore, I recommend the City Commission also appoint myself as Deputy Treasurer to serve as a backup in Christine's absence.

Memorandum



TO: Aaron Desentz, City Manager

FROM: Chris Saladine, Assistant Finance Director

DATE: May 22, 2023

SUBJECT: Bond Counsel and Municipal Financial Advising Services Contract Amendment

At the May 24, 2021 City Commission meeting, the City Commission approved contracts with Dickinson Wright and Bendzinski & Co to act as our Bond Counsel and Municipal Financial Advisors to secure funding for the Water Resource Recovery Facility rehabilitation and upgrades. Since those contracts were approved, the project was split into two phases both for operational and financial reasons. Both Dickinson Wright and Bendzinski & Co. charge by the size of the project being financed and the services performed; the separation of the project into two phases as well as the increase in total project cost means the total cost for the related professional services has increased. Since Phase I of the project was less than originally planned for the whole project, both Dickinson Wright and Bendzinski & Co. only used a portion of their original contract amounts. Staff considered bidding out counsel and advising services for Phase II of the project. However, because Dickinson Wright and Bendzinski & Co. offered to complete work for Phase II at a rate that is less expensive per million financed than when they were low bidders for Phase I, staff is recommending continuing with our current counsel and advisors. The original contract award and subsequent increases needed to complete Phase II are detailed below:

Bond Counsel	Original Contract	Needed for Phase II Completion
Dickinson Wright	\$41,500	\$21,250
Bond Advisors		
Bendzinski & Co.	\$21,250	\$4,775

Requested Action:

Recommend approving revised bond counsel contract with Dickinson Wright for an additional \$21,250 and revised municipal financial advising contract with Bendzinski & Co. for an additional \$4,775.

Memorandum



TO: Aaron Desentz
City Manager

CC: William R. Mrdeza
Director of Community Services and Economic Development

FROM: Phil Biscorner
Director of Parks and Recreation

DATE: May 11, 2023

SUBJECT: 2023 Horizon Park Pickleball Courts

Request:

The City Commission is requested to authorize award of the contract for “2023 Horizon Park Pickle Ball Courts” to Pro Surfaces of Harrison MI for a total bid price of \$24,450. This project proposes the repairs and conversion of the existing tennis court at Horizon Park to four Pickle Ball courts per bid specifications. If the City Commission approves the contract, we will also need a corresponding budget amendment as this project was not originally budgeted in 2023.

Reason for Purchase:

This project was added to the Capital Improvement Plan in 2021 with a budget of \$115,000 by the City Commission motivated by master plan input. It was determined by staff that the budget would not be sufficient for the addition of the original proposal. Staff then looked for alternatives in Island Park and addition of permanent pickleball courts could not be completed without the removal of the two remaining tennis courts. It was then determined that the best option would be to convert the unutilized tennis court at Horizon Park. This would add programming to the east side of the City and complete a project that was outlined in the current master plan. There were significant discussions with both the Pickleball Group and the Tennis Group located within the City. This item was also approved by the Parks and Recreation Commission on May 9, 2023.

Process:

In March of 2023 written quotes were solicited through the City’s purchasing process. The City only received one written quote. Other contractors were contacted, but were not interested due to scope and size of the project. Funds for this project will come from the Capital Improvement millage.

Staff is recommending award of the bid to Pro Surfaces of Harrison for a total base bid of \$24,450 (sole bidder) which is below the original budgeted amount for the project. Staff has worked with Pro Surfaces and they have successfully completed work of similar scope so we have confidence in their ability to complete the project successfully.

Recommended Action:

Staff recommends the City Commission authorize the award of the base bid contract for the “2023 Horizon Park Pickle Ball Courts” to Pro Surfaces of Harrison for a price of \$24,450 as well as approve a budget amendment for the same.

Memorandum



TO: Aaron Desentz
City Manager

CC: William R. Mrdeza
Director of Community Services and Economic Development

FROM: Phil Biscorner
Director of Parks and Recreation

DATE: May 11, 2023

SUBJECT: 2023 M-20 Pedestrian Bridge – Superstructure Replacement

Request:

The City Commission is requested to authorize award of the contract for “2023 M-20 Pedestrian Bridge – Superstructure Replacement” to Grand River Construction of Hudson, MI for a total price of \$497,044.48. This project includes the removal and replacement of the M-20 Pedestrian Bridge.

Reason for Purchase:

This project was included in the 2022-23 CIP budget with a budget of \$550,000 for construction and engineering. There is a need to replace this bridge due to deterioration from salt spray coming from the roadway. Originally the bridge was constructed as part of an MDOT project and conveyed to the City by MDOT at the conclusion of that project. In the fall of 2018 and the fall of 2020, an outside consultant, ROWE Professional Services Company, provided the City with an inspection report for the M-20 Pedestrian Bridge. These two reports indicated surface corrosion throughout, 20% paint system failure and heavier corrosion at the lower chord/vertical member welded connections. During the period of time between the two reports the section loss along the north fascia beam near the splice plate connections on the bottom chord went from less than 2% to up to 10%. ROWE has indicated to Staff that the bridge needs to be either repainted or replaced within the next two years due to the corrosion and section loss from the salt spray coming off of M-20. Staff has been actively searching for a contractor to provide a quote to repaint the bridge. The cost to repaint the bridge is more than what was originally anticipated and therefore staff has further researched the options available to the City and outlined below. It is assumed that removing the bridge is not an option at this point due to its importance in the GKB Riverwalk Trail system.

Process:

On April 28, 2023 bids were received through the City’s competitive bid process. Funds for this project will come from the Capital Improvement millage.

Company Name	Address	Bid Amount
Grand River Construction	5025 40 th Avenue, Hudson	\$497,044.48
Anlaan Corporation	16750 Lincoln St., Grand Haven	\$609,000.00
Miller LS Bridge Construction, LLC	7030 Industrial Dr., Portland	\$678,159.12
Millbocker & Sons, LLC	1256 29 th St., Allegan	\$753,372.00

Staff is recommending award of the bid to Grand River Construction for a total price of \$497,044.48 (low bidder) which is within the anticipated amount for the project. The City has reviewed references and they

Memorandum



have successfully completed work of similar scope so we have confidence in their ability to complete the project.

Recommended Action:

Staff recommends the City Commission authorize award of the contract for the “2023 M-20 Pedestrian Bridge – Superstructure Replacement” to Grand River Construction for a total price of \$497,044.48.

CHECK REGISTER FOR CITY OF MT PLEASANT
CHECK DATE FROM 05/05/2023 - 05/17/2023

Check Date	Vendor Name	Description	Amount
Bank COMM	COMMON CASH		
05/05/2023	CONSUMERS ENERGY	UTILITIES	\$37,656.87
05/05/2023	DTE ENERGY	UTILITIES	8,264.09
05/17/2023	21ST CENTURY MEDIA - MICHIGAN	CONTRACTED SERVICES	838.21
05/17/2023	ACME SPORTS INC	SUPPLIES	13,728.00
05/17/2023	ADAMS & ASSOC APPRAISAL CO	CONTRACTED SERVICES	20,000.00
05/17/2023	LAUREN ADAMS	REFUND SUMMER PEAK	390.00
05/17/2023	AIRGAS USA, LLC	CONTRACTED SERVICES	276.62
05/17/2023	ALMA BOLT COMPANY	SUPPLIES	198.21
05/17/2023	AMERICAN LEGAL	CONTRACTED SERVICES	28.95
05/17/2023	MARTY BAXTER	REFUND SUMMER PEAK	125.00
05/17/2023	NATHAN BEUTLER	CONTRACTED SERVICES	90.00
05/17/2023	BILL'S CUSTOM FAB, INC	SUPPLIES	17.50
05/17/2023	BLOCK ELECTRIC COMPANY	SUPPLIES	1,550.00
05/17/2023	HEATHER BOUCK	TRAVEL REIMBURSEMENT	27.06
05/17/2023	BOUND TREE MEDICAL, LLC	CONTRACTED SERVICES	723.90
05/17/2023	BUSHEY AUTOMOTIVE	CONTRACTED SERVICES	267.25
05/17/2023	BUSINESS CONNECTIONS, INC.	CONTRACTED SERVICES	95.00
05/17/2023	C & O SPORTSWEAR	SUPPLIES	20.70
05/17/2023	TINA CAPUSON	VENDOR REIMBURSEMENT	20.90
05/17/2023	CARMEUSE AMERICAS	SUPPLIES	9,393.15
05/17/2023	CDW GOVERNMENT, INC	SUPPLIES	1,077.49
05/17/2023	CENTURYLINK	CONTRACTED SERVICES	10.37
05/17/2023	CHARTER COMMUNICATIONS	CONTRACTED SERVICES	304.03
05/17/2023	THE CHEESE PEOPLE OF GRAND RAPIDS	VENDOR REIMBURSEMENT	78.65
05/17/2023	RACHEL CHESS	CONTRACTED SERVICES	90.00
05/17/2023	CINTAS CORP	SUPPLIES	47.40
05/17/2023	CINTAS CORP	SUPPLIES	167.02
05/17/2023	CITY TREASURER-CONTR RETAINAGE	CONTRACT SVCS WRRF IMPRVMNTS	49,052.95
05/17/2023	CENTRAL MICHIGAN UNIVERSITY	CONTRACTED SERVICES	183.00
05/17/2023	CENTRAL MICHIGAN UNIVERSITY	CONTRACTED SERVICES	183.00
05/17/2023	CENTRAL MICHIGAN UNIVERSITY	CONTRACTED SERVICES	735.00
05/17/2023	CONSUMERS ENERGY	UTILITIES	18,417.62
05/17/2023	CORRPRO COMPANIES, INC.	CONTRACTED SERVICES	1,640.00
05/17/2023	COYNE OIL CORPORATION	SUPPLIES	6,487.22
05/17/2023	BRANDON CRAWFORD	TRAINING REIMBURSEMENT	13.00
05/17/2023	CRAWFORD CONTRACTING, INC.	CONTRACTED SERVICES	6,000.00
05/17/2023	THEO CRAIN	CONTRACTED SERVICES	45.00
05/17/2023	CULLIGAN	CONTRACTED SERVICES	51.50
05/17/2023	CUMMINS SALES AND SERVICE	CONTRACTED SERVICES	1,633.84
05/17/2023	ZACHARY CUNNINGHAM	REFUND SUMMER PEAK	60.00
05/17/2023	DTE ENERGY	CONTRACTED SERVICES	618.58

05/17/2023	DUPERON CORPORATION	SUPPLIES	16,752.62
05/17/2023	BEN DVORAK	CONTRACTED SERVICES	105.00
05/17/2023	ETNA SUPPLY	SUPPLIES	55.40
05/17/2023	FERGUSON WATERWORKS #3386	SUPPLIES	350.00
05/17/2023	LUCAS FINCH	CONTRACTED SERVICES	75.00
05/17/2023	FISHBECK - ENGINEERS/ARCHITECTS/	CONTRACTED SERVICES	97,204.17
05/17/2023	FLEX ADMINISTRATORS	CONTRACTED SERVICES	252.00
05/17/2023	FOR ARTS SAKE	CONTRACTED SERVICES	3,800.00
05/17/2023	SARAH MARSHALL	REIMBURSEMENT - TRAINING	112.56
05/17/2023	FREDRICKSON SUPPLY, LLC	SUPPLIES	1,103.41
05/17/2023	GALLS, LLC	UNIFORMS	37.19
05/17/2023	SARAH GOWARD	CONTRACTED SERVICES	90.00
05/17/2023	GRANGER	CONTRACTED SERVICES	76.68
05/17/2023	GREEN SCENE LANDSCAPING, INC.	CONTRACTED SERVICES	2,875.00
05/17/2023	HACH COMPANY	SUPPLIES	412.22
05/17/2023	HCC LIFE INS. CO	CONTRACTED SERVICES	21,415.52
05/17/2023	HEADLINERS - HAILEE LEWIS	CONTRACTED SERVICES	1,550.00
05/17/2023	HERITAGE-CRYSTAL CLEAN, LLC	SUPPLIES	351.66
05/17/2023	HIRERIGHT	CONTRACTED SERVICES	236.55
05/17/2023	HYDROCORP, INC.	CONTRACTED SERVICES	4,829.50
05/17/2023	I-RIDE	CONTRACTED SERVICES	12.00
05/17/2023	IDEXX DISTRIBUTION, INC.	SUPPLIES	969.03
05/17/2023	INFOSEND, INC	CONTRACTED SERVICES	3,055.81
05/17/2023	ISABELLA COUNTY	CONTRACTED SERVICES	19,877.20
05/17/2023	JOHNSON CONTROLS	SUPPLIES	1,251.00
05/17/2023	JOHNSON DOOR & CENTRAL VAC INC.	CONTRACTED SERVICES	319.00
05/17/2023	JOHN JOHNSON	VENDOR REIMBURSEMENT	61.60
05/17/2023	JPW TECHNOLOGIES	SUPPLIES	673.84
05/17/2023	MARK KARIMI	CONTRACTED SERVICES	60.00
05/17/2023	KAYLYN KING	CONTRACTED SERVICES	30.00
05/17/2023	ADIA KISTE	CONTRACTED SERVICES	75.00
05/17/2023	MARY ANN KORNEXL	CONTRACTED SERVICES	50.00
05/17/2023	KRAPOHL FORD LINCOLN MERC	SUPPLIES	5,216.75
05/17/2023	JENELLE LEIB	REFUND SUMMER PEAK	240.00
05/17/2023	MACALLISTER RENTALS	SUPPLIES	587.52
05/17/2023	MASTER ELECTRIC, INC	CONTRACTED SERVICES	8,431.00
05/17/2023	JENNIFER MAYER	VENDOR REIMBURSEMENT	21.85
05/17/2023	TRAVIS MCALLISTER	MILEAGE REIMBURSEMENT	99.56
05/17/2023	MCGUIRK SAND & GRAVEL INC	CONTRACTED SERVICES	900.00
05/17/2023	MCLAREN CORPORATE SERVICES	CONTRACTED SERVICES	2,209.00
05/17/2023	SAM MEASE	CONTRACTED SERVICES	30.00
05/17/2023	MICHIGAN CAT	SUPPLIES	62.95
05/17/2023	MICHIGAN MUNICIPAL LEAGUE	MEMBERSHIP	9,368.00
05/17/2023	MIDLAND DAILY NEWS	PUBLICATION WT SUPER	517.16
05/17/2023	MID-MICHIGAN INDUSTRIES	CONTRACTED SERVICES	10,260.50
05/17/2023	MICHIGAN PIPE & VALVE	SUPPLIES	372.00
05/17/2023	MICHIGAN RURAL WATER ASSN	TRAINING	525.00

05/17/2023	MP AREA CHAMBER OF COMMERCE	ROLLIE DENISON LEADERSHIP INST	850.00
05/17/2023	MT. PLEASANT FENCE SASH & DOOR	CONTRACTED SERVICES	337.00
05/17/2023	MPPS	CONTRACTED SERVICES	2,423.75
05/17/2023	ALMA TIRE SERVICE INC	SUPPLIES	2,011.40
05/17/2023	WILLIAM MRDEZA	TRAVEL REIMBURSEMENT	70.02
05/17/2023	NCL OF WISCONSIN	CONTRACTED SERVICES	5,405.71
05/17/2023	NUTRIGRO ENVIRONMENTAL SOLUTIONS	CONTRACTED SERVICES	28,044.00
05/17/2023	NYE UNIFORM COMPANY	UNIFORMS	1,930.71
05/17/2023	COREY DION WALTHER	VENDOR REIMBURSEMENT	417.20
05/17/2023	OFFICE DEPOT	SUPPLIES	318.99
05/17/2023	ORKIN	CONTRACTED SERVICES	119.99
05/17/2023	LACEY ORLANDO	VENDOR REIMBURSEMENT	9.00
05/17/2023	THOMAS PACKARD	CONTRACTED SERVICES	30.00
05/17/2023	AMY PERSCHBACHER	TRAVEL REIMBURSEMENT	78.60
05/17/2023	PRO COMM, INC	CONTRACTED SERVICES	600.00
05/17/2023	ELIZABETH PROUT	CONTRACTED SERVICES	30.00
05/17/2023	PRSA	MEMBERSHIP DUES	377.00
05/17/2023	PURE PLUMBING LLC	CONTRACTED SERVICES	450.00
05/17/2023	RCL CONSTRUCTION CO. INC	CONTRACT SVCS WRRF IMPRVMNTS	441,476.53
05/17/2023	REID BANNER	CONTRACTED SERVICES	90.00
05/17/2023	RENT-RITE OF MT PLEASANT	SUPPLIES	291.46
05/17/2023	CAIDEN ROBINSON	CONTRACTED SERVICES	60.00
05/17/2023	ROMANOW BUILDING SERVICES	CONTRACTED SERVICES	6,327.69
05/17/2023	PIYUSH SARAIYA	CONTRACTED SERVICES	105.00
05/17/2023	SERVPRO OF MT. PLEASANT	CONTRACTED SERVICES	339.25
05/17/2023	STERICYCLE, INC.	CONTRACTED SERVICES	280.79
05/17/2023	LAURA SIGSBEE	VENDOR REIMBURSEMENT	13.95
05/17/2023	DAN SODINI	VENDOR REIMBURSEMENT	23.75
05/17/2023	MICHELLE SPONSELLER	TRAINING	956.74
05/17/2023	SUNRISE ASSESSING SERVICES, LLC	CONTRACT SVCS - ASSESSING	7,955.00
05/17/2023	AUDRA SZELAG	CONTRACTED SERVICES	30.00
05/17/2023	T.H. EIFERT, LLC	CONTRACTED SERVICES	13,898.40
05/17/2023	THIELEN TURF IRRIGATION, INC	CONTRACTED SERVICES	1,022.50
05/17/2023	TRACE ANALYTICAL LABORATORIES, INC.	CONTRACTED SERVICES	784.00
05/17/2023	UNIFIRST CORPORATION	CONTRACTED SERVICES	121.76
05/17/2023	USABUEBOOK	SUPPLIES	343.68
05/17/2023	USA SOFTBALL OF MICHIGAN	CONTRACTED SERVICES	225.00
05/17/2023	VREDEVELD HAEFNER LLC	CONTRACTED SERVICES	3,000.00
05/17/2023	STEVE WASSEGIJG	TRAINING	99.56
05/17/2023	TRAVIS WELSH	REIMBURSEMENT	42.31
05/17/2023	WOLVERINE SEALCOATING LLC	CRACK SEALING MAJOR STS 2023	<u>14,160.00</u>

COMM TOTALS:

Total of 129 Disbursements:

\$932,718.07

Human Rights Complaints

The City of Mount Pleasant intends that no individual be denied the equal protection of the laws or the enjoyment of his or her civil rights.

In accordance with Chapter 39 of the City code, the City protects against discrimination based on race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation, ~~gender identity~~ **or expression**. The incident must have occurred within the City limits and must be within the context of housing, employment or public accommodations and services.

What do I do if I am discriminated against?

- Record the facts of the incident: date(s), place, names, known witnesses, other pertinent facts.
- Fill out the attached Human Rights Initial Inquiry Form and return it to the City Manager's office in City Hall by mail or in person. Complaints must be filed within 180 days of the alleged violation.

What happens after I file?

- The City Manager's office will contact you to discuss your concerns and schedule a conference.
- The City Manager shall review the complaint and in his or her reasonable discretion do any of the following:
 - Undertake, or refer to City staff or City Attorney to undertake an investigation of the alleged violation.
 - Refer the matter to an authorized city official or the City Attorney to issue a municipal civil infraction citation and prosecute the violation as a municipal civil infraction.
 - Refer the matter to the Isabella County Trial Court Alternative Program for Dispute Resolution, or other organization for conciliation or facilitative mediation services.
 - Notify the complainant that no city action will be taken related to the complaint.
- For any complaint alleging a violation of state or federal law, the City Manager shall refer the complainant to the appropriate state or federal agency responsible for investigation and enforcement of such alleged violations.

Find the Human Rights Ordinance language [here](#).

Human Rights Initial Inquiry Form (PDF)

CHAPTER 39: HUMAN RIGHTS

Section

- 39.01 Purpose
- 39.02 Definitions
- 39.03 Employment practices
- 39.04 Housing practices
- 39.05 Public accommodations
- 39.06 General prohibited practices
- 39.07 Exceptions
- 39.08 Investigation and enforcement procedure
- 39.09 Violators operating under license issued by the city
- 39.10 Severability

39.98 Private cause of action for damages or injunctive relief

39.99 Penalty

§ 39.01 PURPOSE.

(A) The city intends that no individual be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil rights or be discriminated against because of his or her race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation, ~~or~~ gender identity or expression.

(B) The prohibitions against discrimination in this chapter are intended to supplement federal and state civil rights law prohibiting discrimination in the areas of employment, housing and public accommodations. However, this chapter shall be construed and applied in a manner consistent with jurisprudence regarding the freedom of speech and exercise of religion under the First Amendment to the United States Constitution.

(C) Nothing in this chapter is intended to require or shall be construed to require preferential treatment of any individual or group identified in division (A).

(Ord. 973, passed 7-9-12)

§ 39.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGE. Chronological age.

AUTHORIZED CITY OFFICIAL. A police officer, code enforcement personnel or any other personnel of the city designated and authorized by the City Manager, this code or any ordinance to investigate or issue municipal civil infraction citations or municipal civil infraction violation notices.

CITY MANAGER. The City Manager of the City, or his or her designee.

COMPLAINANT. An individual or other person who files a complaint alleging a violation of this chapter.

DISCRIMINATE, DISCRIMINATION. To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the race, religion, color, national origin, gender, sex, age, marital status, physical or mental disability, family status, sexual orientation, ~~or~~ gender identity or expression of an individual.

EDUCATIONAL INSTITUTION. A public or private institution, or a separate school or department thereof, including an academy, college, elementary or secondary school, extension course, kindergarten, nursery, local school system, or a business, nursing, professional, secretarial, technical, or vocational school. For the purposes of this chapter, **EDUCATIONAL INSTITUTION** includes an agent of the institution.

EMPLOYEE. An individual who is hired for a wage, salary, fee, payment or other remuneration to perform work for an employer.

EMPLOYER. A person who has one or more employees, and includes an agent of that person.

EMPLOYMENT AGENCY. A person regularly undertaking, with or without compensation, to procure, refer, recruit, or place an individual in an employment relationship with an employer.

FAMILY STATUS. One or more individuals related by blood within three degrees of consanguinity, marriage, adoption, in a foster care relationship or other legal custody relationship. For the purposes of this definition, **FAMILY STATUS** shall include an individual who is pregnant.

GENDER. The actual biological state of being male or female as of birth, or subsequent alteration through surgical procedure, and without regard to any outward physical display or expression of gender identity.

GENDER IDENTITY OR EXPRESSION. An individual's appearance, expression, identity or behavior as being either male or female, whether or not that appearance, expression, identity or behavior is different from that which is traditionally associated with the individual's designated gender at birth.

HOUSING ACCOMMODATION. Any improved or unimproved real property or part thereof, dwelling unit or facility used or intended, arranged, or designed to be used or occupied as a home, domicile, or residence of one or more individuals.

INDIVIDUAL. A single human being.

LABOR ORGANIZATION. An organization of any kind, an agency or employee representation committee, group, association, or plan in which employees participate in or are members of, which exists for the purpose, in whole or in part, of dealing with employers concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. For purposes of this definition, a **LABOR ORGANIZATION** need not be subordinate to or affiliated with a national or international labor organization.

MARITAL STATUS. The state of being married, unmarried, divorced or widowed.

PERSON. An individual, agent, association, corporation, labor organization, legal representative, partnership, receiver, trust or any other legal or commercial entity.

PHYSICAL OR MENTAL DISABILITY. A determinate physical or mental characteristic of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder, if the characteristic substantially limits a major life activity of that individual and is unrelated to the individual's ability to perform the duties of a particular job or position, is unrelated to the individual's ability to utilize and benefit from a place of public accommodation, or is unrelated to the individual's ability to acquire, rent, or maintain property. For the purposes of this definition, **PHYSICAL OR**

MENTAL DISABILITY does not include any condition caused by the current illegal use of a controlled substance or the use of intoxicating liquors by an individual.

PLACE OF PUBLIC ACCOMMODATION. A business, educational, refreshment, entertainment, recreation, health or transportation facility, organization or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

PRIVATE CLUB. An establishment that is not open to the public. A **PRIVATE CLUB** is one whose members' association with each other and the club is sufficiently intimate, small and exclusive that it is not open to the public.

RELIGIOUS ORGANIZATION OR INSTITUTION. A religious corporation, association, educational institution or society, which is, in whole or substantial part, owned, supported, controlled or managed by a particular religion whose purpose or character is directed toward the propagation of that particular religion and that has the inculcation of religious values or the provision of charity as its purpose; primarily employs persons who share its religious tenets; and primarily serves persons who share its religious tenets or, on a charitable basis, the broader community. **RELIGIOUS ORGANIZATION OR INSTITUTION** includes, for illustration and not limitation: churches, mosques, synagogues and other houses of worship; any subsidiary organizations; educational institutions affiliated with, controlled, or managed by those houses of worship or with articles of incorporation, bylaws and other documents stating an intention to inculcate its religious tenets in students; and, faith-based organizations that, due to a sense of duty based on particular religious tenets, provide charitable services to the public.

RESPONDENT. A person against whom a complaint is filed under this chapter.

SEX. Includes, but is not limited to pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. Discrimination based on sex includes sexual harassment. **SEXUAL HARASSMENT** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions:

- (1) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment, housing, or public accommodations.
- (2) Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, housing, or public accommodations.
- (3) The conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, or housing, or creating an intimidating, hostile, or offensive employment, housing, or public accommodations.

SEXUAL ORIENTATION. Male or female homosexuality, heterosexuality or bisexuality, whether by orientation or practice. **SEXUAL ORIENTATION** does not include any sexual activity or attempted activity otherwise prohibited by law.

(Ord. 973, passed 7-9-12)

§ 39.03 EMPLOYMENT PRACTICES.

Except as otherwise provided in § 39.07:

(A) An employer shall not discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any individual.

(B) A labor organization shall not exclude or expel from membership a member or applicant for membership, or otherwise discriminate in a manner prohibited by this chapter when dealing with employers concerning collective bargaining, member grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment.

(C) An employment agency shall not discriminate in the procurement, referral, recruitment, or placement of an individual in an employment relationship with an employer.

(Ord. 973, passed 7-9-12) Penalty, see § 39.99

§ 39.04 HOUSING PRACTICES.

Except as otherwise provided in § 39.07:

(A) A person shall not discriminate in leasing, selling, or otherwise making available any housing accommodation.

(B) A person shall not discriminate in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection with any housing accommodation.

(C) A person shall not discriminate in providing financing for the purchase, repair, or remodeling of any housing accommodations.

(D) A person shall not discriminate in making referrals, listings or otherwise providing information regarding housing accommodations.

(Ord. 973, passed 7-9-12) Penalty, see § 39.99

§ 39.05 PUBLIC ACCOMMODATIONS.

Except as otherwise provided in § 39.07, a person shall not discriminate in making available full and equal access to all goods, services, privileges, advantages, or accommodations of any place of public accommodation.

(Ord. 973, passed 7-9-12) Penalty, see § 39.99

§ 39.06 GENERAL PROHIBITED PRACTICES.

Except as otherwise provided in § 39.07:

(A) A person shall not adopt, enforce, or employ any policy or requirement, publish, post, circulate or otherwise broadcast any advertisement, sign, solicitation or notice which discriminates or suggests discrimination in providing employment, housing or public accommodations.

(B) A person shall not coerce, threaten or retaliate against another for making a complaint or assisting in any investigation regarding a violation or alleged violation of this chapter. A person shall not require, request, conspire with, coerce or otherwise assist a person to retaliate against a person for making a complaint or assisting in an investigation.

(C) A person shall not conspire with, assist, coerce, or request another to discriminate in any manner prohibited by this chapter.

(D) A person shall not adopt, enforce, or employ any policy, practice or requirement which, while facially neutral, has the effect of discriminating in a manner prohibited by this chapter, except when there is a bona fide business necessity for such a policy, practice or requirement. For the purposes of this chapter, **BONA FIDE BUSINESS NECESSITY** means that the policy, practice or requirement is reasonably necessary to the normal operation of the person's business. A bona fide business necessity does not arise due to a mere inconvenience or because of suspected or actual objection by neighbors, customers, or other persons.

(Ord. 973, passed 7-9-12) Penalty, see § 39.99

§ 39.07 EXCEPTIONS.

Any other provision of this chapter notwithstanding:

(A) The provisions of this chapter do not apply to any religious organization or institution with respect to its employment of individuals.

(B) A religious organization or institution may restrict the occupancy of any of its housing facilities or place of public accommodations operated as a part of its religious activities to persons of its denomination or those who conform to the moral tenets of that religious organization or institution. This exception shall apply to a religious organization or institution that allows persons other than its members to use its facilities if its facilities remain exempt from Michigan property taxation pursuant to section 7s of 1893 PA 206, as amended, M.C.L.A. § 211.7s.

(C) The owner of a housing facility or accommodation devoted entirely to the housing of individuals of one gender may restrict the occupancy of such a facility or accommodation on the basis of gender.

(D) The provisions of this chapter do not apply to the rental of a housing accommodation in a building that contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single family dwelling by a person if the lessor or a member of the

lessor's immediate family resides in the dwelling. This exception shall extend to advertisements, postings, notices or other solicitations for such a rental arrangement.

(E) The provisions of this chapter do not apply to any arrangement for shared ownership, lease or residency of a dwelling unit.

(F) An educational institution may limit the use of its facilities to those affiliated with such institution.

(G) A governmental institution may restrict any of its facilities or restrict employment opportunities based on duly-adopted institutional policies that conform to state and federal laws and regulations.

(H) A person may discriminate based on an individual's age when such discrimination is required by other local, state or federal laws.

(I) A person may provide discounts on products or services to students, or on the basis of age.

(J) A person may refuse to enter into a contractual relationship with an unemancipated minor.

(K) A person may restrict the use of restrooms, lavatories, locker room facilities or changing rooms on the basis of gender. Restrictions for the use of restrooms, lavatories, locker room facilities or changing rooms as provided in this section shall not be considered a violation of this chapter's prohibitions on discrimination based on gender identity or expression.

(L) A person may restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or gender.

(M) A person may restrict membership in a private club that is not open to the public.

(N) An employer may restrict employment opportunities to members of one's family.

(O) An employer offering health or pension plans may provide for marital or family status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations. Further, nothing in this chapter shall be construed or interpreted to either require, nor prohibit a private employer from offering employment benefits to the same-sex partner of an employee.

(P) This chapter shall not prohibit the city from allowing use of its facilities or services by persons that may be affiliated with, or otherwise supported by a religious organization or institution, which may espouse policies or practices inconsistent with the general intent of this chapter. Further, this chapter shall not prohibit the city from allowing use of its facilities or services by persons not generally affiliated with or supported by a particular religious organization or institution, but who may espouse policies or practices inconsistent with the general intent of this chapter.

(Q) This chapter shall not be construed to prohibit a city employee from exercising his or her First Amendment rights to donate to a charitable organization of his or her choosing through the use of the city's automatic payroll deduction program. This

chapter shall not be construed to limit the availability of the city's automatic payroll deduction program only to charitable organizations that support or conform to the general intent and purposes of this chapter. Except as otherwise provided by law, the city retains the discretion to determine whether or not to participate in or allow any payroll deduction.

(R) This chapter is not intended to and shall not be construed to require an educational institution to, and an educational institution shall not use this chapter as a justification to, suspend, expel or otherwise discipline a student enrolled in a medical, pharmaceutical, nursing, counseling, social work, or psychology program because the student refuses to counsel or serve a client or patient in a manner that conflicts with a sincerely held religious belief of the student. However, this provision is not intended to alter or affect any professional ethics or academic standards or codes of conduct.

(S) This chapter is not intended to and shall not be construed to require an employer to, and an employer shall not use this chapter as a justification to, take any employment, promotion, compensation, benefits, termination or extension of employment action against, or alter the employment privileges of a professional employee, because that professional employee refuses to provide medical, social work, psychological or other professional counseling services when that counseling would reasonably conflict with that employee's sincerely held religious beliefs. However, this provision is not intended to alter or affect any professional ethics standards or codes of conduct.

(T) This chapter is not intended to prohibit or interfere with a person's, or religious institution's, free exercise of religion as protected by the First Amendment to the United States Constitution and Article 1, Section 4, of the Michigan Constitution.

(Ord. 973, passed 7-9-12)

§ 39.08 INVESTIGATION AND ENFORCEMENT PROCEDURE.

(A) Any person claiming to be discriminated against in a manner prohibited by this chapter, and not otherwise prohibited by state or federal law, may, within 180 days of the alleged violation, file a signed, written complaint with the City Manager, specifying, in detail, the names, dates, known witnesses and other pertinent facts relevant to the alleged violation. For any complaint alleging a violation of state or federal law, the City Manager shall refer the complainant to the appropriate state or federal agency responsible for investigation and enforcement of such alleged violations.

(B) After receiving a complaint, the City Manager shall review the complaint and may, in his or her reasonable discretion, do any of the following:

(1) Undertake, or refer to city staff or the City Attorney to undertake an investigation of the alleged violation.

(2) Refer the matter to an authorized city official or the City Attorney to issue a municipal civil infraction citation and prosecute the violation as a municipal civil infraction.

(3) Refer the matter to the Isabella County Trial Court Alternative Program for Dispute Resolution, or other organization for conciliation or facilitative mediation services. A complainant or respondent failing to appear for a scheduled conciliation or mediation shall pay any costs resulting from such failure to appear. If a conciliation or mediation agreement is entered into under this section, the parties shall be bound to its terms. A breach of such an agreement by the respondent shall be considered a violation of this chapter.

(4) Notify the complainant that no city action will be taken related to the complaint. Such a determination shall not be evidence of non-violation should the complainant choose to initiate a private civil action against the alleged violator as provided in this section.

(C) Nothing in this section shall be construed to limit a person's right to initiate a private civil action for an alleged violation as provided in § 39.09 of this chapter.

(Ord. 973, passed 7-9-12)

§ 39.09 VIOLATORS OPERATING UNDER LICENSE ISSUED BY CITY.

The City Manager may suspend the license of any person operating under a license issued by the city, or any agency thereof, found to be in violation of this chapter and provide opportunity for a hearing conducted in accordance with the provisions of the City Code under which that person is licensed to determine whether such license should be revoked. The provisions of this section are not applicable to violations which are remedied through either conciliation or mediation services. However, a violation of a conciliation or mediation agreement shall be grounds for the revocation of a license as provided under this section.

(Ord. 973, passed 7-9-12)

§ 39.10 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this chapter.

(Ord. 973, passed 7-9-12)

§ 39.98 PRIVATE CAUSE OF ACTION FOR DAMAGES OR INJUNCTIVE RELIEF.

A person alleging a violation of this chapter may bring a civil action within 180 days of the alleged violation, or 180 days after the end of an actions taken by the city under § 39.08, whichever is later, for appropriate injunctive relief or damages, or both, in a court of competent jurisdiction.

(Ord. 973, passed 7-9-12)

§ 39.99 PENALTY.

(A) If a violation of this chapter is prosecuted as a municipal civil infraction under the §§ 36.01 *et seq.*, fines of up to \$2,500 may be assessed. In addition to the penalties provided in this section, a court shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of this chapter, including, but not limited to, abatement of the violating condition or the granting of injunctive relief.

(B) A court rendering judgment in a private civil action brought pursuant to § 39.09 of this chapter may order any remedy authorized by Article 8 the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, M.C.L.A. §§ 37.2101 *et seq.*

(C) Each day upon which a violation occurs shall constitute a separate and new violation.

(Ord. 973, passed 7-9-12)

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Memorandum



TO: Aaron Desentz, City Manager
FROM: Tim Middleton, Deputy DPW Director
DATE: May 12, 2023
SUBJECT: Hold Public Hearing and Adopt Resolution in Support of DWSRF
Final Project Plan for Water Treatment Plant Improvements

Request

The City Commission is requested to hold a public hearing and approve a resolution in support of adopting a final project plan for water treatment plant improvements and designate an authorized project representative.

Reason

Public Works is seeking \$38.4 million in State Revolving Funds for infrastructure upgrades at the water treatment plant. As part of the grant application process, the City is required approve a resolution in support of adopting the final project plan and designate an authorized project representative, and hold a public hearing to receive comments concerning the final plan. Any comments received can be included in the June 1 DWSRF grant submittal.

Recommendation

I recommend the City Commission hold a public hearing and adopt the attached resolution for inclusion in the DWSRF grant application.

**A RESOLUTION
FOR DRINKING WATER SYSTEM IMPROVEMENTS**

At a regular meeting of the City of Mt. Pleasant, Michigan, held at the City Hall Building at 320 W. Broadway Street:

The following resolution was offered by member _____, and supported by member _____.

WHEREAS, the City of Mt. Pleasant recognizes the need to make additional improvements to its existing water treatment systems; and

WHEREAS, said Drinking Water State Revolving Fund (DWSRF) Project Plan was presented at a Public Hearing meeting that was held on May 22, 2023, and all public comments have been considered and addressed; and

WHEREAS, the City of Mt. Pleasant formally adopted and agreed to implement said Final Project Plan; and

WHEREAS, the City of Mt. Pleasant has been notified of available DWSRF funds for these improvements;

NOW, THEREFORE BE IT RESOLVED, the Manager of the City of Mt. Pleasant, a position currently held by Aaron Desentz, and the Deputy Public Works Director, a position currently held by Tim Middleton, are designated to sign Project Plan documents as the authorized representatives for activities associated with the improvements referenced above.

Resolution duly adopted.

Amy Perschbacher, Mayor

Yeas:

Nays:

Abstain:

Absent:

I, Heather Bouck, City Clerk in and for the Mt. Pleasant, Isabella County, State of Michigan certify that the above Resolution was adopted by the Mt. Pleasant Council on a regular meeting held on _____, 2023. Public notice was given and the meeting was conducted in compliance with the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020.

Memorandum



TO: Aaron Desentz, City Manager

FROM: Chris Saladine, Assistant Finance Director

DATE: May 22, 2023

SUBJECT: 2024 - 2029 Capital Improvement Public Hearing

Per the City Charter, a public hearing must occur before the adoption of the Capital Improvement Plan. Staff will bring the capital improvement back to the City Commission for adoption at our first meeting in June.

Requested Action:

No action required. Capital Improvement Plan will be brought to the City Commission for consideration during the first meeting in June.

Memorandum



TO: Aaron Desentz, City Manager

FROM: Jason Moore, DPW Director

DATE: May 18, 2023

SUBJECT: Sidewalk Snow Clearing Background Information

Current Clearing:

- Commercial properties are required by ordinance to clear the sidewalk adjoining their property.
- The city clears a designated route through various residential areas. Street and alley clearing take precedence.
 - a. Light snow event will take roughly 10 man-hours to clear
- The city clears paths and sidewalks near and in the parks.
- City contractor clears sidewalk along city property in the downtown area.
- All city clearing costs are covered by the general fund.
- Code Enforcement logged 71 violations for commercial properties regarding sidewalk snow and ice this past snow season.
- No standard level of service defined, snow plowed at city discretion based upon snowfall and weather forecast.
- Street Department estimates that 50-75% of homeowners in the various areas that we plow already clear their sidewalks.

Current Clearing Areas:

- Total of 90 miles of sidewalk and paths
 - City clears 5 miles for parks
 - City clears 30 miles of residential sidewalk (63 hrs. in 22-23)
 - 20+/- miles cleared by businesses in commercial areas
 - No requirements for the remaining 35+/- miles of sidewalk

Most Recent Changes:

- City Commission set current policy in 2019
 - 5 miles to be added to cleared areas as capability assessments suggest capacity
- Motor pool purchased equipment.



Mini Loader - \$82k



Trackless - \$122k



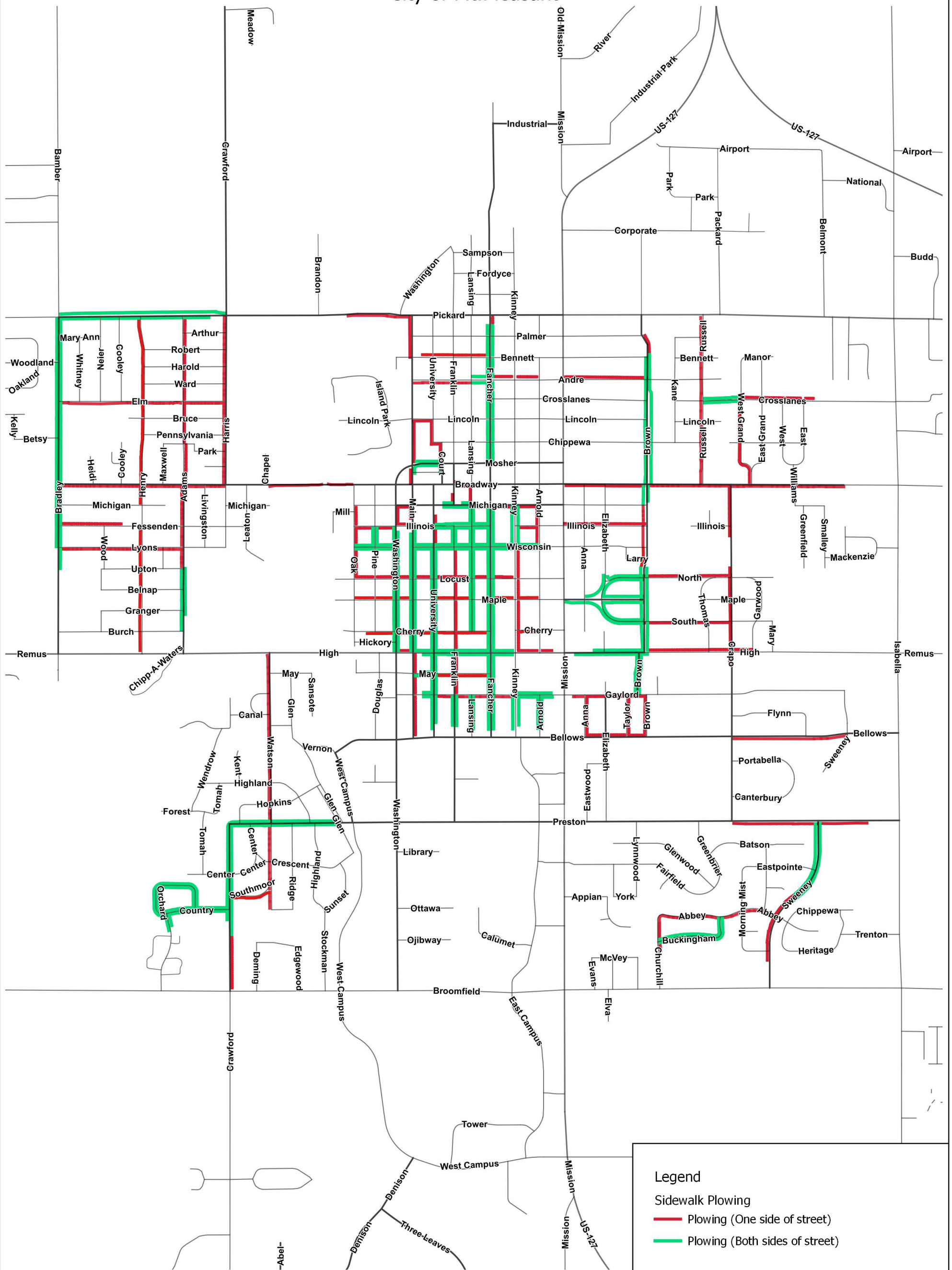
Ventrac - \$67k

Considerations if changes were to be made:

- 35 Miles currently not plowed by city or commercial property owners.
- Having all sidewalks cleared by streets would take 4-5 days after a light to moderate snow event.
 - Costs would be roughly \$8,000
 - Longer final cleanup of streets with manpower diverted
- The current equipment is not capable of salting. Add-ons could be acquired.
- Example Cities
 - **Big Rapids** – Owner clears any accumulation within 12 hours
 - **Marquette** – Owners in designated areas clear sidewalk within 2 hours during daylight events or by 10:00 am
 - **East Lansing** – Owner clears any accumulation within 12 hours
 - **Traverse City** – Owner clears, no specification of time frame
 - **Ferndale** – Owner clears within 24 hours
 - **Battle Creek** – Owner clears before noon following day

Sidewalk Snow Plow Route

City of Mt. Pleasant



Public Works *Mt. Pleasant*
Engineering [meet here]

City of Mt. Pleasant - 320 West Broadway - Mt. Pleasant, MI 48858 - www.mt-pleasant.org

0 1,000 2,000 3,000 ft



Legend

Sidewalk Plowing

— Plowing (One side of street)

— Plowing (Both sides of street)

Published: Jan-11-2023

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