



**AGENDA**  
**CITY COMMISSION MEETING**  
**WEDNESDAY, OCTOBER 12, 2022**  
**CITY HALL - WIESLOCH RAUM**  
**130 N. NOTTAWA ST.**

**WORK SESSION 5:00 P.M.**

1. License Plate Recognition Cameras

**REGULAR MEETING 6:00 P.M.**

1. CALL TO ORDER BY MAYOR
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. PROCLAMATIONS / PRESENTATIONS
6. VISITORS – (Public comments for items not listed as agenda items)
7. APPROVAL OF AGENDA
8. APPROVAL OF CONSENT AGENDA (agenda below)
9. UNFINISHED BUSINESS
10. NEW BUSINESS
  - A. N. Lakeview Avenue Bike Lane Public Hearing – Barry Cox
  - B. M-2 Manufacturing Zoning Discussion – William Prichard
  - C. M-66 Utility Improvement Study – Barry Cox
  - D. VOIP System – Matthew Cue
  - E. Doyle Center Court Lighting Upgrade – Daniel Root
  - F. Stapleton Lift Station / LDFA Loan – Andrew Kuk
  - G. Michigan Homeowners Assistance Fund – Kenneth Rhodes
11. COMMISSIONER / STAFF COMMENTS
12. ADJOURN

## **CONSENT AGENDA**

### **8A. Action of Minutes of Previous Meetings**

APPROVE the minutes from the September 28, 2022 work session as presented.

APPROVE the minutes from the September 28, 2022 regular meeting as presented.

### **8B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$1,895,700.52 as presented.

### **8C. Hydro Pump Repair**

APPROVE the proposal from Peerless Midwest for hydro pump repair activities for dewatering pumps #4 and #5 at the hydroelectric dam in the amount of thirty-eight thousand, eight hundred and sixty dollars (\$38,860.00).

### **8D. Set Public Hearing for Jean Avenue Street Vacation Request**

ADOPT the Resolution Approving Vacating of Street and Scheduling of Public Hearing for a portion of Jean Avenue as presented.

### **8E. Traffic Control Order for Peterson Circle**

APPROVE traffic control order 22-04 as presented.

# Manager's Report

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OCTOBER 12, 2022



Submitted by:

A handwritten signature in black ink, appearing to read "Michael L. Hughes".

Michael L. Hughes  
City Manager

## **Work Session**

### **1. License Plate Recognition Cameras**

**Staff: Ryan Banaszak**

Staff are working on implementation of a License Plate Recognition (LPR) camera system in certain areas of the community. LPR technology allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers. The technology would be used by public safety to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It could also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

The purpose of the work session is to discuss the technology, potential implementations, and associated issues of LPR with the City Commission and answer questions.

Included in your packet:

1. Policy Working Copy
2. LPR FAQs
3. LPR Privacy and Ethics Information

## 8. Consent Agenda

### Proposed Motion:

Move that the Sturgis City Commission APPROVE/DENY the Consent Agenda for October 12, 2022 as presented.

### Staff Recommendation:

**APPROVE**

#### **8A. Action of Minutes of Previous Meetings**

##### Consent Agenda Motion:

*APPROVE the minutes from the September 28, 2022 work session as presented.*

##### Consent Agenda Motion:

*APPROVE the minutes from the September 28, 2022 regular meeting as presented.*

#### **8B. Pay Bills**

##### Consent Agenda Motion:

*AUTHORIZE the payment of the City bills in the amount of \$1,895,700.52 as presented.*

#### **8C. Hydro Pump Repair**

In August City staff contracted with Peerless Midwest to pull and inspect the dewatering pumps at the hydroelectric dam as part of maintenance activities. These pumps were not operating correctly during the removal of hydro units #3 & #4. Our records indicate the two pumps have been in service since last being rebuilt in 1992 (pump #4) and 2009 (pump #5) respectively.

Included in your packet is an overview of proposed work and cost estimate. As identified in the document, following the teardown and inspection of the

pumps and motors, the repair shop found extensive mechanical wear throughout as expected with equipment this age. The cast iron bowl castings were badly degraded, and the impeller hubs grooved. The impellers were too thin to be reworked for another service cycle. Peerless also noted the basket strainers and neoprene lineshaft bearings were missing on each unit. The estimate identifies all the components necessary to rebuild the units to restore like-new condition.

The cost estimate for the work from Peerless is \$19,430.00 per pump, for a total of \$38,860.00. Staff is requesting a bid waiver for this work due to specialty nature of the service, significant previous work with the City on pump repairs, and experience working on restorations of this type of equipment.

*Consent Agenda Motion:*

*APPROVE the proposal from Peerless Midwest for hydro pump repair activities for dewatering pumps #4 and #5 at the hydroelectric dam in the amount of thirty-eight thousand, eight hundred and sixty dollars (\$38,860.00).*

Included in your packet:

1. Peerless Midwest Cost Estimate

**8D. Set Public Hearing for Jean Avenue Street Vacation**

The property owner at 309 N. Prospect Street has submitted a request to vacate a 36-foot-long by 50-foot-wide portion of Jean Avenue north of E. Hatch Street. The owner, Mitchell Lesbirel, was in the process of completing a survey and title search to sell the property when it was determined there was no record of action being taken to vacate this portion of Jean Avenue. A further search of the City's records on the matter were inconclusive, but the area has been identified as vacated on City maps for decades.

Different portions of Jean Avenue between E. Hatch Street and the Michigan Southern railroad were vacated over the years. The portion of Jean Avenue

currently being requested for vacation lies inside a fence which runs around the entirety of Mr. Lesbirel's property; a map showing the general area of vacation is included in your packet, along with a more formal survey exhibit. There is no active water main in vacation area. A dead-end sanitary manhole does lie within the vacation request area, but an easement to maintain this underground utility can be reserved.

Included in your packet is a Resolution Approving Vacating of Streets and Scheduling of Public Hearing. The resolution allows for vacating Jean Avenue as requested. As outlined in the Resolution, if it is adopted by the Commission, thereby vacating the roadway, a public hearing will be set for November 16, 2022. Should any objections be raised by the public to the action, either in writing during this period or at the public hearing, the Commission would need to have a 2/3rds majority vote to move forward with vacating the streets.

*Consent Agenda Motion:*

*ADOPT the Resolution Approving Vacating of Street and Scheduling of Public Hearing for a portion of Jean Avenue as presented.*

Included in your packet:

1. Map for Jean Avenue Vacation
2. Exhibit A Survey
3. Resolution Approving Vacating of Street and Scheduling of Public Hearing

**8E. Traffic Control Order for Peterson Circle**

When Heartland RV begins production in Stapleton Industrial Park, traffic volumes will increase on Peterson Circle, the north-south road in the industrial park which intersects Haines Boulevard. This is due to the fact that the employee parking entrance/exit to the facility is on the north end of Peterson Circle.

The intersection of Peterson Circle and Haines Boulevard currently has no designated traffic control to designate vehicular right-of-way. With the increased traffic, staff is concerned about the lack of a traffic control device in this area.

After reviewing the Michigan Manual of Uniform Traffic Devices (MMUTCD) Section 2B.04 Right of Way at Intersections, staff is recommending a “YIELD” sign installation at this location. Sign installation costs will come from Local Street maintenance account. Included in your packet is traffic control order (TCO) 22-04 to approve the yield sign.

*Consent Agenda Motion:*

*APPROVE traffic control order 22-04 as presented.*

Included in your packet:

1. Traffic Control Order 22-04



## **10. New Business**

### **A. N. Lakeview Avenue Bike Lane Public Hearing**

**Staff: Barry Cox**

#### **OPEN PUBLIC HEARING**

The City of Sturgis is planning to resurface North Lakeview Avenue from the Michigan Southern Railroad tracks north to Cheshire Drive in two separate projects in 2023.

A resident emailed City staff to request the City consider installing bike lanes when the paving is complete, similar to treatment completed on North Lakeview from US-12 to the railroad tracks. The request aligns with the City Commission approved “Non-Motorized Trail Plan” from 2014 for bike lanes on N. Lakeview and was already being considered by the Engineering Department for incorporation to improvement plans.

This change would require prohibiting parking on both sides of North Lakeview Avenue to accommodate the installation of bike lanes. Currently, on street parking is prohibited only on the west side of the street. To gauge public opinion on the proposed change at the direction of the Commission staff set and provided notice of this public hearing. Letters were sent to all residents on the impacted portion of N. Lakeview. As of October 7<sup>th</sup>, staff has received two email comment regarding the proposed change.

Following public comment, staff has prepared a draft traffic control order 22-03. This order would prohibit parking on both sides of North Lakeview and outlines sign changes associated with the change. Included in your packet are two maps showing the proposed signage changes, if approved.

#### **CLOSE PUBLIC HEARING**

Included in your packet:

1. Traffic Control Order Maps
2. Traffic Control Order 22-03
3. Resident Emails

## **10. New Business**

### **B. M-2 Manufacturing Zoning Discussion**

**Staff: William Prichard**

Staff would like to open a discussion with the Commission regarding the potential creation of a new zoning district governing areas of manufacturing within the City.

The potential Manufacturing 2 or M-2 zoning district would be used to help differentiate areas of the City currently zoned manufacturing. This could be used to help address concerns and tailor regulations around issues including:

- Early-developed manufacturing areas that now sit in the middle of heavily residential or commercial properties such as the corridor along Prairie Ave.
- Use of manufacturing areas along or adjacent to S. Centerville for marihuana uses that conflict with intent to limit numbers of these businesses along this corridor.
- Ability to regulate the proposed new industrial area at the state line property without the use of restrictive covenants.

Staff are looking to generate discussion based on these or other items. Generally staff believe this proposed district makes sense to implement on areas currently zoned Manufacturing (M) south of US-12. The addition of a new zoning district would allow for existing M zoning district regulations to be maintained in the well-defined northwest portion of the City, while making adjustments to the regulation of other areas of manufacturing in the community.

Staff is seeking Commission direction in bringing the matter to Planning Commission for review and recommendations.

## **10. New Business**

### **C. M-66 Utility Improvement Study**

**Staff: Barry Cox**

The Michigan Department of Transportation (MDOT) is planning several road rehabilitation projects on state highways within Sturgis in the next five years. They asked the City to define the utility improvements that are planned for completion in advance of their improvements. In order to help determine this, Fleis and VandenBrink Engineering, Inc. (F&V) suggested a utility study to examine each corridor's utility needs, offer utility placement options, and determine utility work required to minimize future maintenance work on the M-66 corridor.

Included in your packet is Task Order #10 to complete the utility improvement study along the M-66 (S. Centerville Road) corridor from the Michigan state line to US-12 and along the M-66 (N. Nottawa Street) corridor from US-12 to E. Lafayette. F&V will prepare a report providing recommendations and an engineer's opinion of cost to relocate, replace, and rehabilitate water and sanitary systems along each corridor. Task Order #10's study phase cost is \$73,200.00. Costs for the study will be taken from the Water Fund capital budget for the S. Centerville (US-12 to Fawn River) design and Wastewater capital budget for Collection System Rehab. Once the recommended option is selected, the report will be used as the beginning point for designing future project(s).

#### **Proposed Motion:**

**Move that the Sturgis City Commission APPROVE/DENY Task Order #10 with Fleis and VandenBrink Engineering, Inc. for study phase services on M-66 corridor utilities in the amount of thirty-eight thousand dollars (\$73,200.00) and AUTHORIZE the City Manager to sign all necessary documents.**

#### **Staff Recommendation:**

**APPROVE and AUTHORIZE**

#### **Included in your email:**

1. Task Order #10

## 10. New Business

### D. VOIP System

**Staff: Matthew Cue**

The City's current office phone system is a voice-over internet protocol (VoIP) system through Cisco that originally installed around 2010 and entered end of life status in 2015. This means that Cisco will no longer provide any support for this system; due to the age of the system there is also no direct upgrade path to a current version that would have support.

The current system is starting to show signs of failure such as no longer able to delete, transfer, or save voicemails. In addition, call recordings functions are not supported on modern web browsers. The City's phones also need to be updated to meet several 911 direct dialing, notification, and dispatchable location requirements which the current system does not support.

The current phone system involved the City purchasing hardware upfront (phones, servers, associated technology) and managing the operation, security, and maintenance of the system with City IT staff and resources. Reoccurring costs for the system over time included a monthly PRI system (phone plan) through Frontier.

Staff evaluated a number of options for system replacement, including maintaining a similar setup to what currently exists and a hosted VoIP phone system through a third-party. This type of system is subscription-based, with annual costs associated with all aspects of system hardware, security, updates, etc. but fewer up-front costs and responsibilities to maintain systems or replace failed or outdated equipment.

Staff solicited quotes for service from several vendors and completed a service and cost-comparison. A summary of this analysis is included in your packet. The analysis included up-front, annual, three-year and six-year cost totals to best evaluate the different costing models of the companies.

Of the quotes obtained, Frontier provided the most competitive quote for a fully-hosted solution and the recommended solution. While another vendor, Crosstalk, provided a lower-cost option, it was not fully hosted and involved City purchase of hardware that would include indirect staff costs for support. A hybrid option from WebEx showed higher up-front and three-year costs due to the need to purchase phone hardware, with lower six-year costs. However, because the City would own the phone hardware, the cost to replace phones would need to be incurred again in that year six timeframe.

The recommended Frontier solution has initial one-time costs of \$4,125.00 (including installation) with annual recurring costs of \$26,357.40. The quote includes hardware and services for 110 desktop phones, three conference phones, and seven ATA (fax line devices).

The City is currently spending \$737/month on our PRI system and on average \$138.00/month in staff time on user management for the phone system. With the Frontier bid the PRI system will be removed and the user management cost would be reduced. Our current PRI is also through Frontier so transitioning away from it to the new setup is expected to be relatively smooth.

**Proposed Motion:**

**Move that the Sturgis City Commission APPROVE/DENY the proposal from Frontier for hosted voice-over internet protocol phone services as presented.**

**Staff Recommendation:**

**APPROVE**

**Included in your packet:**

1. Cost Comparison

## **10. New Business**

### **E. Stapleton Lift Station / LDFA Loan**

**Staff: Andrew Kuk**

As part of the Heartland RV project, the City of Sturgis constructed sanitary sewer lift station at the end of Haines Boulevard that allowed us to serve the Heartland site for sanitary sewer. With Stapleton Industrial Park, including the Heartland Project area, now under the Local Development Finance Authority (LDFA) tax capture, it makes sense that this utility be paid for by the LDFA.

As the City contracted for design and construction of the system, to bring the expense under the LDFA, it is recommended that the City sell the system to the LDFA for the cost of design and construction. This would be paid for by the LDFA to the Sewer Fund with an internal loan from the Electric fund. The LDFA would then repay the loan with tax capture dollars over time. As per the LDFA Operating Agreement approved by the City Commission, this asset would be returned to the City after all financing for the project has been paid. At such time the LDFA would transfer the lift station and associated assets to the City as contributed capital at no cost.

Included in your packet is a proposed loan amortization schedule and resolution approving the loan. The proposed term of the loan is 10 years, and per City policy for internal loans, the interest rate will be tied to the Michigan Statutory Interest Rate, currently at 3.458%. This will result in a total annual payment of \$68,045.40 split into monthly payments. The LDFA currently has \$221,772.00 in available net assets (fund balance) and is projected to collect approximately \$119,500.00 this year in tax increment capture and payments from the State's Local Community Stabilization Authority. The tax capture amount is expected to increase in future years as investment from the Heartland project and others within the LDFA district are added to taxable value.

Total amount proposed to be paid is based on the final and projected costs of the lift station project. This amount is \$574,575.54 and includes:

- Design engineering .....\$48,500.00
  - o Final cost based on payments made under TO #97 with Fleis & VandenBrink Engineering (F&V).
- Bid/Construction/Post-Construction engineering .....\$25,000.00
  - o Estimated based on \$17,081.23 currently billed under TO #97a and a projected \$7,000.00 in final pay applications with F&V.
- Construction and Construction Management .....\$501,075.54
  - o Final cost based on pay applications and change orders under contract with F&V Construction Management. Amount is discounted \$12,000.00 due to a contingency held under the contract for one year. If unspent, 80% (\$12,000.00) would be returned to the City.

At their October meeting the LDFA approved purchase of the lift station and acceptance of the loan as presented.

**Proposed Motion:**

**Move that the Sturgis City Commission APPROVE/DENY the sale of the Stapleton Lift Station asset from the City of Sturgis as presented in an amount not-to-exceed five hundred and seventy-one thousand, five hundred and seventy-five dollars and fifty-four cents (\$571,575.54) and AUTHORIZE the City Manager to sign all necessary documents.**

**Proposed Motion:**

**Move that the Sturgis City Commission ADOPT/NOT ADOPT the Resolution Authorizing the Internal Loaning of Funds from the Electric Fund to the Local Development Financing Authority (LDFA) as presented.**

**Staff Recommendation:**

**APPROVE and ADOPT**



Included in your packet:

1. LDFA Loan Amortization Schedule
2. LDFA Loan Resolution

## **10. New Business**

### **F. Michigan Homeowners Assistance Fund**

**Staff: Kenneth Rhodes**

The Michigan Homeowner Assistance Fund (MIHAF), managed by the Michigan State Housing Development Authority (MSHDA), was established as part of the American Rescue Plan Act. Michigan's allocation was over \$242,000,000.00.

Homeowners may apply through an online portal and MSDHA will determine eligibility. An eligible homeowner may receive up to \$25,000 for assistance with mortgage payments, delinquent property taxes, utility payments, and other expenses.

In order for the City of Sturgis to receive funds as part of this program, the City must agree to the terms of the Provider Participation Agreement. There are no provisions of the agreement that are beyond what the City's Utility Customer Service staff already does in working with MSHDA on other assistance programs. Utility customers can be notified about the MIHAF program through the State's 211 call center, which is referenced in all utility past due notices. Many other municipalities have already agreed to be participating providers.

#### **Proposed Motion:**

**Move that the Sturgis City Commission APPROVE/DENY the Michigan Homeowner Assistance Fund Michigan State Housing Development Authority Provider Participation Agreement as presented and AUTHORIZE the City Manager to sign the agreement.**

#### **Staff Recommendation:**

**APPROVE and AUTHORIZE**

#### **Information Included in Packet:**

1. MIHAF MSHDA Provider Participation Agreement
2. MIHAF Program FAQ

## Noteworthy Meetings / Events

- Chamber Strategic Planning Meeting | September 27<sup>th</sup>
- SABEA Meeting | October 3<sup>rd</sup>
- DDA Meeting | October 5<sup>th</sup>
- MMEA Fall Conference Presentation | October 6<sup>th</sup>
- Chamber Business Advocacy Meeting | October 7<sup>th</sup>

## Upcoming Events

- Sturgis Bank & Trust Business After Hours | 113-125 E. Chicago Rd. | 5:00pm-7:00pm | October 13<sup>th</sup>
- Monster Mash / Zombie Prom | SYCA | 8:00pm-11:00pm | October 15<sup>th</sup>
- MML Annual Convention | Muskegon | October 19<sup>th</sup>-21<sup>st</sup>
- Zoning Ordinance Training | SYCA | 5:30pm-8:00pm | October 25<sup>th</sup>
- Downtown Trick-or-Treating | Downtown | 4:00pm-6:00pm | October 28<sup>th</sup>
- Safety Town Halloween Extravaganza | Wall School | 5:00pm-7:00pm | October 29<sup>th</sup>
- City-Wide Trick-or-Treating | 5:30pm-7:30pm | October 31<sup>st</sup>
- Holiday Kaleidoscope | SYCA | 5:30pm | November 4<sup>th</sup>
- Styrofoam Recycling | DPS | 9:00am-12:00pm | November 5<sup>th</sup>
- Chamber Annual Dinner | SYCA | 5:00pm | November 10<sup>th</sup>
- Journey of the 11<sup>th</sup> Movie | SYCA | 7:00pm | November 11<sup>th</sup>
- Escanaba in da Moonlight | SYCA | November 12<sup>th</sup>-13<sup>th</sup>

# **City of Sturgis City Commission Work Session**

## **Agenda Item 1**





# STURGIS DEPARTMENT OF PUBLIC SAFETY – POLICE DIVISION

POLICY/PROCEDURE#  
**600-15**

## Automated License Plate Readers (ALPRs)

Effective Date:

Revised Date:

Distribution  
List:

**SWORN, NON-SWORN, CLERICAL**

### I. PURPOSE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### II. DEFINITIONS

- A. Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- B. ALPR Operator: Trained Sturgis Department of Public Safety (SDPS) members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the SDPS, and The ALPR administrator may order the deployment of the ALPR systems for use in various efforts.
- C. ALPR Administrator: The Director or their designee and/or he/she designee, serves as the ALPR Administrator for the SDPS.
- D. Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.
- E. Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- F. Detection: Data obtained by an ALPR of an image (*such as a License plate*) within public view that was read by the device, including potential images (*such as the plate and description of vehicle on Which it was displayed*), and information regarding the location of the ALPR system at the time of the ALPR's read.

- G. Hit: Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (*NCIC*) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist related activity.

### **III. ADMINISTRATION**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the SDPS ALPR's system and the vendor's vehicle identification technology. The technology is used by the SDPS to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery. All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Department Information Technology Manager. The Department Information Technology Manager will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### **IV. ALPR ADMINISTRATOR**

The Director of Public Safety or their designee shall be responsible for compliance with all requirements including but not limited to:

- A. Only properly trained sworn officers, crime analysts, and police assistants are allowed access to the ALPR system or to collect ALPR information.
- B. Ensuring that training requirements are completed for authorized users.
- C. ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- D. Ensuring that procedures are followed for system operators and to maintain records of access.
- E. The title and name of the current designee in overseeing the ALPR operation is maintained. Continually working with the Custodian of Records on the retention and destruction of ALPR data.
- F. Ensuring this policy and related procedures are conspicuously open to public review.

## V. OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. SDPS members shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

- A. An ALPR shall only be used for official law enforcement business.
- B. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation; reasonable suspicion or probable cause is not required before using an ALPR.
- C. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- D. No member of the SDPS shall operate ALPR equipment or access ALPR data without first completing department approved training.
- E. If practicable, the officer should verify an ALPR response through NCIC before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a NCIC inquiry via MDC or through Dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle.

*Example: If a vehicle entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.*

- F. Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the SDPS's LPR system may be updated by agency sources more frequently than the SDPS may be uploading them and thus the SDPS's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (*other than following the vehicle of interest*). Prior to initiation of a stop of a vehicle or other intervention based on an alert, SDPS shall undertake the following:



1. Verification of status on a Hot List. An officer must receive confirmation, from St. Joseph County Central Dispatch or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (*absent exigent circumstances*).
  2. Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (*read*) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. SDPS members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (*hit*) in a specific BOLO (*be on the lookout*) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a SDPS member would have a lawful basis to stop the vehicle.
  3. SDPS members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the SDPS member shall update with a St. Joseph County Central Dispatcher and original person inputting the vehicle in the hot list (*hit*).
  4. General Hot Lists (*SVS, SFR, and SLR*) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
  5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; related solely to bring t h e officers attention to specific vehicles that have been associated with criminal activity. All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:
    - Entering Department member's name.
    - Related case number.
    - Short synopsis describing the nature of the originating call.
- G. Training. No member of the SDPS shall operate ALPR equipment or access ALPR data without first completing SDPS approved training.

- H. Login/LogOut Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

## **VI. Permitted/Impermissible Uses**

The ALPR system, and all data collected, is the property of the SDPS. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy To utilize the ALPR to record license plates except those of vehicles that are exposed to public view (*e.g. vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment*).
2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:
  - criminal prosecution,
  - civil liability, and/or
  - administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and SDPS policies.

## **VII. DATA COLLECTION AND RETENTION**

The Director or their designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for no longer than one year, and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

ALPR vendor, Flock Safety will store the data (*data hosting*) and ensure proper maintenance and security of data stored in their data towers. Flock Safety will purge their data at the end of the thirty (30) days of storage. However, this will not preclude SDPS from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established State of Michigan retention schedule mentioned above or outlined elsewhere.

Restrictions on use of ALPR Data: Information gathered or collected, and records retained by Flock Safety cameras or any other SDPS ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

## **VI. ACCOUNTABILITY and SAFEGUARDS**

All data will be closely safeguarded and protected by both procedural and technological means. The SDPS will observe the following safeguards regarding access to and use of stored data.

1. All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.
2. All ALPR data downloaded to the mobile workstation shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
3. Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

4. Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
5. Every ALPR Detection Browsing Inquiry must be documented by either the associated SDPS case number or incident number, and/or a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

## **VII. POLICY**

The policy of the SDPS is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The SDPS does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement pursuant to Government Code § 7282.5; Government Code § 7284.2 et seq. these federal immigration agencies include Immigrations and Customs Enforcement (*ICE*) and Customs and Border Patrol (*CPB*).

## **VIII. ALPR DATA DETECTION BROWSING AUDITS**

It is the responsibility of the Director or their designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The SDPS will audit a sampling of the ALPR system utilization from the prior twelve (12) month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least ten (10) detection browsing inquiries conducted by SDPS employees during the preceding six (6) month period and determine if each inquiry meets the requirements established in policy section VII.

The audit shall be documented in the form of an internal department memorandum to the Director or their designee. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Director or their designee, the memorandum and any associated documentation shall be filed and retained by SDPS.

## **IX. RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

- H. The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
  2. The name of the person requesting it.
  3. The intended purpose of obtaining the information.
- I. The request is reviewed by the Director or their designee or the authorized designee and approved before the request is fulfilled. The Director or their designee or the authorized designee will consider the Government Code § 7282.5; Government Code § 7284.2 et seq, before approving the release of ALPR data. The SDPS does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (*ICE*) and Customs and Border Patrol (*CPB*).
- J. The approved request is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy. (*00-21 Evidence and Found Property*).

## **X. TRAINING**

The Director or their designee should ensure that members receive department-approved training for those authorized to use or access the ALPR system.

## **XI. COMPLIANCE**

Violations of this policy, or portions thereof, may result in disciplinary action.

## **XII. OFFICERS ASSIGNED TO OTHER AGENCIES**

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

## **XIII. APPLICATION**

This order constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.

# About Automatic License Plate Readers (ALPR)

## The Problem: Violent Crime Is Not Going Away

Nationwide, cities are experiencing a disturbing rise in homicides and violence. The FBI's 2020 Crime Report shows a 30% increase in homicides from 2019 to 2020, the largest single-year increase recorded.

Over two-thirds of the country's most populous cities saw [even more homicides](#) in 2021.

## One Solution: Technology that Detects Objective Evidence to Clear More Cases

Automated License Plate Readers (ALPR) capture computer-readable images of license plates and vehicles, allowing officers to compare plate numbers against those of stolen cars or wanted individuals on a crime database like the NCIC.

ALPR devices assist law enforcement in solving crime in two ways:

- Proactive - ALPR devices provide real-time alerts when a vehicle that is stolen or associated with a known suspect is detected.
- Investigative - ALPR cameras help determine whether and which vehicle(s) were at the scene of a crime.

## Is ALPR effective ?

According to the National Conference of State Legislatures, when employed ethically and objectively, ALPRs are an effective tool for law enforcement, cutting down on the time required for investigations and acting as a force multiplier. In 2011, a study by the Police Executive Research Forum concluded that ALPRs used by the Mesa, Ariz., Police Department resulted in "nearly 3 times as many 'hits' for stolen vehicles, and twice as many vehicle recoveries."

Communities with ALPR systems report crime reductions of up to 70 percent. In some areas, that included a 60 percent reduction in non-residential burglaries, 80 percent reduction in residential burglary, and a 40 percent reduction in robberies.

## ALPR Provides Objective Evidence While Protecting Privacy

ALPR does not include facial recognition capabilities and does not capture personally identifiable information (PII). While eyewitnesses and individual officers are subject to inherent human bias, ALPR cameras capture wholly-objective images of vehicles and license plates, providing a clear and actionable investigative lead.

### ALPR Use Cases Include:

- **AMBER Alerts:** License plate readers in metro Atlanta were able to find a vehicle containing a kidnapped one-year-old, who had been taken from his mother at random off the street. The child was recovered unharmed. Some ALPR systems integrate directly with the National Center for Missing and Exploited Children's AMBER Alert system, sending real-time alerts to officers in seconds. [[New information released about 1-year-old's kidnapping](#)]
- **Silver Alerts:** Knoxville Police were able to locate a missing elderly man who suffers from dementia after he drove away in a family vehicle. ALPR technology has helped solve hundreds of Silver Alerts across the country. [[Missing man with dementia found using Flock camera](#)]
- **Firearm violence:** The Las Vegas Trail, a high-crime area in Fort Worth, TX, saw violent crime decrease by 22% in 2021 compared with the first nine months of 2019. Fort Worth Police attributed this drop partially to the license plate reader system implemented in the neighborhood during the same period of time. [[Crime is down 22% in Fort Worth's Las Vegas Trail. How neighbors and police made it safer](#)]
- **Organized theft:** Grafton, a growing village with a bustling retail district, is dealing with increased organized retail theft – Two-thirds of all the crimes reported to Grafton police in 2020 were retail thefts. Grafton Police have implemented a license plate reader system to identify vehicles that have been involved in thefts or have been stolen themselves. In one week alone, they recovered three stolen vehicles with drivers planning to engage in retail theft. [[Losses mount as retailers fight theft rings, accuse online storefronts of doing little to stop resale of stolen goods](#)]



# About Flock Safety ALPR

## Privacy and Ethics Factsheet

### How does Flock Safety keep devices and data secure?

Flock Safety holds itself to the highest level of security. We have implemented the following security policies and features:

- Flock Safety data and footage is encrypted throughout its entire lifecycle. All data is securely stored with AES256 encryption with our cloud provider, Amazon Web Services.
- On-device, data is only stored temporarily for a short time until it is uploaded to the cloud, at which point it is removed automatically from the local device. This means the data is secure from when it is on the Flock Safety device to when it is transferred to the cloud, using a secure connection to Flock Safety servers. While stored in the cloud, all data (both footage and metadata) is fully encrypted at rest.
- Flock Safety defaults to permanently deleting all data after 30 days on a rolling basis, setting a new standard in the industry.

### Who has access to data collected by Flock Safety devices?

- Flock Safety's customers own 100% of their data and determine who has access. Flock Safety will never share or sell the data, per our privacy policy.
- With explicit written permission from the customer, Flock Safety does have the ability to grant law enforcement access to specific footage for a short period (24 hours, 48 hours, or however long the customer desires) in the event of an investigation following a crime. Access can only be granted through the approval of the customer.
- Flock Safety has maintenance software in place to measure device performance and image capture quality. This is used to diagnose issues preemptively and schedule service calls in the event of a device malfunction or emergency.



# About Flock Safety ALPR

## Privacy and Ethics Factsheet

### How long does Flock Safety keep data?

- Flock Safety stores footage for only 30 days on a rolling basis by default, after which the footage is automatically hard deleted. The only exception to this is if a democratically-elected governing body or official legislates a different data retention period.

### What features do Flock Safety devices have that enable audits and oversight?

- While searching for footage or other evidence on the Flock Safety platform, law enforcement agencies must enter reason codes to verify the legitimacy of the search and create an audit trail.
- Authorized users go through training to properly use our system and communicate with their dispatch teams.
- Flock Safety customers commit not to use the data collected to work with third-party repossession companies, traffic enforcement, revenue collection, unpaid fines, or towing companies. We do not use facial recognition or capture any personally identifiable information such as name, phone number, or address, and we do not work with federal government agencies for immigration enforcement purposes.
- Flock Safety's ALPR Transparency Portal, an optional free feature for all law enforcement customers, is the first public-facing dashboard for law enforcement agencies, city leaders, and local government officials to share policies, usage, and public safety outcomes related to ALPR technology. The ALPR Transparency Portal helps promote transparency and accountability in the use of policing technology in order to build community trust while creating a safer, more equitable society.

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 8A**



**WORK SESSION - STURGIS CITY COMMISSION  
WEDNESDAY, SEPTEMBER 28, 2022  
WIESLOCH RAUM – CITY HALL**

Mayor Mullins called the meeting to order at 5:00 p.m.

Commissioners present: Bir, Kinsey, Malone, Smith, Hile, Perez, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: Klinger

Also present: City Manager, Assistant City Manager, Electric Department Superintendent, City Controller, City Clerk

City Manager Michael Hughes and City Controller Holly Keyser provided an overview of the City's Purchasing Policy. The City Commission discussed the budget, sealed bids, threshold for Commission review, and related issues. City Staff will bring back proposed revisions to a future meeting.

The meeting was adjourned at 5:56 p.m.

***Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer***

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, SEPTEMBER 28, 2022**  
**WIESLOCH RAUM – CITY HALL**

Mayor Mullins called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was said by all present.

The Invocation was given by Comm. Kinsey.

Commissioners present: Bir, Klinger, Kinsey, Malone, Smith, Hile, Perez, Vice-Mayor Miller, Mayor Mullins  
Commissioners absent: None

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Electric Department Superintendent, City Engineer, DPS Director, City Controller, City Clerk

Moved by Comm. Hile and seconded by Comm. Klinger to approve the agenda as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Hile and seconded by Comm. Klinger to approve the Consent Agenda of September 28, 2022 as presented.

**8A. Action of Minutes of Previous Meetings**

APPROVE the minutes from the August 24, 2022 regular meeting as presented.

**8B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$2,501,642.78 as presented.

**8C. Bylaws Updates**

APPROVE the bylaws for the Sturgis Planning Commission and Sturgis Zoning Board of Appeals as presented.

**8D. GIS Aerial Photography**

APPROVE a bid waiver for and the proposal of the State of Michigan for aerial photography in the amount of eighteen thousand, one hundred and fifty-two dollars and ninety-four cents (\$18,152.94).

**8E. 2022 Sturgis Downtown Trick-or-Treat Event**

APPROVE the request for the 2022 Sturgis Downtown Trick or Treat Event.

**8F. Board Resignations**

ACCEPT the resignation of Chuck Huber from the Sturgis Housing Commission and Zoning Board of Appeals and SEND a letter of recognition for his service.

**8F. MML Liability and Property Pool Board of Directors Election**

APPROVE submittal of ballot for the Michigan Municipal League Liability Property Pool Board of Directors as presented and AUTHORIZE the City Manager to sign all necessary documents.

**8H. City Facility Asphalt Sealing and Striping Bids**

Move that the Sturgis City Commission REJECT the bids for asphalt sealing and re-striping as presented and rebid the project with proposed changes.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Mayor Mullins opened the Public Hearing for Consideration of an Obsolete Property Rehabilitation Exemption Certificate for Harrison Investment Properties.

Assistant City Manager Andrew Kuk provided information on the project at 105 W. Chicago Road.

The City Commission had questions regarding the number of jobs created.

There were no comments from the public.

Mayor Mullins closed the Public Hearing.

Moved by Comm. Hile and seconded by Comm. Bir to adopt the Resolution for an OPRA Exemption for 105 W. Chicago Rd. as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

WHEREAS, pursuant to PA 146 of 2000, the City of Sturgis is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the City of Sturgis legally established the Obsolete Property Rehabilitation District on June 8, 2022, after a public hearing held on June 8, 2022; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the City of Sturgis; and

WHEREAS, exceeding 5% will not have the effect of substantially impeding the operation of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on February 28, 2018; and

WHEREAS, the Harrison Investment Properties is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000; and

WHEREAS, the applicant Harrison Investment Properties has provided answers to all required questions under the application instructions to the City of Sturgis; and

WHEREAS, the City of Sturgis requires that rehabilitation of the facility shall be completed by December 31, 2023; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Sturgis eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, and revitalize urban areas in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Sturgis that Harrison Investment Properties hereby is granted an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in Obsolete Property Rehabilitation District at 105 West Chicago Road for a period of 12 years, beginning December 31, 2023, and ending December 31, 2034 pursuant to the provisions of PA 146 of 2000, as amended.

**The City Commission had consensus for a discussion on potential reorganization of the Parks and Cemetery and Doyle and Recreation advisory boards at a work session on October 26, 2022 at 5:00 p.m.**

Moved by Comm. Klinger and seconded by Comm. Miller to approve the elimination of the proposed Electrical Engineer position and the hiring of an Electric Technology Services Specialist as presented.  
**Voting yea: Nine                      Voting nay: None                      MOTION CARRIED**

Moved by Comm. Hile and seconded by Comm. Klinger to approve the bid of Ray's Welding for water tower vent repair and replacement in the amount of ten thousand, six hundred dollars (\$10,600.00).

Moved by Comm. Klinger and seconded by Comm. Kinsey to approve issuance of the State Line Business Park Planning Request for Proposals as presented.

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Assistant City Manager Andrew Kuk provided information on a policy related to potential activities at the airport. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Klinger to approve the Airport Non-Aviation Use Policy as presented.

**Voting yea: Eight**

**Voting nay: Bir**

**MOTION CARRIED**

City Controller Holly Keyser provided information on State requirements related to employee health care benefits. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Kinsey to adopt the Resolution to Control Municipal Health Care Costs as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

**CITY OF STURGIS**  
**RESOLUTION TO CONTROL 2023 MUNICIPAL HEALTH CARE COSTS**

WHEREAS, Public Act 152 of 2011 (PA 152), an act to limit a public employer's expenditures for employee medical benefit plans, was approved by the State of Michigan and made effective September 27, 2011 and

WHEREAS, PA 152 mandates hard cap limits on health care expenses for public employers in a total amount equal to \$7,399.47 times the number of employees with single person coverage, \$15,474.60 times the number of employees with individual and spouse coverage or individual plus one nonspouse dependent coverage, and \$20,180.43 times the number of employees with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2023; and

WHEREAS, PA 152 allows public employers the option, instead of the hard cap, of electing to pay not more than 80% of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials with a majority vote of its governing body; and

WHEREAS, PA 152 allows local units of government, including cities, the option to opt out of all limits set forth in the act with a 2/3<sup>rd</sup>s majority vote of its governing body; and

WHEREAS, these limits would impact all non-union employees beginning January 1<sup>st</sup>, 2023 and all union employees upon the expiration of their current union contract; and

WHEREAS, the City Commission has approved cost-sharing levels for non-union employees equal to 20% of the rates for traditional health care plans; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STURGIS, that the City will comply with the requirements of Public Act 152 of 2011 for the 2023 calendar year by opting out of the requirements of the Act as stipulated in Section 8 of the Act; and

LET IT BE FURTHER RESOLVED, that the City will implement cost-sharing levels for employees equal to \$200 for a single or \$300 for dual and family coverage when enrolled in the high deductible health plan; and

LET IT BE FURTHER RESOLVED, that the City will implement health incentives equal to \$100 for employees that complete 24 visits to the Doyle Community Center in the calendar year and \$100 for each employee and an additional \$100 if the employee's spouse also participates in a health screening which will be discounted from the biweekly employee contribution levels; and

LET IT BE FURTHER RESOLVED, that the City will contribute \$0.00 in 2023 to Flexible Spending Accounts; and



LET IT BE FURTHER RESOLVED, that the City will rebate \$3,500.00 for declining medical coverage and an additional \$200 for also declining dental.

LET IT BE FURTHER RESOLVED, that the City will contribute \$1,200.00 in 2023 to each Health Savings Account established, with payments distributed during January 2023.

City Controller Holly Keyser provided details on the needed budget amendments for the 2021-2022 fiscal year. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Klinger to approve the budget amendments as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

The meeting was adjourned at 7:45 p.m.

***Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer***

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 8B**



Date	Check#	Vendor	Vendor Name	Amount
Manual Checks				
09-26-2022	244107M	00296	MITCHELL CRIPPS	13,058.00
09-26-2022	244108M	06322	FROHM & WIDMER INC	9,400.00
09-30-2022	PR0593M	00061	CITY OF STURGIS PAYROLL	322,642.63
09-23-2022	T15128M	03173	FIFTH THIRD BANK	17,075.44
09-26-2022	T15129M	04197	MI PUBLIC POWER AGENCY	237,893.95
09-26-2022	T15130M	00426	STURGES YOUNG AUDITORIUM	576.40
09-26-2022	T15131M	04088	BLUE CROSS BLUE SHIELD OF MI	54,902.16
09-30-2022	T15132M	05033	HUNTINGTON NATIONAL BANK	525,256.25
09-30-2022	T15133M	00062	CITY OF STURGIS-EMPLOYEE INS	64,562.33
09-30-2022	T15134M	05588	ALERUS FINANCIAL/MERS TRANSFER	2,670.89
09-30-2022	T15135M	00065	DOYLE MEMBERSHIP TRANSFER	3,974.85
09-30-2022	T15136M	00063	CITY OF STURGIS TAX TRANSFER	17,918.16
09-30-2022	T15137M	05123	COMERICA BANK-INST TRUST SERV	33,033.07
09-30-2022	T15138M	03229	CITY OF STURGIS-WORKERS COMP	2,648.34
09-30-2022	T15139M	00064	INTL CITY MGMT ASSOC RETR CORP	7,415.52
09-29-2022	T15140M	05892	PAYCOR	335.10
Automatic Checks				
10-12-2022	244109	00332	ALEXANDER CHEMICAL CORP	229.00
10-12-2022	244110	05583	ALL THINGS FITNESS LLC	28,614.55
10-12-2022	244111	00002	ALL-PHASE ELECTRIC SUPPLY	200.96
10-12-2022	244112	06119	AMAZON.COM SALES INC	2,988.77
10-12-2022	244113	05634	ANTHONY & NANCY MORRIS	50.00
10-12-2022	244114	03576	ARROW SERVICES INC	76.55
10-12-2022	244115	00379	AUTO PARK FORD	419.18
10-12-2022	244116	00296	BARBARA RADTKE	66.09
10-12-2022	244117	04776	BARONE HARDWARE & AUTO	90.29
10-12-2022	244118	05640	BECKETT & RAEDER	218.75
10-12-2022	244119	05634	BEL-AIRE HEATING & COOLING	160.00
10-12-2022	244120	06117	BENITA ANN LEWIS	60.00
10-12-2022	244121	00072	BIRD, SCHESKE, REED & BEEMER,	9,558.57
10-12-2022	244122	00132	BOFA INC	1,401.00
10-12-2022	244123	00005	BOGEN CONCRETE INC	3,559.75
10-12-2022	244124	00006	BOLAND TIRE INC	3,155.50
10-12-2022	244125	04271	GREG BROOKS	144.00
10-12-2022	244126	03343	BYLER ELECTRIC INC	1,741.00
10-12-2022	244127	01383	C S RAYMER COMPANY INC	5,835.00
10-12-2022	244128	06304	C2AE	15,656.25
10-12-2022	244129	05125	CANNON TECHNOLOGIES	1,166.00
10-12-2022	244130	00691	CENTRAL MEAT MARKET	115.55
10-12-2022	244131	00691	CENTRAL MEAT MARKET	75.98
10-12-2022	244132	04832	COBALT HOLDINGS LLC	2,400.00
10-12-2022	244133	03605	COLDSPRING GRANITE COMPANY	121.00
10-12-2022	244134	06065	COOPER'S TRENCHING INC	8,660.00
10-12-2022	244135	06000	INDIANA EMERGENCY SERVICE PROD	5,217.50
10-12-2022	244136	05108	CORRIGAN OIL CO	2,341.49
10-12-2022	244137	05863	COTTINS DO IT BEST HARDWARE	338.01
10-12-2022	244138	05694	CUMMINS INC	2,886.69
10-12-2022	244139	01119	DAVID W LUDDERS	80.40
10-12-2022	244140	02005	DELL MARKETING LP	8,332.13
10-12-2022	244141	01684	DETROIT SALT COMPANY	6,571.79
10-12-2022	244142	03109	DOWNTOWN DEVELOPMENT AUTHORITY	400.00

Date	Check#	Vendor	Vendor Name	Amount
10-12-2022	244143	00364	CAROL DUSTIN	240.00
10-12-2022	244144	01064	EJ USA INC	1,562.00
10-12-2022	244145	00166	ELHORN ENGINEERING CO	1,345.00
10-12-2022	244146	03339	ROBERT ELLIFRITZ	48.00
10-12-2022	244147	03929	EMERGENCY MEDICAL PRODUCTS INC	54.36
10-12-2022	244148	00296	EMMANUEL & JOSEFINA DIAZ	50.00
10-12-2022	244149	01847	ESTUDIO DESIGN LLC	170.00
10-12-2022	244150	03928	F&V CONSTRUCTION MANAGEMENT	42,834.31
10-12-2022	244151	05929	FACTUAL DATA	50.00
10-12-2022	244152	05151	FAWN RIVER MECHANICAL LLC	1,818.00
10-12-2022	244153	05490	FERGUSON WATERWORKS #3386	7,719.78
10-12-2022	244154	00776	FLEIS & VANDENBRINK	18,077.73
10-12-2022	244155	05584	FREDERICK CONSTRUCTION INC	72,619.40
10-12-2022	244156	04389	FRONTIER COMMUNICATIONS A	3,445.78
10-12-2022	244157	02082	GECKO SECURITY LLC	470.00
10-12-2022	244158	03064	GOODYEAR COMMERCIAL TIRE	1,618.61
10-12-2022	244159	00183	W W GRAINGER INC	2,856.89
10-12-2022	244160	06104	GRANTSMANSHIP CONSULTING LLC	1,262.50
10-12-2022	244161	05634	GREEN PROJECTS GROUP	1,900.00
10-12-2022	244162	00296	GREENBUD TECHNOLOGIES LLC	450.00
10-12-2022	244163	01298	HAGEN CEMENT PRODUCTS INC	176.10
10-12-2022	244164	05637	HANDY EXCAVATING	11,257.57
10-12-2022	244165	04075	HOME CITY ICE COMPANY	837.00
10-12-2022	244166	06321	HOMER'S SERVICES LLC	450.00
10-12-2022	244167	06055	HOSSETLER LAWN & LANDSCAPING I	3,200.00
10-12-2022	244168	04922	HUTSON ASSESSING INC	4,769.33
10-12-2022	244169	03515	HYDROCORP	4,625.50
10-12-2022	244170	06270	INSITUFORM TECHNOLOGIES LLC	143,751.32
10-12-2022	244171	05522	INTERSTATE BATTERIES-GREAT LKS	325.64
10-12-2022	244172	05171	STUART C IRBY CO	6,881.44
10-12-2022	244173	06199	JANSEN PLUMBING, HEATING &	3,079.95
10-12-2022	244174	06314	JODIE M JOHNSON	80.00
10-12-2022	244175	05842	JOHN DEERE FINANCIAL	400.11
10-12-2022	244176	00296	JOHN DOBBERTEN	48.92
10-12-2022	244177	00296	JULIO C GARCIA HERNANDEZ	84.51
10-12-2022	244178	00020	KENDRICK STATIONERS INC	137.26
10-12-2022	244179	05634	KIM MEYER	50.00
10-12-2022	244180	00212	KSS ENTERPRISES	215.91
10-12-2022	244181	05716	KUBOTA KINGS	111.02
10-12-2022	244182	00216	LAWSON PRODUCTS INC	404.42
10-12-2022	244183	04695	LEXIPOL	802.37
10-12-2022	244184	03256	LIMA ELEVATOR COMPANY INC	1,200.00
10-12-2022	244185	00635	MCMASTER-CARR SUPPLY COMPANY	94.66
10-12-2022	244186	05945	MED SAFETY PLUS LLC	158.36
10-12-2022	244187	00503	R W MERCER CO	231.00
10-12-2022	244188	00296	MICHAEL & DELAINA CONWAY	302.35
10-12-2022	244189	00296	MICHAEL W SHERRILL	55.98
10-12-2022	244190	04817	MICHIANA RECYCLING AND	1,288.46
10-12-2022	244191	03774	STATE OF MICHIGAN	84.50
10-12-2022	244192	02825	STATE OF MICHIGAN	18.00
10-12-2022	244193	05121	MICKEY'S LINEN	360.41
10-12-2022	244194	06294	MIDWEST POWER EQUIPMENT	366.51
10-12-2022	244195	04772	MIKE MILLER	40.00

Date	Check#	Vendor	Vendor Name	Amount
10-12-2022	244196	04014	MILLERS SALES & SERVICE	181.18
10-12-2022	244197	05051	MILSOFT UTILITY SOLUTIONS	1,073.07
10-12-2022	244198	06069	NAPA AUTO PARTS	781.37
10-12-2022	244199	05022	NASRO	400.00
10-12-2022	244200	06267	NEW CREATIONS LANDSCAPE LLC	2,686.41
10-12-2022	244201	00255	NIBLOCK EXCAVATING INC	1,707.78
10-12-2022	244202	00296	NICE NAILS	85.08
10-12-2022	244203	01411	NCL OF WISCONSIN INC	59.20
10-12-2022	244204	06051	NORTHERN CONSTRUCTION SERV COR	3,500.00
10-12-2022	244205	05932	O'REILLY AUTO ENTERPRISES LLC	19.98
10-12-2022	244206	05671	PACE ANALYTICAL SERVICES LLC	121.63
10-12-2022	244207	04770	PARRISH EXCAVATING INC	32,002.01
10-12-2022	244208	04537	NICK PERRY	705.00
10-12-2022	244209	05042	PLANT GROWTH MANAGEMENT SYSTEM	5,239.08
10-12-2022	244210	00033	POSTNET POSTAL & BUSINESS	185.11
10-12-2022	244211	00485	POWER LINE SUPPLY	4,892.67
10-12-2022	244212	06064	POWERSCREEN OF INDIANA INC	129.44
10-12-2022	244213	06313	PREMIER LINE STRIPING LLC	600.00
10-12-2022	244214	04481	PROF SPORTS SPECIFIC TRAINING	270.00
10-12-2022	244215	04251	RAI JETS LLC	1,260.00
10-12-2022	244216	00035	RESCO	1,903.00
10-12-2022	244217	06038	REVOLUTION HEALTH, P.C.	30.00
10-12-2022	244218	06025	RICHARDS SEWER & SEPTIC INC	1,164.00
10-12-2022	244219	03542	RICKETT'S LAWN CARE	6,215.00
10-12-2022	244220	06260	ROBERT PHIBBS	275.00
10-12-2022	244221	05765	SELKING INTERNATIONAL	968.55
10-12-2022	244222	05518	SNAP-ON INDUSTRIAL	60.63
10-12-2022	244223	05523	DIANA STRUDWICK	280.00
10-12-2022	244224	00936	STURGIS COMMUNITY POOL	128.00
10-12-2022	244225	05918	THE STURGIS HISTORICAL SOCIETY	2,790.00
10-12-2022	244226	00101	STURGIS NEIGHBORHOOD PROGRAM	5,033.33
10-12-2022	244227	06031	STYKEMAIN OF STURGIS LLC	86.80
10-12-2022	244228	06281	T-MOBILE USA INC	329.68
10-12-2022	244229	03060	TERMINAL SUPPLY CO	311.51
10-12-2022	244230	06125	THE COPY IMAGE INC	437.13
10-12-2022	244231	04429	THE PAPERS INC	112.00
10-12-2022	244232	05634	THOMAS & TERESA LEE	50.00
10-12-2022	244233	05777	TRACE ANALYTICAL LABORATORIES	568.00
10-12-2022	244234	05664	TREECORE LLC	16,222.80
10-12-2022	244235	05045	JASON TROSPER	5,550.00
10-12-2022	244236	01238	UNITED PARCEL SERVICE	36.93
10-12-2022	244237	06323	US MAIL SUPPLY INC	1,954.00
10-12-2022	244238	05745	ERICA VARGAS SARCO	120.00
10-12-2022	244239	05659	WARNER OIL COMPANY	24.90
10-12-2022	244240	03511	WASTE MANAGEMENT	999.02
10-12-2022	244241	06147	WAYNE DUCHARME	96.00
10-12-2022	244242	03872	JORY WEBB	240.00
10-12-2022	244243	06044	WEST MICHIGAN PAINTING INC	4,500.00
10-12-2022	244244	06107	YEOMAN, TALIA	390.00
10-12-2022	244245	06127	ZEIGLER KALAMAZOO II, INC	1,129.75
10-12-2022	D01887	04066	BORDEN WASTE-AWAY SERVICE INC	6,398.43
10-12-2022	D01888	00077	CARQUEST AUTO PARTS	348.27
10-12-2022	D01889	02983	CINTAS LOCATION #351	1,848.89
10-12-2022	D01890	00157	JACK DOHENY COMPANIES INC	5,296.87
10-12-2022	D01891	00019	KENDALL ELECTRIC INC	400.65
10-12-2022	D01892	03944	LINDE GAS & EQUIPMENT INC	192.19
10-12-2022	D01893	06250	MARANA GROUP	2,534.38
Manual Total				\$1,313,363.09
Automatic Total				\$582,337.43
Grand Total				\$1,895,700.52

**PAYROLL DISBURSEMENT**  
**FOR PAYROLL ENDING 09/25/2022**  
**PR0593M PAYROLL DATE 09/30/2022**

GENERAL	\$160,675.88
MAJOR STREET	8,916.71
LOCAL STREET	4,886.58
CEMETERY	6,259.75
DDA	842.17
AIRPORT	1,150.10
BUILDING	2,763.13
STURGES-YOUNG CENTER FOR THE ARTS	5,083.91
RECREATION	30,959.29
DOYLE RECREATION CENTER	(19,683.65)
AMBULANCE	7,306.30
ELECTRIC	80,572.12
SEWER	17,429.89
WATER	12,545.62
MOTOR VEHICLE	2,934.83
<b>Payroll Sub-Total</b>	<b>\$322,642.63</b>

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 8C**







Mishawaka, IN / 574.254.9050  
Westfield, IN / 317.896.2987  
Ionia, MI / 616.527.0050  
Fenton, MI / 810.215.1295  
Lombard, IL / 630.708.3212  
Boulder, CO / 574-286-0765  
Littleton, CO / 303-968-7920

September 22, 2022

City of Sturgis  
130 Nottawa St.  
Sturgis, MI 49091

Attn: Mr. Keith Skaggs

RE: Pahl Dam #4 & #5

Dear Keith:

As you are aware, we have the Pahl Dam #4 and #5 pumps tore down in our shop. These pumps were pulled on 8/16/22 and our records indicate they have been in service since 1992 (#4) and 2009 (#5) respectively since having last been rebuilt.

Following our teardown and inspection of the pumps and motors, we found extensive mechanical wear throughout as expected with equipment this age. The cast iron bowl castings were badly degraded, and the impeller hubs grooved. The impellers were too thin to be reworked for another service cycle. Our shop superintendent noted the basket strainers and neoprene lineshaft bearings were missing on each unit. We have identified all of the components necessary to rebuild the units to restore like-new condition. The below list of material is required for each pump:

- New 2 Stage K8HC Bowl Assembly w/ Galvanized Basket Strainer
- 1 3/16" Stainless Steel Head Shaft
- 1" Stainless Steel Motor Shaft
- 1 3/16" Stuffing Box Bearing
- (1) 1" Stainless Steel Shaft Couplings
- (4) 1 3/16" Stainless Steel Shaft Couplings
- (3) 1 3/16" Stainless Steel Shaft Sleeves
- (3) Neoprene Lineshaft Bearings
- (3) 6" Bearing Retainers
- (1) 6" X 5' Schedule 40 Column Pipe
- (2) 6" X 10' Schedule 40 Column Pipe
- Airline Complete with Gauge & Fittings
- Set of Packing
- Pressure Gauge, Petcock & Fittings
- Water Slinger
- 6" Set of Discharge Bolts, Nuts, & Gaskets
- 7.5 HP Motor Overhaul

[www.peerlessmidwest.com](http://www.peerlessmidwest.com)

55860 Russell Industrial Parkway, Mishawaka, IN 46545 Phone (574) 254.9050 Fax (574) 254.9650

As for the motors, each 7.5 HP motor were test run and identified as needing to be overhauled. This will include disassembly, cleaning of all parts, surge testing for the winding, magna fluxing for the rotor, baking and varnish treatment for the winding, replacement of the thrust bearing, replacement of the radial bearing, replacement of the sight glass, replacement of the "V" ring, replacement of the connection blocks, check of all machine and bearing fits, reassembly, dynamic balancing, test, and paint.

We have a cost of \$19,430 per pump, including cost accrued to date, reinstallation, and start up.

We appreciate the opportunity to be of service to you and the City of Sturgis. Please let us know if you should have any questions, or if we can be of assistance to you in any way.

Regards,

**PEERLESS-MIDWEST, INC.**

Andrew Piekarski

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 8D**





*Disclaimer: This map is a representation to be used exclusively for reference purposes. This map is not to be used as a survey product. The City of Sturgis makes no warranty as to the accuracy of this map, either expressed or implied. Users of this map do so at their own risk and acknowledge and accept the limitations of this map.*

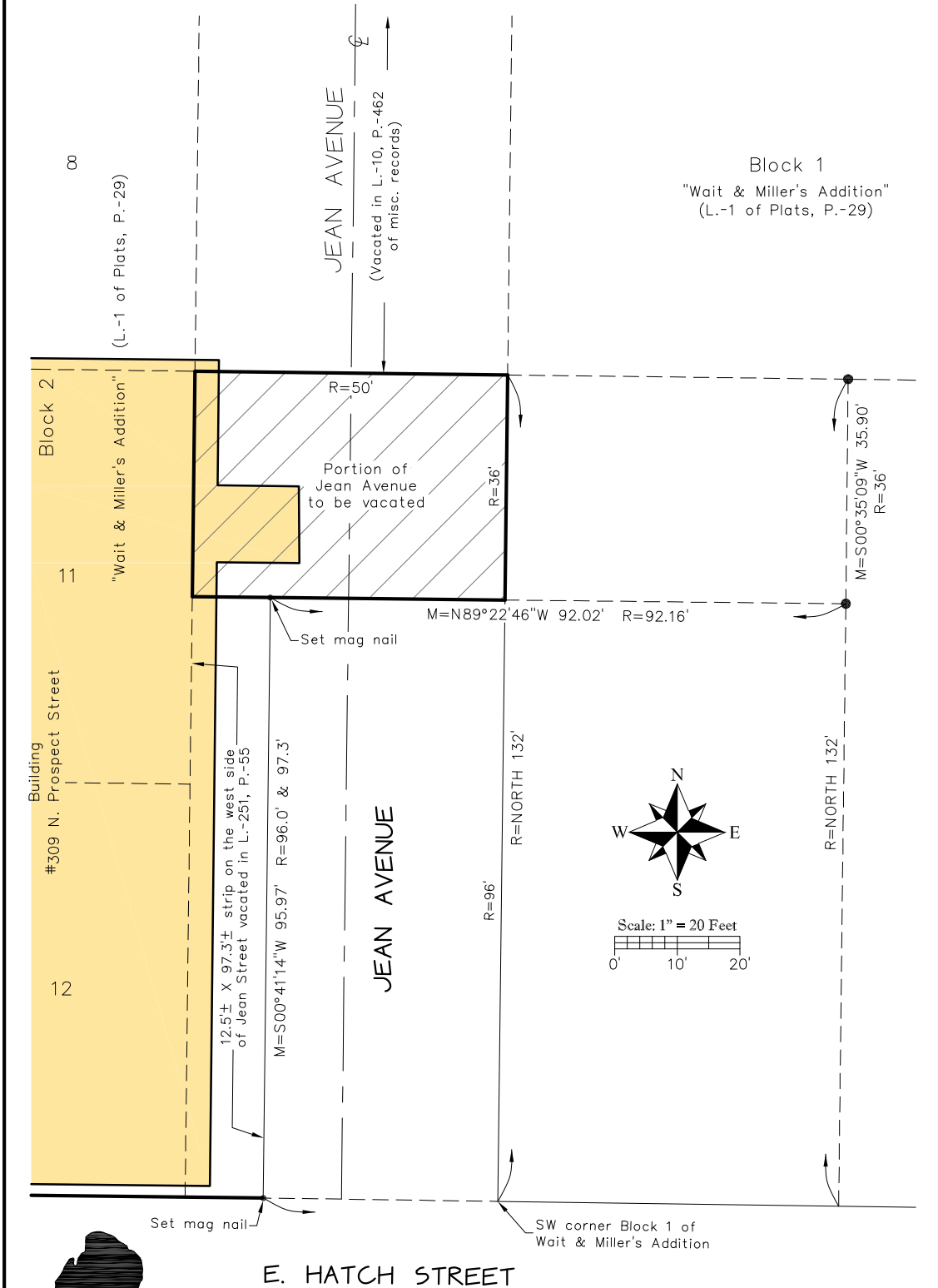
# EXHIBIT A

DATE: October 4, 2022

SURVEY NO.: ST4-29950

## JEAN AVENUE SKETCH

RE: AXLE PLASTIC ASSET, LLC  
CITY OF STURGIS  
ST. JOSEPH COUNTY, MI



MOSTROM & ASSOC., INC.

NOTE: COPYRIGHT©MOSTROM & ASSOC., INC.  
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DRAWN BY: MCR

SHEET 2 OF 2

**RESOLUTION APPROVING VACATING OF STREET  
AND SCHEDULING OF PUBLIC HEARING**

WHEREAS, the City Commission of the City of Sturgis, County of St. Joseph, and State of Michigan, the same being the legislative body of the said City of Sturgis, deems it advisable and in the best interests of the City of Sturgis that a portion of Jean Avenue now situate and being within the City of Sturgis be vacated, said street being described as follows, to-wit:

Located in the City of Sturgis, St. Joseph County, Michigan

All that part of Jean Avenue (50-feet wide) between Blocks One and Two of Wait & Miller's Addition to the City of Sturgis, according to the plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 1 of Plats, Page 29, lying Southerly of the portion of the street vacated in Liber 10, Page 462 and North of a Line 96 feet North of the North Right of Way Line of East Hatch Street.

Also shown graphically in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing to hear objections thereto shall be held at the scheduled meeting of the Sturgis City Commission on Wednesday, November 16, 2022, commencing at 6:00 P.M. in the Wiesloch Raum of City Hall. Any objection to such action may be filed with the City Clerk in writing, and if any such objection is filed the portion of Jean Avenue described above now situate and being within the City of Sturgis shall not be vacated except by a concurring vote of two-thirds (2/3) of the City Commission.



**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 8E**



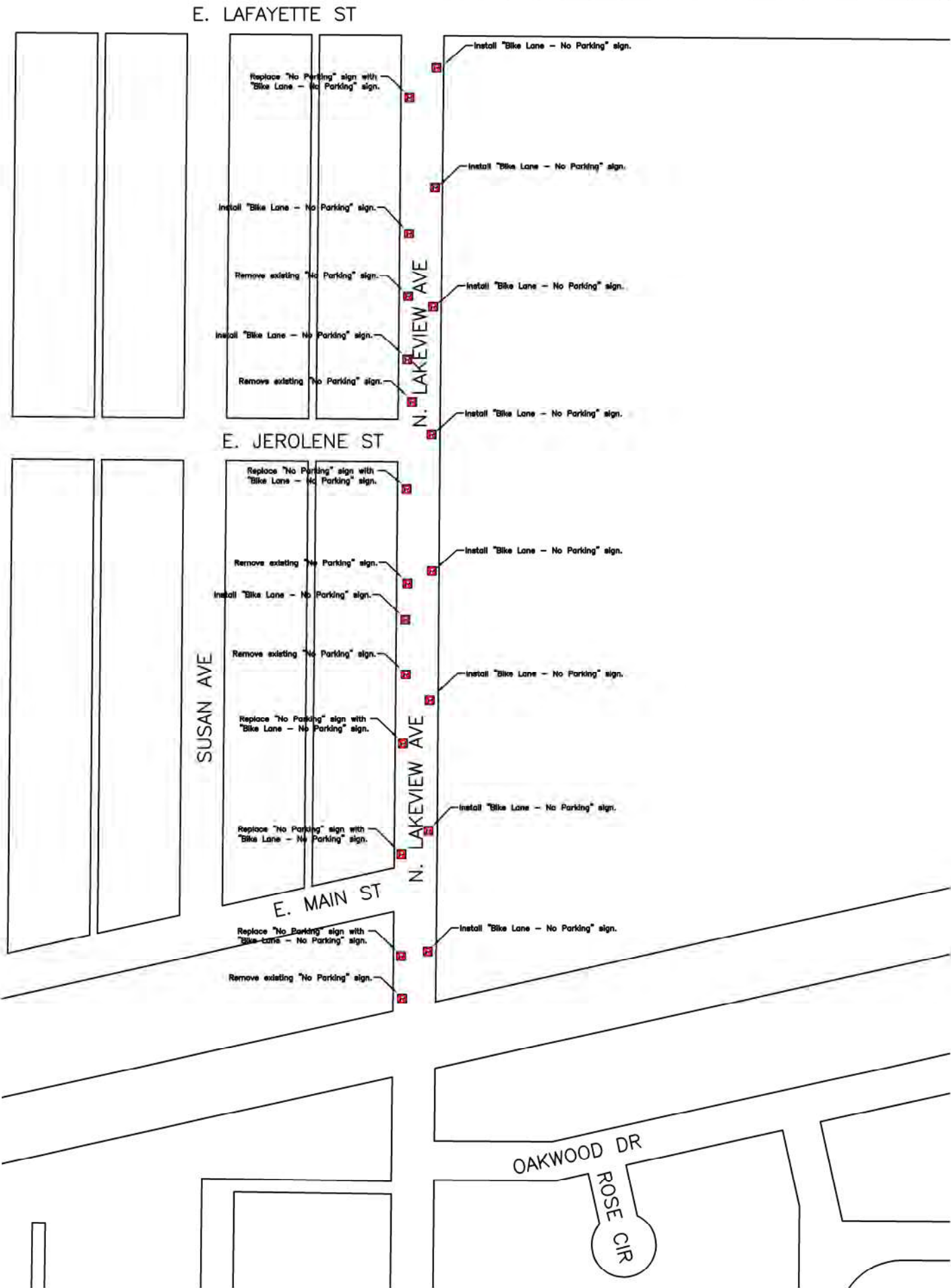


**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 10A**



# Exhibit 1 – Proposed Signage



**CHESHIRE DR**  
Install "Bike Lane - No Parking" sign.

**ALLENADALE**  
Install "Bike Lane" and "ENDS" sign below new "No Parking" sign.  
Install "Bike Lane - No Parking" sign.

**ROBIN HOOD**  
Install "Bike Lane - No Parking" sign.

**BUCKINGHAM DR**  
Install "Bike Lane - No Parking" sign.  
Replace "No Parking" sign with "Bike Lane - No Parking" sign.  
Replace "No Parking" sign with "Bike Lane - No Parking" sign.

**WILSHIRE PARK DR**  
Replace "No Parking" sign with "Bike Lane - No Parking" sign.  
Install "Bike Lane - No Parking" sign.  
Remove existing "No Parking" sign.  
Install "Bike Lane - No Parking" sign.  
Remove existing "No Parking" sign.  
Install "Bike Lane - No Parking" sign.  
Replace "No Parking" sign with "Bike Lane - No Parking" sign.  
Install "Bike Lane - No Parking" sign.

**Map Labels:** CANTERBURY RD, N. LAKEVIEW AVE, LAKEVIEW AVE, FRIAR TUCK DR, MARIAN TR, MARIAN ST.

**Legend:**  
 [Red square with 'P'] Existing "No Parking" sign.  
 [Red square with 'B'] Proposed "Bike Lane - No Parking" sign.  
 [Red square with 'E'] Existing "Bike Lane" sign.  
 [Red square with 'N'] Proposed "No Parking" sign.





**From:** [Michael Hughes](#)  
**To:** [Julie Burkey](#)  
**Subject:** FW: Lakeview Ave future plan  
**Date:** Friday, October 7, 2022 3:49:51 PM

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**From:** nfontanilla0305 <nfontanilla0305@gmail.com>  
**Sent:** Thursday, August 25, 2022 10:21 AM  
**To:** Michael Hughes <mhughes@sturgismi.gov>  
**Subject:** FW: Lakeview Ave future plan

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

----- Original message -----

From: nfontanilla0305 <[nfontanilla0305@gmail.com](mailto:nfontanilla0305@gmail.com)>  
Date: 8/25/22 10:19 AM (GMT-05:00)  
To: [mhughes@sturgismi.org](mailto:mhughes@sturgismi.org)  
Subject: Lakeview Ave future plan

Good morning,

If in the near future we will repave North Lakeview Ave, can we consider extending the bike lane all the way to Cheshire Ave connecting it to the bike lane after the rail road. The space is wide enough on both lanes if we will remove the parking space on the east side of the road. Developed cities include bicycle lanes in their plan and I hope we do the same for the safety of kids going to schools. I do hope and pray that your good office will consider these. Thank you.

Respectfully yours,

Noel Fontanilla  
City resident and tax payer

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

**From:** [Barry Cox](#)  
**To:** [Julie Burkey](#)  
**Subject:** FW: Traffic Control Order  
**Date:** Wednesday, September 28, 2022 11:46:23 AM

---

Same message.

Barry Cox, P.E., City Engineer  
City of Sturgis Engineering Department  
130 N. Nottawa Street  
Sturgis, Michigan 49091  
Ph. 269.659.7249

-----Original Message-----

From: traci kuhnle <tracik49091@yahoo.com>  
Sent: Wednesday, September 28, 2022 1:26 AM  
To: Barry Cox <bcox@sturgismi.gov>  
Subject: Traffic Control Order

Hi, I am not able to attend the meeting regarding the bike lane for N. Lakeview. I think that making the bike lane extend north of the tracks is a great idea. I was never really sure why it stopped at the tracks. Thank you for your attention in this matter. Traci Lewis , home owner on N. Lakeview.

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 10C**



## **Task Order**

---

In accordance with paragraph 1.01 of the Standard Form of Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated February 27, 2014 (“Agreement”), Owner and Engineer agree as follows:

### **1. Specific Project Data**

A. Title: City of Sturgis  
M66 Utility Improvement Study  
Study and Report Phase

B. Background/Description:

The purpose of this task order is to prepare a report outlining recommendations and engineers’ opinion of cost to relocate and rehabilitate the City of Sturgis Water and Sanitary Systems along M-66 from the State Line to E. Lafayette Street in advance of the Michigan Department of Transportation (MDOT) resurfacing projects along M-66.

MDOT is planning a multiphase project to resurface M-66 through the City of Sturgis to the Michigan/Indian State Line. Prior to MDOT starting work, the City will need to relocate, replace, or rehabilitate existing utilities in the MDOT right-of-way.

C. Work Scope:

This task order is to provide study and report phase engineering services as follows:

- Import the MDOT topographic survey into AutoCAD to create a base file and supplement with additional topographic survey
- Obtain ASCE Subsurface Utility Collection Level C information for electric, gas, telephone, cable TV, water, and sanitary sewer
- Coordinate with the City of Sturgis and MDOT to confirm M-66 Construction Phasing and scheduling
- Review existing reports and as-recorded information to determine sanitary sewer system and water system improvement needs
- Coordinate and manage a project kick-off meeting to review project goals and finalize project schedule and deliverables
- Discuss three possible routes for water main relocation during preliminary design.
- Submit a draft report plan for water main, water service, and sanitary sewer improvements.
  - Report will include drawings, project phasing recommendations, and engineers’ opinion of cost
- Meet with the City to discuss report and generate comments
- Incorporate City comments into report and deliver one portable document file (PDF) and two (2) hard copies to the City

Design, Bidding and Construction phase engineering services will be provided under a supplemental task order(s) as the project moves forward.

## 2. Services of Engineer

The work scope is to provide Study Phase Services. The following paragraphs from Exhibit A of the Standard Form of Agreement Between Owner and Engineer for Professional Services – Task Order Edition, are incorporated by reference, along with a brief summary:

A1.01 – Study and Report Phase, in its entirety.

## 3. Owner's Responsibilities

Owner shall take those responsibilities set forth in Article 2 and in Exhibit B.

## 4. Times for Rendering Services

The time for rendering services is the term of the Agreement, as identified in Article 3.01.A of the Agreement. The times for rendering services are as follows.

<u>Phase</u>	<u>Proposed Completion Date</u>
<u>Study Phase Services</u>	<u>Deliver Final Report February 20, 2023</u>

## 5. Payments to Engineer

A. Owner shall pay Engineer for Services rendered as follows:

<b>Category of Services</b>	<b>Compensation Method</b>	<b>Estimate of Compensation for Services</b>
Study Phase	Standard Hourly Rates	\$73,200
	<b>TOTAL FEES =</b>	<b>\$73,200</b>

C. The terms of payment are set forth in Article 4 of the Agreement and in Exhibit C.

## 7. Other Modifications to Master Agreement:

None.

## 8. Attachments:

None

## 9. Documents Incorporated by Reference:

None.

## 10. Terms and Conditions:

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this

reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is October 13, 2022

**OWNER**  
**City of Sturgis**

**ENGINEER**  
**Fleis & VandenBrink Engineering, Inc.**



Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ 9/29/2022  
Date \_\_\_\_\_

Michael Hughes  
Name \_\_\_\_\_

Matt Johnson, P.E.  
Name \_\_\_\_\_

City Manager  
Title \_\_\_\_\_

Regional Manager  
Title \_\_\_\_\_

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Barry Cox, P.E.  
Name \_\_\_\_\_

Matt Johnson, PE  
Name \_\_\_\_\_

City Engineer  
Title \_\_\_\_\_

Project Manager  
Title \_\_\_\_\_

130 N. Nottawa  
Address \_\_\_\_\_

4798 Campus Drive  
Address \_\_\_\_\_

bcox@sturgismi.gov  
E-Mail Address \_\_\_\_\_

mjohnson@fveng.com  
E-Mail Address \_\_\_\_\_

(269) 659-7249  
Phone \_\_\_\_\_

(269) 749-9079  
Phone \_\_\_\_\_

(269) 659-7295  
Fax \_\_\_\_\_

(269) 382-6972  
Fax \_\_\_\_\_

Sturgis Purchase Order No.: \_\_\_\_\_

F&V Vendor No.: 00776

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 10D**





<i>Users</i> 120											
Service	Inti Hardware Cost	Software / Licensing	Install Services Fee	MRC	Annual Costs	Intial Cost*	Call Plan Cost/Mo	At 3 Yrs	At 6 Yrs	Price/User/Mo	Notes
WebEx	\$15,494.00	\$0.00	\$26,985.00	\$1,305.83	\$15,669.97	\$42,479.00	\$0.00	\$89,488.90	\$136,498.80		Call Plan is through Call Tower
Crosstalk	\$18,597.55	\$279.00	\$8,125.00	\$0.00	\$0.00	\$27,001.55	\$737.28	\$53,543.63	\$80,085.71	\$0.00	Direct purchase, on-site hardware.
Frontier	\$0.00	\$0.00	\$3,545.00	\$2,196.45	\$26,357.40	\$3,545.00	\$0.00	\$79,072.20	\$161,689.40	\$15.5 or \$24.99	Phones are leased from Frontier who provides hosted servers.
SpectrumVoIP	\$0.00	\$0.00	\$0.00	\$2,375.00	\$28,500.00	\$0.00	\$0.00	\$85,500.00	\$171,000.00	\$25 or \$40	Monthly price based on phone model.
Teams	\$70,182.00	\$2,750.00	\$28,767.00	\$2,066.42	\$24,797.00	\$128,562.42	\$0.00	\$103,158.00	\$177,549.00	\$15.00	Waiting on updated quote

\* call plan service not included.

**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 10E**



# Loan Calculator

Enter Values	
Loan Amount	\$ 574,576.00
Annual Interest Rate	3.458%
Loan Period in Years	10
Number of Payments Per Year	12
Start Date of Loan	10/12/2022
Optional Extra Payments	

Loan Summary	
Scheduled Payment	\$ 5,670.45
Scheduled Number of Payments	120
Actual Number of Payments	120
Total Early Payments	\$ -
Total Interest	\$ 105,877.64

Lender Name: Holly Keyser

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance
1	11/12/2022	\$ 574,576.00	\$ 5,670.45		\$ 5,670.45	\$ 4,014.71	\$ 1,655.74	\$ 570,561.29
2	12/12/2022	570,561.29	5,670.45		5,670.45	4,026.28	1,644.17	566,535.01
3	1/12/2023	566,535.01	5,670.45		5,670.45	4,037.88	1,632.57	562,497.13
4	2/12/2023	562,497.13	5,670.45		5,670.45	4,049.52	1,620.93	558,447.61
5	3/12/2023	558,447.61	5,670.45		5,670.45	4,061.19	1,609.26	554,386.42
6	4/12/2023	554,386.42	5,670.45		5,670.45	4,072.89	1,597.56	550,313.53
7	5/12/2023	550,313.53	5,670.45		5,670.45	4,084.63	1,585.82	546,228.91
8	6/12/2023	546,228.91	5,670.45		5,670.45	4,096.40	1,574.05	542,132.51
9	7/12/2023	542,132.51	5,670.45		5,670.45	4,108.20	1,562.25	538,024.31
10	8/12/2023	538,024.31	5,670.45		5,670.45	4,120.04	1,550.41	533,904.27
11	9/12/2023	533,904.27	5,670.45		5,670.45	4,131.91	1,538.53	529,772.35
12	10/12/2023	529,772.35	5,670.45		5,670.45	4,143.82	1,526.63	525,628.53
13	11/12/2023	525,628.53	5,670.45		5,670.45	4,155.76	1,514.69	521,472.77
14	12/12/2023	521,472.77	5,670.45		5,670.45	4,167.74	1,502.71	517,305.04
15	1/12/2024	517,305.04	5,670.45		5,670.45	4,179.75	1,490.70	513,125.29
16	2/12/2024	513,125.29	5,670.45		5,670.45	4,191.79	1,478.66	508,933.50
17	3/12/2024	508,933.50	5,670.45		5,670.45	4,203.87	1,466.58	504,729.63
18	4/12/2024	504,729.63	5,670.45		5,670.45	4,215.98	1,454.46	500,513.65
19	5/12/2024	500,513.65	5,670.45		5,670.45	4,228.13	1,442.31	496,285.51
20	6/12/2024	496,285.51	5,670.45		5,670.45	4,240.32	1,430.13	492,045.19
21	7/12/2024	492,045.19	5,670.45		5,670.45	4,252.54	1,417.91	487,792.66
22	8/12/2024	487,792.66	5,670.45		5,670.45	4,264.79	1,405.66	483,527.87
23	9/12/2024	483,527.87	5,670.45	-	5,670.45	4,277.08	1,393.37	479,250.79
24	10/12/2024	479,250.79	5,670.45	-	5,670.45	4,289.41	1,381.04	474,961.38
25	11/12/2024	474,961.38	5,670.45	-	5,670.45	4,301.77	1,368.68	470,659.61
26	12/12/2024	470,659.61	5,670.45	-	5,670.45	4,314.16	1,356.28	466,345.45
27	1/12/2025	466,345.45	5,670.45	-	5,670.45	4,326.59	1,343.85	462,018.86
28	2/12/2025	462,018.86	5,670.45	-	5,670.45	4,339.06	1,331.38	457,679.79
29	3/12/2025	457,679.79	5,670.45	-	5,670.45	4,351.57	1,318.88	453,328.23
30	4/12/2025	453,328.23	5,670.45	-	5,670.45	4,364.11	1,306.34	448,964.12
31	5/12/2025	448,964.12	5,670.45	-	5,670.45	4,376.68	1,293.76	444,587.44
32	6/12/2025	444,587.44	5,670.45	-	5,670.45	4,389.29	1,281.15	440,198.14
33	7/12/2025	440,198.14	5,670.45	-	5,670.45	4,401.94	1,268.50	435,796.20
34	8/12/2025	435,796.20	5,670.45	-	5,670.45	4,414.63	1,255.82	431,381.57
35	9/12/2025	431,381.57	5,670.45	-	5,670.45	4,427.35	1,243.10	426,954.23
36	10/12/2025	426,954.23	5,670.45	-	5,670.45	4,440.11	1,230.34	422,514.12
37	11/12/2025	422,514.12	5,670.45	-	5,670.45	4,452.90	1,217.54	418,061.22
38	12/12/2025	418,061.22	5,670.45	-	5,670.45	4,465.73	1,204.71	413,595.48
39	1/12/2026	413,595.48	5,670.45	-	5,670.45	4,478.60	1,191.84	409,116.88
40	2/12/2026	409,116.88	5,670.45	-	5,670.45	4,491.51	1,178.94	404,625.37
41	3/12/2026	404,625.37	5,670.45	-	5,670.45	4,504.45	1,166.00	400,120.92
42	4/12/2026	400,120.92	5,670.45	-	5,670.45	4,517.43	1,153.02	395,603.49
43	5/12/2026	395,603.49	5,670.45	-	5,670.45	4,530.45	1,140.00	391,073.04
44	6/12/2026	391,073.04	5,670.45	-	5,670.45	4,543.50	1,126.94	386,529.53
45	7/12/2026	386,529.53	5,670.45	-	5,670.45	4,556.60	1,113.85	381,972.94
46	8/12/2026	381,972.94	5,670.45	-	5,670.45	4,569.73	1,100.72	377,403.21
47	9/12/2026	377,403.21	5,670.45	-	5,670.45	4,582.90	1,087.55	372,820.31
48	10/12/2026	372,820.31	5,670.45	-	5,670.45	4,596.10	1,074.34	368,224.21
49	11/12/2026	368,224.21	5,670.45	-	5,670.45	4,609.35	1,061.10	363,614.86
50	12/12/2026	363,614.86	5,670.45	-	5,670.45	4,622.63	1,047.82	358,992.23
51	1/12/2027	358,992.23	5,670.45	-	5,670.45	4,635.95	1,034.50	354,356.28
52	2/12/2027	354,356.28	5,670.45	-	5,670.45	4,649.31	1,021.14	349,706.97
53	3/12/2027	349,706.97	5,670.45	-	5,670.45	4,662.71	1,007.74	345,044.26
54	4/12/2027	345,044.26	5,670.45	-	5,670.45	4,676.14	994.30	340,368.12
55	5/12/2027	340,368.12	5,670.45	-	5,670.45	4,689.62	980.83	335,678.50
10/12/2022	6/12/2027	335,678.50	5,670.45	-	5,670.45	4,703.13	967.31	330,975.36

Amortization LDF Stapleton Life Station

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance
57	7/12/2027	330,975.36	5,670.45	-	5,670.45	4,716.69	953.76	326,258.68
58	8/12/2027	326,258.68	5,670.45	-	5,670.45	4,730.28	940.17	321,528.40
59	9/12/2027	321,528.40	5,670.45	-	5,670.45	4,743.91	926.54	316,784.49
60	10/12/2027	316,784.49	5,670.45	-	5,670.45	4,757.58	912.87	312,026.91
61	11/12/2027	312,026.91	5,670.45	-	5,670.45	4,771.29	899.16	307,255.62
62	12/12/2027	307,255.62	5,670.45	-	5,670.45	4,785.04	885.41	302,470.58
63	1/12/2028	302,470.58	5,670.45	-	5,670.45	4,798.83	871.62	297,671.75
64	2/12/2028	297,671.75	5,670.45	-	5,670.45	4,812.66	857.79	292,859.10
65	3/12/2028	292,859.10	5,670.45	-	5,670.45	4,826.52	843.92	288,032.57
66	4/12/2028	288,032.57	5,670.45	-	5,670.45	4,840.43	830.01	283,192.14
67	5/12/2028	283,192.14	5,670.45	-	5,670.45	4,854.38	816.07	278,337.76
68	6/12/2028	278,337.76	5,670.45	-	5,670.45	4,868.37	802.08	273,469.39
69	7/12/2028	273,469.39	5,670.45	-	5,670.45	4,882.40	788.05	268,586.99
70	8/12/2028	268,586.99	5,670.45	-	5,670.45	4,896.47	773.98	263,690.52
71	9/12/2028	263,690.52	5,670.45	-	5,670.45	4,910.58	759.87	258,779.94
72	10/12/2028	258,779.94	5,670.45	-	5,670.45	4,924.73	745.72	253,855.21
73	11/12/2028	253,855.21	5,670.45	-	5,670.45	4,938.92	731.53	248,916.29
74	12/12/2028	248,916.29	5,670.45	-	5,670.45	4,953.15	717.29	243,963.14
75	1/12/2029	243,963.14	5,670.45	-	5,670.45	4,967.43	703.02	238,995.71
76	2/12/2029	238,995.71	5,670.45	-	5,670.45	4,981.74	688.71	234,013.97
77	3/12/2029	234,013.97	5,670.45	-	5,670.45	4,996.10	674.35	229,017.87
78	4/12/2029	229,017.87	5,670.45	-	5,670.45	5,010.49	659.95	224,007.38
79	5/12/2029	224,007.38	5,670.45	-	5,670.45	5,024.93	645.51	218,982.45
80	6/12/2029	218,982.45	5,670.45	-	5,670.45	5,039.41	631.03	213,943.03
81	7/12/2029	213,943.03	5,670.45	-	5,670.45	5,053.93	616.51	208,889.10
82	8/12/2029	208,889.10	5,670.45	-	5,670.45	5,068.50	601.95	203,820.60
83	9/12/2029	203,820.60	5,670.45	-	5,670.45	5,083.10	587.34	198,737.50
84	10/12/2029	198,737.50	5,670.45	-	5,670.45	5,097.75	572.70	193,639.75
85	11/12/2029	193,639.75	5,670.45	-	5,670.45	5,112.44	558.01	188,527.30
86	12/12/2029	188,527.30	5,670.45	-	5,670.45	5,127.17	543.27	183,400.13
87	1/12/2030	183,400.13	5,670.45	-	5,670.45	5,141.95	528.50	178,258.18
88	2/12/2030	178,258.18	5,670.45	-	5,670.45	5,156.77	513.68	173,101.42
89	3/12/2030	173,101.42	5,670.45	-	5,670.45	5,171.63	498.82	167,929.79
90	4/12/2030	167,929.79	5,670.45	-	5,670.45	5,186.53	483.92	162,743.26
91	5/12/2030	162,743.26	5,670.45	-	5,670.45	5,201.48	468.97	157,541.78
92	6/12/2030	157,541.78	5,670.45	-	5,670.45	5,216.46	453.98	152,325.32
93	7/12/2030	152,325.32	5,670.45	-	5,670.45	5,231.50	438.95	147,093.82
94	8/12/2030	147,093.82	5,670.45	-	5,670.45	5,246.57	423.88	141,847.25
95	9/12/2030	141,847.25	5,670.45	-	5,670.45	5,261.69	408.76	136,585.56
96	10/12/2030	136,585.56	5,670.45	-	5,670.45	5,276.85	393.59	131,308.71
97	11/12/2030	131,308.71	5,670.45	-	5,670.45	5,292.06	378.39	126,016.65
98	12/12/2030	126,016.65	5,670.45	-	5,670.45	5,307.31	363.14	120,709.34
99	1/12/2031	120,709.34	5,670.45	-	5,670.45	5,322.60	347.84	115,386.74
100	2/12/2031	115,386.74	5,670.45	-	5,670.45	5,337.94	332.51	110,048.80
101	3/12/2031	110,048.80	5,670.45	-	5,670.45	5,353.32	317.12	104,695.47
102	4/12/2031	104,695.47	5,670.45	-	5,670.45	5,368.75	301.70	99,326.73
103	5/12/2031	99,326.73	5,670.45	-	5,670.45	5,384.22	286.23	93,942.50
104	6/12/2031	93,942.50	5,670.45	-	5,670.45	5,399.74	270.71	88,542.77
105	7/12/2031	88,542.77	5,670.45	-	5,670.45	5,415.30	255.15	83,127.47
106	8/12/2031	83,127.47	5,670.45	-	5,670.45	5,430.90	239.55	77,696.57
107	9/12/2031	77,696.57	5,670.45	-	5,670.45	5,446.55	223.90	72,250.02
108	10/12/2031	72,250.02	5,670.45	-	5,670.45	5,462.25	208.20	66,787.77
109	11/12/2031	66,787.77	5,670.45	-	5,670.45	5,477.99	192.46	61,309.79
110	12/12/2031	61,309.79	5,670.45	-	5,670.45	5,493.77	176.67	55,816.01
111	1/12/2032	55,816.01	5,670.45	-	5,670.45	5,509.60	160.84	50,306.41
112	2/12/2032	50,306.41	5,670.45	-	5,670.45	5,525.48	144.97	44,780.93
113	3/12/2032	44,780.93	5,670.45	-	5,670.45	5,541.40	129.04	39,239.53
114	4/12/2032	39,239.53	5,670.45	-	5,670.45	5,557.37	113.08	33,682.15
115	5/12/2032	33,682.15	5,670.45	-	5,670.45	5,573.39	97.06	28,108.77
116	6/12/2032	28,108.77	5,670.45	-	5,670.45	5,589.45	81.00	22,519.32
117	7/12/2032	22,519.32	5,670.45	-	5,670.45	5,605.55	64.89	16,913.77
118	8/12/2032	16,913.77	5,670.45	-	5,670.45	5,621.71	48.74	11,292.06
119	9/12/2032	11,292.06	5,670.45	-	5,670.45	5,637.91	32.54	5,654.15
120	10/12/2032	5,654.15	5,670.45	-	5,654.15	5,637.86	16.29	0.00

**RESOLUTION AUTHORIZING THE INTERNAL LOANING OF FUNDS FROM THE  
ELECTRIC FUND TO THE LOCAL DEVELOPMENT FINANCING AUTHORITY  
(LDFA)**

At a regular meeting of the City Commission of the City of Sturgis, St. Joseph County, Michigan held at 6:00 p.m. on Wednesday, October 12, 2022, in the Weisloch Room, Sturgis City Hall.

Present:

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Absent:

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**WHEREAS**, the City of Sturgis intends to invest in infrastructure needs to promote economic development for the Heartland Development; and

**WHEREAS**, The Local Development Financing Authority plan includes infrastructure improvement of the property located in the LDFA district; and

**WHEREAS**, the cost to build the lift station are estimated to be approximately \$571,576; and

**WHEREAS**, the City of Sturgis Internal Loan Policy allows the City Commission to approve loans other than temporary cash flow loans created by the single account banking system; and

**WHEREAS**, it is necessary for the City to internally loan funds from the Electric Fund to finance the construction of the lift station for Stapleton Park; and

**WHEREAS**, specifically the Heartland Project includes significant improvements within Stapleton Industrial Park located within the Local Development Authority District ; and

**WHEREAS**, the City Commission deems that this project serve the public interest and for the public good; and

**WHEREAS**, The City has an Electric Fund that has revenue sufficient to internally loan these funds; and

**NOW, THEREFORE, BE IT RESOLVED THAT,** the City Commission of the City of Sturgis does hereby approve the following loan:

FROM:	Electric Fund
TO:	Local Development Financing Authority (LDFA)
AMOUNT:	\$574,576
INTEREST RATE:	3.458% (Michigan Statutory Interest Rate)
TERM:	10 years (120 payments)
PAYMENT:	1 <sup>ST</sup> Payment commencing 11/12/2022 \$5,670.45 per month, \$68,045.40 per year

Yeas:

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Nays:

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**City of Sturgis  
City Commission  
Regular Meeting**

**Agenda Item 10F**



**Michigan Homeowner Assistance Fund  
Michigan State Housing Development Authority  
Provider Participation Agreement**

This Participation Agreement (Agreement) made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Michigan State Housing Development Authority (MSHDA) and \_\_\_\_\_ (Provider), the undersigned, and hereby confirm their mutual agreement on the following principles relating to the Michigan Homeowner Assistance Fund (MIHAF).

**RECITALS:**

WHEREAS, MSHDA has created a federally funded program under its Michigan Homeowner Assistance Fund (MIHAF) Program; and

WHEREAS the MIHAF program was established to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities, the Provider(s) as described herein, for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of qualified homeowners (“Homeowners”) experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing, for the benefit of those Homeowners; and

WHEREAS, Provider is mortgage-loan servicer, mortgage holder, County Treasurer, land contract vendor, condominium association, or provider of public utilities, to whom one or more debts are owed that are eligible as Qualified Expenses under the MIHAF; and

WHEREAS, if a mortgage-loan servicer or mortgage-holder, Provider is a State, Federal, or national bank regulated by the Federal Reserve, a national bank or federally chartered bank regulated by the Office of the Comptroller of the Currency (OCC), a state bank regulated by the Federal Deposit Insurance Corporation (FDIC), a state or federal chartered credit union regulated by the National Credit Union Administration (NCUA), a state-chartered bank, credit union, or mortgage servicing organization regulated by the Michigan Department of Insurance and Financial Services (DIFS), or a governmental agency, that own the mortgage servicing rights of mortgage loans and services certain mortgage loans for borrowers who may be eligible to participate in the MIHAF program; or

WHEREAS, if a County Treasurer, Provider is the office of the duly designated receipt of real-property taxes for a county of the State of Michigan, with statutory powers of collection and foreclosure pursuant to the General Property Tax Act, Act 206 of 189; or

WHEREAS, if land-contract vendor, Provider is the vendor of an enforceable land contract governing real property located within the State of Michigan, and possessing legitimate powers of forfeiture and/or foreclosure pursuant to Michigan law; or

WHEREAS, if a condominium association, Provider is a legally recognized entity with authority to administer a condominium project located within the State of Michigan, and possessing a power of foreclosure pursuant to the Michigan Condominium Act, Act 59 of 1978; or

WHEREAS, if a provider of public utilities, Provider is an entity that provides electric, gas, home energy, water, internet service, or related goods and services to one or more residential properties within the State of Michigan, possessing a power to discontinue such services in the event of non-payment by the affected residents; and

WHEREAS, the above-defined Provider is able to document their authority to conduct business within the State of Michigan; where Provider is a company, Provider is able to provide a certified copy of Articles of Incorporation/Organization and certificate of Good Standing from the State of Michigan, or comparable verification of legitimate organization, upon request by MSHDA; where Provider is a County Treasurer, Provider is able to provide confirmation of same on County letterhead; where Provider is a land-contract vendor, Provider is able to provide confirmation that Provider is the person or entity eligible to receive payment under the terms of the land contract. If Provider is a non-Michigan business entity, Provider must upon request provide a certified copy of Articles of Incorporation/Organization filed in the State of Michigan, together with a Certificate of Authority to transact business in Michigan; and

WHEREAS Provider desires to participate in the MIHAF Program; and

WHEREAS Provider understands that participation in the MIHAF Program is voluntary and is distinct from Provider's participation in any other local, state, or federal foreclosure prevention, eviction prevention, or utility-access preservation programs; and

WHEREAS Provider and MSHDA desire to enter into this Agreement to set forth certain premises and mutual covenants:

NOW, WHEREFORE, MSHDA and Provider agree as follows:

1. **Application Process.** Homeowners will access the MIHAF Program through an online MIHAF application, or through a secure phone link, using systems established or designated by MSHDA. Provider understands that it will not be involved in determining eligibility for MIHAF Program, and that MSHDA shall make eligibility determinations according to its sole interpretation of MIHAF program guidelines.
2. **Selection/Qualification of Borrowers.** MSHDA shall be responsible for the selection/qualification of Homeowners to receive MIHAF Program funding. Provider may refer potentially eligible borrowers to MSHDA, and Provider is encouraged but not required to market the MIHAF Program. MSHDA shall make marketing materials available to Provider including web graphics and brochures in pdf format. Providers may refer Homeowners to MIHAF's website at [www.michigan.gov/mihaf](http://www.michigan.gov/mihaf) or MIHAF customer service at 844-756-4423 to apply or for MIHAF Program information.
3. **Point of Contact.** MSHDA shall provide a list of key contacts to Provider. Provider agrees to provide a primary and secondary point of contact, and electronic funds transfer information to MSHDA to facilitate communication and transfer of program funds (**Exhibit A**) and shall provide accessible contacts to MIHAF Program eligible Homeowners to address Provider's participation in the MIHAF Program and the administration of MIHAF payments as to Homeowner's accounts with Provider.

4. **ACH Payments.** Provider shall promptly provide ACH transmission information to MSHDA, as described in **Exhibit A**. Provider agrees that all MIHAF payments will be made via ACH.

5. **Information Sharing/Written Authorization.** MSHDA shall be responsible for procuring written authorization from each Homeowner to share information with Provider. A copy of the signed authorization will be provided to Provider through secured e-mail or web portal. Provider agrees to communicate information about the resolution of the assisted Homeowner's deficiency or default including suspension or termination of foreclosure or forfeiture proceedings, or other resolution options, to MSHDA. MSHDA and Provider agree to use a defined automated and secure process to submit borrowers to Provider for workout consideration.

6. **Transmission of Non-Public Personal Information.** All communication that includes a Homeowner's **Nonpublic Personal Information** (as defined below) between MSHDA and Provider shall be sent through encrypted e-mail, secure loan portal or other similar secure electronic delivery system. MSHDA and Provider agree that they will maintain or implement appropriate measures designed to (a) ensure the security and confidentiality of any Nonpublic Personal information it received from the other party, (b) protect against any anticipated threats or hazards to the security or integrity of such information, (c) protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to the subject of such information, (d) ensure the proper disposal of all Nonpublic Personal Information received from the other party upon the termination of the Agreement for any reason, unless the information is required to be retained for legal or regulatory record retention purposes, (e ) treat the Nonpublic Personal Information with at least the same degree of care that it uses to protect its own confidential and proprietary information of a similar nature but with no less than a reasonable degree of care, and (f) implement or utilize appropriate technological safeguards that are at least in compliance with the Gramm-Leach Bliley Act and generally recognized industry standards.

"Nonpublic Personal Information" means any information received from or provided by the other party which pertains to or identifies an individual, such as name, postal address, e-mail or IP address, facsimile or phone number, mother's maiden name, social security or identification number, transactional, employment, financial data, medical or health records, personal, gender, political profile, account, and password information.

7. **Homeowner Assistance.** Once a Homeowner is accepted to the MIHAF Program, Provider shall not initiate foreclosure, forfeiture, nor collections, and if the Homeowner is already in the foreclosure, forfeiture, or collections process, shall not continue such process during the term of assistance. In the case of utility assistance, utility service shall be restored. Where a Homeowner's obligations to Provider exceed the maximum assistance that the MIHAF Program will pay on Homeowner's behalf, the MIHAF Program may still pay such benefits for the benefit of the Homeowner, but any agreement addressing the remaining deficiency will be strictly between Provider and Homeowner; neither MSHDA nor the MIHAF Program shall have any further obligation as to such a deficiency, nor shall MSHDA participate in the resolution of, nor be a party to, any agreement resolving such a deficiency. Providers are encouraged but not required to consider mechanisms for addressing such a deficiency that will delay the risk of additional default, such as amortizing the deficiency into future payments due from Homeowner.

MSHDA and Provider agree that all MIHAF Program Homeowner assistance options will be conducted in accordance with the MIHAF program descriptions and requirements detailed in the respective program term sheet(s), which are attached as **Exhibit B** and incorporated herein. Although Homeowner may be eligible for more than one type of relief under the MIHAF Program, Homeowner may only receive such relief one time, and once per home address: there shall be no duplication of relief within the MIHAF program, or between the MIHAF program and any other federal assistance programs. Provider recognizes that the MIHAF program is a federal program administered by the U.S. Treasury, may be subject to program guideline changes issued after the date of this agreement, and agrees to abide by the terms of subsequent or superseding federal guidance.

Provider agrees the program guidelines may be amended by MSHDA from time to time. Provider has reviewed the program term sheet and agrees to comply with all Program guidelines as outlined by MSHDA. MSHDA will notify the primary contact provided by Provider of any program amendments and/or changes. Provider is responsible to obtain any required investor and mortgage insurer approval.

**8. MIHAF Program Approval.** Upon notification by MSHDA that a Homeowner has been conditionally approved for MIHAF, Provider agrees to promptly accept or deny each Homeowner's participation in the MIHAF Program. Provider agrees that denial shall be only for good cause such as pending litigation, potential fraud, bankruptcy restrictions, and foreclosure status or if denied by investor or mortgage insurer for good cause.

**9. MIHAF Program.** Provider agrees to provide timely communication of Homeowner's deficiency status to the MSHDA, including sufficient information to identify that the correct deficiency matched to the correct Homeowner, and the amount owed. Provider agrees to apply MIHAF funds towards principal, interest, taxes, and insurance (collectively PITI). MSHDA agrees Provider may apply such funds towards attorney's fees, late charges and NSF fees, property inspection fees, escrow shortage and/or delinquent property taxes, one year of standard homeowner's insurance if forced place insurance has been invoked, and other fees and expenses if they are deemed an advance on Program funds towards delinquent property taxes.

**10. Timing.** Provider acknowledges that it is responsible for timely application of MIHAF Program funds. Provider shall hold the Homeowner harmless if payments are not applied timely. Provider agrees that it will timely provide MSHDA with written reports documenting application of MIHAF Program funds or alternatively to provide MSHDA an exception report for any funds that could not be applied. All remaining delinquencies identified after MIHAF funding must be resolved between Homeowner and Provider. The period of performance for MIHAF Program awards begins on the date hereof and ends on September 30, 2026, unless otherwise extended by U.S. Treasury. Provider shall not be eligible to receive MIHAF Program funds after such period of performance ends.

**11. Repayment of Funds.** Where the Homeowner has an ongoing obligation to the Provider that will continue after application of program funds to the deficiency, such as with an ongoing mortgage loan, MSHDA agrees that Provider will not be required to repay amounts applied to a borrower's loan if that borrower is later determined to be ineligible. If the Provider is eligible to

retain excess funds and overages, those may be retained by Provider and applied for the benefit of the Homeowner's ongoing obligation. Provider may be required by MSHDA to demonstrate how retained excess funds will be applied for the benefit of the homeowner, in such format as MSHDA shall require. If Provider is not eligible to retain and apply excess assistance due to the lack of an ongoing obligation or shall otherwise fail to apply Grant funds to the Homeowner's housing delinquencies, such unapplied funds are the property of MSHDA and shall be promptly returned to Grantor within thirty (30) days of determination of excess funding, but in any event shall not be paid directly to the Homeowner.

**12. Homeowner Actions/Fraud.** Provider agrees to promptly notify MSHDA in writing of any ongoing legal action against a Homeowner, including fraud-related activities.

**13. Cessation of Mortgage Payments.** MSHDA agrees it will promptly provide notice before it ceases payment of MIHAF Program funds to allow Provider time to evaluate the Homeowner for other loss mitigation options.

**14. MIHAF Program Eligibility.** Provider agrees that it is not authorized or empowered to determine and/or communicate to the Homeowner eligibility for MIHAF Program funds. MSHDA agrees that it is not authorized or empowered to determine and/or communicate to the Homeowner eligibility for foreclosure, forfeiture, or shut-off prevention programs of Provider. MSHDA retains sole authority for its MIHAF Program eligibility determination and communication to the Homeowner and Provider. Provider will communicate with Homeowner and MSHDA regarding modification and other Provider-driven approvals.

**15. Provider Legal Compliance Obligations.** Provider recognizes and accepts that the MIHAF Program is a federally funded grant program and acknowledges that failure to abide by MIHAF Program terms may result in recapture of grant funds or other sanctions.

Provider will comply with local, state, and federal laws pertaining to discrimination, including, but not limited to: the Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) and implementing regulations; Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendments Act of 1988) and implementing regulations; the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations; Title II of the Americans with Disabilities Act (42 U.S.C. 12101, et seq); the Elliott-Larsen Civil Rights Act; and the Michigan Persons With Disabilities Civil Rights Act.

**16. Termination.** Participation in the MIHAF Program is voluntary, and either Provider or Homeowner may terminate their respective participation agreement without cause, with 30 days written notice, unless or until MIHAF Program funds have been paid to Provider by MSHDA and accepted by Provider for the benefit of the Homeowner. Either party may terminate immediately upon material breach from the other party; in event of such termination, Provider shall accept and apply payments as agreed on behalf of a Homeowner already approved prior to the immediate termination, or shall return applicable assistance funds to MSHDA, at Provider's discretion.

Accepted and agreed to by:

Provider: \_\_\_\_\_

By: \_\_\_\_\_

Print: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Michigan State Housing Development Authority

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

Provider Contact and ACH Instructions

**EXHIBIT B**

MIHAF Program Term Sheet



# **Michigan Homeowner Assistance Fund (MIHAF) Program**

## **Frequently Asked Questions**

### **What is the Homeowner Assistance Fund?**

The Homeowner Assistance Fund (HAF) was established under section 3206 of the American Rescue Plan Act of 2021 (the ARP) to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020 through qualified expenses related to mortgages and housing.

### **What was Michigan's allocation amount and how was it determined?**

The U.S. Department of the Treasury (the Treasury) notified us on April 14, 2021 that they will allocate \$242,812,277 (\$242.8) million to the State of Michigan based on the number of unemployed individuals and the number of mortgagors with delinquent mortgage payments. Each State's allocation takes in to account the statutory requirement that no State receive less than \$50 million.

### **How is Michigan going to distribute the funds to households in need?**

Michigan has designated the Michigan State Housing Development Authority (the Authority or MSHDA) as the operating agency to set up the Michigan Housing Assistance Fund (MIHAF) program in accordance with the guidance provided by the Treasury.

MSHDA intends to launch the MIHAF program to the public on February 14, 2022. An on-line and mobile application portal has been set up. Applicants will be able to apply and submit required documentation through the web-based application or may be assisted by a third-party counseling agency or legal aid office. We have partnered with Michigan 2-1-1, a Michigan non-profit organization, to serve as our statewide call center support to answer questions, provide program detail and assist homeowners with submitting their applications. Customer Service can be reached at **844-756-4423**, Monday through Friday, 8:00 a.m. to 5:00 p.m.

### **What kind of assistance may I be eligible for?**

You may be eligible for up to \$25,000 one-time MIHAF assistance per household on your primary residence which MIHAF will disburse directly to your lender/servicer or service provider:

- 1) Delinquent mortgage/housing expenses, such as delinquent monthly payments, escrow shortages, and corporate advances,
- 2) Delinquent land contract payments, delinquent mobile home consumer loan payments or delinquent contracted park lot payments,
- 3) Delinquent Property taxes,
- 4) Delinquent Condominium/homeowners' association fees,
- 5) Homeowner's insurances, hazard, flood, or mortgage insurance,
- 6) Delinquent Utilities, gas, electric, water, sewer, and
- 7) Delinquent Internet broadband services.

**What are the eligibility guidelines?**

- 1) Eligible homeowners must have a qualified financial COVID related hardship that occurred on or after January 21, 2020,
- 2) Currently own and occupy their home as their primary residence, and
- 3) Household income equal to or less than 150% of area median income (AMI).

**What is a Qualified Financial Hardship?**

A material reduction in income or a material increase in living expenses associated with the COVID pandemic that has increased a homeowner's risk of mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner.

- 1) Attest to a temporary or permanent loss of earned income related to COVID on or after January 21, 2020.
- 2) Attest to an increase in living expenses such as medical expenses, inadequate medical insurance, increase in household size, or costs to reconnect utility services related to COVID after January 21, 2020.

**When will I be able to apply for MIHAF?**

On February 14, 2022, interested homeowners may go to the [www.michigan.gov/mihaf](http://www.michigan.gov/mihaf) web page, review additional MIHAF program details and access the secured, on-line portal by clicking the **Apply Now** link. Or call MIHAF Customer Service at **844-756-4423** for assistance.

You can reach the MIHAF team at our general mailbox [MSHDA-HO-HAF-Program@michigan.gov](mailto:MSHDA-HO-HAF-Program@michigan.gov).