

Minutes of the regular meeting of the City Commission held Monday, June 23, 2008, at 7:00 p.m., in the City Commission Room.

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

Commissioners Present: Mayor Joslin and Vice Mayor Holton; Commissioners Kilmer, Ling, McGuire, Palmer and Spycher

Commissioners Absent: None

Others Present: City Manager Grinzinger, Deputy City Clerk Ridley and City Attorney Smith

Public Input on Agenda Items

Receipt of written communication from Greg Sexton, Central Michigan Developers, LLC requesting the City Commission take no action on item #21 of the agenda.

Received the following petitions and communications:

1. Capital Projects Status Report (June)
2. Charter Township of Union Board of Trustees Minutes (May)
3. Charter Township of Union Planning Commission Minutes (May)
4. Planning Commission Minutes (May)
5. Joint Meeting Minutes of the Planning Commission and the Mt. Pleasant Historic District Commission (May)
6. Street Department and Motor Pool (May)
7. Wastewater Treatment Department (May)
8. City Manager's status report (June)

Moved by Vice Mayor Holton and supported by Commissioner Ling to approve the following items on the Consent Calendar:

1. Minutes of the regular meeting held June 9, 2008.
2. Bid of Fisher Transportation Company of Mt. Pleasant, Michigan in the amount of \$18,000.00 for disposal of the street cleanings for the period of August 1, 2008 to July 31, 2009.
3. Agreement with Central Michigan University regarding modifications to improvements to Washington Street and authorize the Mayor and Clerk to execute the agreement on behalf of the City.
4. Change order on contract with Malley Transport for Washington Street reconstruction project in the amount of \$109,187 for modifications and purchase and installation of MDOT-required handicap detectable plates at handicap ramps.
5. Change order on Contract with Central Asphalt of Mt. Pleasant, Michigan in the amount of \$45,000 for Fancher Street Milling and Overlay project.
6. Payrolls dated 6/13/08 and 6/18/08, Check Nos. 2065-2172 and 2179 and DD1293-DD1408 and warrants dated 6/19/08 check numbers 2205-2372, all totaling \$575,175.24.

A public hearing was held on the necessity of public improvements for Special Assessment District No. 4-08: pave the alley and install storm sewer located between University and Franklin from Bellows to Gaylord in the City. There being no public comment or communications received the Mayor closed the public hearing.

The following Special Assessment District 4-08 Resolution No. 3 was offered by Vice Mayor Holton and supported by Commissioner Kilmer:

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. 4-08;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby determines to pave the alley and install storm sewer located between University and Franklin from Bellows to Gaylord in the City, Special Assessment District No. 4-08.
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 that of said total estimated cost of \$52,800, \$26,400 shall be paid by special assessments upon the properties specially benefited, and that \$26,400 shall be the obligation of the city-at-large because of the benefit to 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 he 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.

Resolution unanimously adopted.

The following Special Assessment District 4-08 Resolution No. 4 was offered by Vice Mayor Holton and supported by Commissioner Kilmer:

WHEREAS, the Assessor has prepared the special assessment roll for Special Assessment District No. 4-08 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.

WHEREAS, the district is described as: pave the alley and install the storm sewer located between University and Franklin St., from Bellows to Gaylord, in the City,

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, 401 N. Main Street, Mt. Pleasant, Michigan, at 7:00 p.m., Eastern Standard Time, on July 14, 2008, 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.

Resolution unanimously adopted.

Moved by Commissioner Kilmer and supported by Vice Mayor Holton to approve a Partnership Agreement with Isabella County Road Commission to construct a boulevard at Broomfield and Crawford Roads including: a) contribute an amount not to exceed \$100,000 and work with the Road Commission to acquire the necessary roadway; and b) loan \$150,000 to the Isabella County Road Commission for the construction project to be repaid upon the Road Commission's reimbursement from the Michigan Department of Transportation and authorize the Mayor and Clerk to execute the appropriate agreements.

AYES: Commissioners Holton, Joslin, Kilmer, Ling, McGuire, and Spycher
NAYS: Commissioner Palmer
ABSENT: None

Moved by Commissioner Kilmer and supported by Commissioner McGuire to accept a Michigan Department of Transportation matching grant for Mill Pond Park improvement and authorize the Mayor and Clerk to sign the appropriate documents.

AYES: Commissioners Holton, Joslin, Kilmer, Ling, McGuire, and Spycher
NAYS: Commissioner Palmer
ABSENT: None

Motion carried.

Moved by Vice Mayor Holton and supported by Commissioner Spycher to enter into closed session pursuant to subsection 8(h) of the Open Meetings Act to discuss a legal opinion from the City's legal counsel.

AYES: Commissioners Holton, Joslin, Kilmer, Ling, McGuire, Palmer and Spycher
NAYS: None
ABSENT: None

Motion carried.

Announcements on City-Related Issues and Concerns

Received a letter of request from the Mayor to City Commission on calendar options for joint meeting with Charter Township of Union officials. The City Commission will request a meeting on July 23 or August 27, 2008.

Commissioner McGuire thanked Director Ellis for getting Fancher Street on the schedule for this year.

Commissioner Ling questioned replays of Planning Commission meeting.

Mayor Joslin thanked the Summerfest Committee and gave reminder of Main Street Live Downtown events.

WORK SESSION

Community Services and Economic Development Director Rich Morrison and Zach Michels presented results of Mission Street Design Study.

The City Commission recessed at 7:46 p.m. and went into closed session at 7:53 p.m. A separate set of minutes was taken for the closed session. The Commission recessed at 9:09 p.m. and went back into open session at 9:17 p.m.

**CITY COMMISSION
CITY OF MT. PLEASANT
Isabella County, Michigan**

Commissioner McGuire and supported by Commissioner Spycher, moved the adoption of the following resolution:

**A RESOLUTION DECLINING THE REQUEST TO CMD TO
CONSTRUCT A SINGLE-STORY STATE OFFICE
BUILDING ON WEST BROADWAY "PARCEL B"**

WHEREAS, part of the West Broadway Revitalization Project includes the former Borden Creamery Building and part of that project involves a separate parcel of property referred to by the City as "Parcel B;" and

WHEREAS, the August 31, 2006 Agreement among the City, the Economic Development Corporation of the City of Mt. Pleasant (the "EDC"), the J.E. Johnson Group and Central Michigan Developers, LLC ("CMD") requires CMD to "develop and construct on Parcel B a residential development consisting of a multiple story (up to four floors) condominium development with approximately twenty to twenty-five . . . units including secure parking on the lower level" (24 are required by the Planning Commission's approval); and

WHEREAS, due to changing market conditions and other factors, CMD has requested that the City Commission consent to allowing CMD to instead build a single story office building to relocate a local office of the Michigan Department of Human Services; and

WHEREAS, the City Commission, after carefully considering that request and at the recommendation of the Commission's Property Committee, has decided it is not in the best interests of the City to give that consent for various reasons, including among them, the following (which are not in any particular order):

- A. One goal of the West Broadway Revitalization Project was to add residences to the downtown area and the proposed state office building will not do that.
- B. One goal for developing Parcel B was to provide a building the height and appearance of which would be compatible with the Borden Creamery Building and the proposed one-story office building does not advance that goal.
- C. The required residential development was to accommodate its needed parking with a lower level parking deck leaving the remaining parking available on the site for use in conjunction with the occupancy of the Borden Creamery Building, including the relocated City Hall, and available to support other downtown uses. Because the proposed office building requires up to 100 parking spaces and will add only 40 spaces, its development and use would be incompatible with the parking goals of the West Broadway Revitalization Project.
- D. Because the state office building is simply a relocation of an existing local office of the same agency, it will not bring new jobs to the community, new consumers to the area, or new residents to the downtown, all three of which were goals of the West Broadway Revitalization Project.
- E. The West Broadway Revitalization Project was to be a mixed use project. The development of the proposed state office building will leave little of the project available for a use other than governmental offices, thereby thwarting the goal of mixed uses.
- F. The mixed use goal had a rational basis beyond mere preference. For example, peak occupancy and trip generation for the Borden Creamery Building and for the required residential condominiums would be compatible (*i.e.*, the residences' peak occupancy would be in the evening and overnight hours, while peak occupancy and trip generation for the Borden Creamery Building would normally be during normal office business hours. However, the proposed state office building would have peak hours that would be nearly the same as those for the Borden Creamery Building, so there would be more congestion during those hours.

G. The proposed state office building is not consistent with the Future Land Use portion of the City's Master Plan, with the Hyett Palma Course of Action Plan, or with the Goals and Objectives for Downtown.

H. There are other sites in the City that are more conducive to the development of a single story office building requiring 100 on-site parking spaces.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The request of Central Michigan Developers, LLC to construct a single-story office building on "Parcel B" is denied for the reasons stated above.

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

AYES: Commissioners: Holton, Joslin, Kilmer, Ling, McGuire, Palmer and Spycher

NAYS: Commissioners: None

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

RESOLUTION DECLARED ADOPTED.

Moved by Vice Mayor Holton and supported by Commissioner Kilmer that the meeting adjourn at 9:25 p.m.

Jon Joslin, Mayor

Nancy Ridley, Deputy City Clerk