



AGENDA
CITY COMMISSION MEETING
WEDNESDAY, FEBRUARY 14, 2024
CITY HALL | 130 N. NOTTAWA ST.
WIESLOCH RAUM

WORK SESSION 5:30 P.M.

1. Records Management System Discussion

REGULAR MEETING 6:00 P.M.

1. CALL TO ORDER BY MAYOR
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. PROCLAMATIONS / PRESENTATIONS
 - A. Sturgis Public Schools Update – Dr. Art Ebert
6. VISITORS – (Public comments for items not listed as agenda items)
7. APPROVAL OF AGENDA
8. APPROVAL OF CONSENT AGENDA
 - A. Action of Minutes of Previous Meetings
 - **APPROVE the minutes from the January 24, 2024 work session as presented,**
 - **APPROVE the minutes from the January 24, 2024 regular meeting as presented.**
 - **APPROVE the minutes from the February 7, 2024 special meeting as presented.**
 - B. Pay Bills
 - **AUTHORIZE the payment of the City bills in the amount of \$2,882,466.46 as presented.**
 - C. N. Clay St. Dedication for Right of Way
 - **ADOPT the resolution as presented to accept conveyance and dedication of the property shown on Exhibit A as part of the “North Clay Street” right of way and used for public right of way purposes.**
 - D. Subdivision No. 2 Lot Sales
 - **AUTHORIZE City Manager Andrew Kuk to sell, on behalf of the City of Sturgis, lots in Sturgis Subdivision No. 2 at the price of \$5,000.00 per lot set or at prices otherwise approved by the Commission and AUTHORIZE and DIRECT City Manager Andrew Kuk to execute all documents that he, in his discretion, deems appropriate to complete the sale of lots in Sturgis City Subdivision No. 2 and transfer same from the CITY to the relevant purchaser(s).**
9. UNFINISHED BUSINESS
 - A. Urban Chicken Ordinance and Ballot Discussion – William Prichard
10. NEW BUSINESS
 - A. Battery Project Term Sheet – Chris McArthur
 - B. N. Franks Avenue Reconstruction Task Order #7a – Barry Cox
 - C. Set Public Hearing for New Sidewalk and Shared Use Path Construction – Barry Cox
11. COMMISSIONER / STAFF COMMENTS
12. CLOSED SESSION – Union Negotiations & Purchase of Property
13. ADJOURN

Manager's Report

FEBRUARY 14, 2024



CITY OF
Sturgis
MICHIGAN

Submitted by:

A handwritten signature in black ink, appearing to read "Andrew Kuk".

Andrew Kuk
City Manager

Work Session

1. Records Management System Discussion

Staff: Ryan Banaszak

Director of Public Safety, Ryan Banaszak, will discuss shortcomings of the Police Division's current records management system and look at an affordable solution to fix those issues and ensure appropriate case and evidence management in line with accreditation standards.

5. Presentations

A. Sturgis Public Schools Update

Staff: Dr. Art Ebert

Dr. Art Ebert, Sturgis Public Schools Superintendent, will provide some updates for Sturgis Public Schools and discuss their upcoming millage that will be on the May ballot.

8. Consent Agenda

Proposed Motion:

Move that the Sturgis City Commission APPROVE/DENY the Consent Agenda for February 14, 2024 as presented.

Staff Recommendation:

APPROVE

8A. Action of Minutes of Previous Meetings

Consent Agenda Motion:

APPROVE the minutes from the January 24, 2024 work session as presented.

APPROVE the minutes from the January 24, 2024 regular meeting as presented.

APPROVE the minutes from the February 7, 2024 special meeting as presented.

8B. Pay Bills

Consent Agenda Motion:

AUTHORIZE the payment of the City bills in the amount of \$2,882,466.46 as presented.

8C. N. Clay St. Dedication for Right of Way

State law allows the City Commission to dedicate property as public right of way. The City purchased a triangular parcel of land at 301 McKee late last year as approved by the City Commission. The intended use of the property was to widen the N. Clay Street public right of way at the intersection. At this time, staff is recommending the property be dedicated as public right of way. Included in your packet is deed and Exhibit A which shows the parcel's location. This will not increase Act 51 Local Street monies received.

Consent Agenda Motion:

ADOPT the resolution as presented to accept conveyance and dedication of the property shown on Exhibit A as part of the “North Clay Street” right of way and used for public right of way purposes.

Included in your Packet:

1. Dedication Resolution
2. Exhibit A

8D. Subdivision No. 2 Lot Sales

In September 2017, the City Commission adopted a resolution authorizing “City Manager Michael Hughes” to sell Subdivision No. 2 lots for the amount of \$5,000.00. During a recent Sub No. 2 lot sale, the title company asked for a resolution showing that Andrew Kuk is authorized to sign the necessary documents. We provided the 2017 resolution and the 2023 resolution approving the Employment Agreement with Andrew as City Manager. This allowed the transaction to proceed, but they asked that the City Commission name Andrew as the authorized signatory for future transactions. The recommended motion language simply substitutes Andrew Kuk for Michael Hughes.

Consent Agenda Motion:

AUTHORIZE City Manager Andrew Kuk to sell, on behalf of the City of Sturgis, lots in Sturgis Subdivision No. 2 at the price of \$5,000.00 per lot set or at prices otherwise approved by the Commission and AUTHORIZE and DIRECT City Manager Andrew Kuk to execute all documents that he, in his discretion, deems appropriate to complete the sale of lots in Sturgis City Subdivision No. 2 and transfer same from the CITY to the relevant purchaser(s).

9. Unfinished Business

A. Urban Chicken Ordinance and Ballot Discussion

Staff: William Prichard

Dating back to 2011, both the City Commission and Planning Commission have periodically engaged in discussion regarding the potential for allowing urban chickens within the City limits. Over the past year, these discussions have been reengaged.

At the March 22, 2023, Commission meeting, the Commission referred a recommendation to the Planning Commission for development of an urban chicken ordinance. The Planning Commission discussed the issue and potentially content of ordinance changes over a series of meetings; they included conversations and input from the public while determining draft language for the ordinance.

The Planning Commission held a public hearing at their July 18, 2023, regular meeting. At this meeting, the Planning Commission did not recommend the pursuit of allowing urban chickens to the City Commission. They did however have consensus that if the City Commission were to move forward with an urban chicken ordinance, they would strongly recommend it to be placed on a future ballot for a vote of the people.

At the July 26, 2023, City Commission meeting, the Commission directed City staff to develop an ordinance for consideration at a future meeting with a resolution to be placed on an upcoming election.

City staff returned to the Planning Commission on November 14, 2023, for a public hearing to discuss the necessary zoning ordinance changes that would be related placing an urban chicken ordinance on the ballot. The Planning Commission made a recommendation to the City Commission for the amendments to the zoning ordinance for urban chickens to be included with the ballot language.

Included in your packet are copies of the proposed City Code of ordinances amendments, as well as amendments to the zoning ordinance, Fine Schedule, and Fee Schedule concerning urban chickens. Text highlighted in red represents changes or additions to the existing ordinances.

The following ordinance sections would be included as part of the ballot language:

- Addition of City Code of Ordinance section 10.65. – Urban Chickens
- Amendments to section 10.64. - Keeping of animals, fowl, etc. restricted
- Amendment to section 1.1105. – Accessory buildings, structures and uses
- Relating to “Chicken Coops”
- Amendment to section 1.1401. – Building Permits
- Exempting separate permits for accessory structures and fences that are included as part of an urban chicken permit
- Amendment to section Appendix B. – Fine Schedule and Fee Schedule
- Addition of fees as it pertains to Urban Chickens

Staff is currently seeking direction from the Commission regarding any proposed changes to the language. If the Commission so chooses, the next step towards placing the issue on the ballot would involve presenting a first reading of the language for the ballot proposal at the next Commission meeting. The final step in this process would be the approval of the ballot language (similar to a second reading of an ordinance) and selection of an election date.

Current available election dates in 2024 include August and November. An issue can be added to either election without additional cost to the City.

Information Included in Packet:

1. Minutes from 2023 City Commission Meetings Regarding Urban Chickens
2. Minutes from 2023 Planning Commission Meetings Regarding Urban Chickens
3. Draft Urban Chicken Ordinances and Fee Schedule Amendment

10. New Business

A. Battery Project Term Sheet

Staff: Chris McArthur

As presented at the February 7th special work session, the City has been working with Prism Power on a potential battery storage project. The Michigan Public Power Agency (MPPA) has been working on the City's behalf to help review the terms of a proposed agreement for the development and use of the battery storage facility.

Included in your packet is the draft of a non-binding term sheet related to the project shared at the February 7th work session. This term sheet outlines the basics of a more detailed final agreement between the parties that would still need to be finalized in the future. The purpose of the term sheet is to describe the most major elements of the agreement in advance of a required deadline Prism has for a USDA loan application on February 15th. Approval of the term sheet would indicate intent to move forward with the project by the parties, but would not be a final decision point.

As outlined in the term sheet, the broad scope of the project includes the following:

- Prism would construct, own, and operate a battery facility capable of holding up to 39.168 MWhs of energy and discharging up to 9.792 MW per hour for four hours.
- The City would contract for access to the project for a set monthly fee. As identified in the term sheet, this would be \$111,394.00 per month, or \$1,336,728.00 per year.
- In exchange for the monthly fee, the City would have the ability to dispatch the battery storage capacity for up to 160 hours per year for the purposes of "peak shaving" to reduce our costs of transmission. This is the same process we undertake currently with the diesel plant. Over the 15 year life of the project MPPA is conservatively estimating the City would realize at least a \$3.5 million gain over the contract fees just on this portion of the project.

- When not being dispatched for peak shaving purposes, Prism would intend to sell use of the battery project as an ancillary service in the utility market (PJM). The City would receive 50% of the net revenue from this use in addition to the savings generated from peak shaving. At this point, MPPA is working with Prism and third-party groups to estimate and validate the potential benefit of this revenue stream.
- As the dispatch of resources for peak shaving is a critical element to the business case of this project for the City, language for a guarantee related to the operation and available capacity of the battery when requested for the 160 hours related to peak shaving. This essentially amounts to a form of insurance for the City. Final terms are still being discussed.

As mentioned earlier, the term sheet included with the packet is the most current draft available. As discussions continue with Prism, a revised final version of the term sheet will be delivered to the Commission next week when available with a discussion of any changes.

Proposed Motion:

Move that the Sturgis City Commission APPROVE/DENY the non-binding Term Sheet with Electric City ESS LLC for a battery storage project as presented.

Included in your Packet:

1. Draft Term Sheet

10. New Business

B. N. Franks Avenue Reconstruction Task Order #7a

Staff: Barry Cox

The City received a Michigan Department of Transportation (MDOT) Small Urban grant of \$385,000.00 to resurface and reconstruct N. Franks Avenue from E. Hatch Street to the N. Franks Avenue roundabout. MDOT received bids on January 5, 2024 to complete the work. Rieth-Riley Construction was the low bidder. Prior to the onset of construction, we need a construction engineering task order for construction oversight and project administration in accordance with MDOT Local Agency Program requirements.

Included in your packet is Task Order #7a for Construction Phase services associated with the project. The task order cost of \$101,000.00 includes the necessary material testing for this project using a third-party testing firm, who will bill Fleis and VandenBrink Engineering. Testing for aggregate material gradation, aggregate material compaction, concrete tensile strength, and asphalt compaction density will be completed. Fleis and VandenBrink contracting for material testing will improve coordination between the onsite inspector and testing firm and eliminate City staff procuring these services.

In addition to the task order, staff is recommending a contingency budget be approved for the project. The as-bid contract amount is \$567,425.50. Staff is recommending a contingency budget of \$57,000.00, or approximately ten percent of the contract.

An updated budget and cost spreadsheet for the project is included in your packet. With the recommended task order and contingency budget, the project is just over \$10,000.00 over budget for FY 2023-2024.

Proposed Motion:

Move that the Sturgis City Commission APPROVE/DENY Task Order #7a with Fleis and VandenBrink Engineering, Inc. of Grand Rapids, Michigan in the amount of \$101,000.00 for construction oversight and project administration services on

the N. Franks Avenue Reconstruction construction project and AUTHORIZE the City Manager to sign all necessary documents.

Proposed Motion:

Move that the Sturgis City Commission APPROVE/DENY a contingency budget for the N. Franks Avenue Reconstruction project in the amount of fifty-seven thousand dollars (\$57,000.00) as presented.

Staff Recommendation:

APPROVE and APPROVE

Included in your Packet:

1. Task Order #7a
2. N. Franks Avenue Reconstruction Budget and Cost Spreadsheet

10. New Business

C. Set Public Hearing for New Sidewalk and Shared Use Path Construction

Staff: Barry Cox

The Main Street project set for construction in 2024 includes new sidewalk construction and shared use path construction along W. Main Street between N. Nottawa Street and N. Clay Street (west leg). Costs for new sidewalk construction is split 50/50 between the City and the property owner. A public hearing of necessity is required prior to construction to consider comments from affected property owners regarding the necessity of the improvement. Notice of the public hearing will be sent to property owners including an estimated assessment cost.

A separate public hearing of necessity for sidewalk repairs will be set at the next City Commission meeting.

Proposed Motion:

Move that the Sturgis City Commission SET/NOT SET a Public Hearing of Necessity for March 14, 2024 at 6:00 pm in the Wiesloch Raum of City Hall, 130 N. Nottawa.

Noteworthy Meetings / Events

- Chamber Board of Directors Meeting | January 23rd
- SABEA Meeting | January 29th
- Union Negotiations | January 31st
- Karen Stephens Memorial Service | February 7th
- Commission Special Meeting | February 7th
- Ribbon Cutting – FitStop 247 | February 8th
- Mike Jernagen Funeral | February 8th
- St. Joseph County EDGE Board Meeting | February 8th

Upcoming Events

- Catapult (Shadow Illusion)| SYCA | 7:30pm | February 10th
- Cinema Circle – My Fair Lady | SYCA | 7pm | February 15th
- Ribbon Cutting – Digital Quill Co. | Noon | February 16th
- Date with Dad (Doyle Center) | February 23rd
- Cinema Circle – Jaws | SYCA | 7pm | March 7th

**City of Sturgis
City Commission
Regular Meeting**

Agenda Item 8A

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 24, 2024
WIESLOCH RAUM – CITY HALL

Mayor Perez called the meeting to order at 5:15 p.m.

Commissioners present: Bir, Albarran, Smith, Harrington, Hile, Vice-Mayor Miller, Mayor Perez
Commissioners absent: Mullins, Nieves

Also present: City Manager, City Controller, City Clerk

City Manager Andrew Kuk explained that with the Sturgis 2022 vision timeframe completed, it is time once again to look at the future of the organization and lay out some guiding visions and goals to help shape future actions, projects, and budgetary priorities for the next five years. Discussion included outlining a proposed framework to categorize areas of action, timelines for the process, Sturgis 2022 and other related issues.

The meeting was adjourned at 5:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 24, 2024
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Vice-Mayor Miller.

Commissioners present: Bir, Albarran, Smith, Harrington, Hile, Vice-Mayor Miller, Mayor Perez
Commissioners absent: Mullins, Nieves

Also present: City Attorney, City Manager, City Controller, City Engineer, DPS Superintendent,
City Clerk

Tyler Joldersma, Enterprise Fleet Management, gave a presentation of how their company would manage the City's fleet of vehicles, related costs and savings, and their experience in the field. Discussion followed.

Jason Bingaman, St. Joseph County Undersheriff Jason Bingaman, explained that he is running for County Sheriff and provided his qualifications.

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

Voting yea: Seven Voting nay: None Absent: Mullins, Nieves MOTION CARRIED

Moved by Comm. Hile and seconded by Comm. Smith to approve the Consent Agenda of January 24, 2024 as presented.

8A. Action of Minutes of Previous Meetings

- APPROVE the minutes from the January 10, 2024 regular meeting as presented.

B. Pay Bills

- AUTHORIZE the payment of the City bills in the amount of \$1,574,570.72 as presented.

Voting yea: Seven Voting nay: None Absent: Mullins, Nieves MOTION CARRIED

City Engineer Barry Cox provided information on the construction of 1,300 feet of 12-inch water main and 10-inch sanitary sewer main. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Bir to approve Task Order #15 with Fleis and VandenBrink Engineering, Inc. for final design and bidding phase services for the E. Lafayette phase 2 utility improvements project in the amount of thirty-one thousand five hundred dollars (\$31,500.00) and authorize the City Manager to sign all necessary documents.

Voting yea: Six Voting nay: Smith Absent: Mullins, Nieves MOTION CARRIED

DPS Superintendent Tom Sikorski provided information on the need for a public water system Operator-in-Charge (OIC) and the City's plan to meet this requirement until a City Staff member can meet the requirements. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Smith to approve the hiring of a Certified Drinking Water System Operator (OIC), as presented.

Voting yea: Seven Voting nay: None Absent: Mullins, Nieves MOTION CARRIED

The meeting was adjourned at 7:37 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 7, 2024
WIESLOCH RAUM – CITY HALL**

Vice-Mayor Miller called the meeting to order at 5:00 p.m.

Commissioners present: Mullins, Bir, Nieves, Albarran, Smith, Harrington, Hile, Vice-Mayor Miller

Commissioners absent: Mayor Perez

Also present: City Manager, City Controller, Electric Department Superintendent, Community Development Director, City Clerk

City Manager Andrew Kuk introduced representatives from MPPA, Prism Power, and GRP Engineering who presented information on utility scale battery storage.

Jeremy Jones, Prism Power, provided information on a USDA funding program which would provide a loan for building the battery storage facility. He also provided details on the battery system and possible locations.

Robert LaLond, MPPA, Nic Winsemius, GRP Engineering, and Electric Department Superintendent Chris McArthur provided information on the benefits to the City. They also provided information on a new substation that would be included as part of the project.

Discussion followed.

It was explained that the loan application would need to be submitted by February 15, 2024 and therefore, a decision to move forward would need to be made by the next City Commission meeting on February 14, 2024.

Moved by Comm. Hile and seconded by Comm. Mullins to go into Closed Session for the purpose of the discussion of the potential purchase of Property.

Voting yea: Mullins, Bir, Nieves, Albarran, Smith, Harrington, Hile, Miller

Voting nay: None

Absent: Perez

MOTION CARRIED

Meeting recessed at 6:07 p.m.

Meeting reconvened at 6:15 p.m.

The meeting was adjourned at 6:15 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				
02-05-2024	248178M	04675	PATRICK ABSTRACT &	1,605.39
01-19-2024	PR0628M	00061	CITY OF STURGIS PAYROLL	335,656.78
02-02-2024	PR0629M	00061	CITY OF STURGIS PAYROLL	333,716.72
01-18-2024	T16434M	00108	STATE OF MICHIGAN	53,563.82
02-01-2024	T16435M	03770	MICHIGAN GAS UTILITIES	20.52
02-05-2024	T16436M	03770	MICHIGAN GAS UTILITIES	170.56
02-05-2024	T16437M	03770	MICHIGAN GAS UTILITIES	45.01
02-12-2024	T16438M	00197	CITY OF STURGIS UTILITIES	11,495.33
02-04-2024	T16439M	00197	CITY OF STURGIS UTILITIES	20,549.33
01-22-2024	T16440M	03858	FARMERS STATE BANK	7,781.90
01-18-2024	T16441M	03245	IMPERIAL BEVERAGE	240.00
01-18-2024	T16442M	03245	IMPERIAL BEVERAGE	330.50
01-23-2024	T16443M	05875	ALERUS FINANCIAL/MERS-STIPEND	2,400.00
01-22-2024	T16444M	04197	MI PUBLIC POWER AGENCY	256,021.74
01-12-2024	T16445M	04088	BLUE CROSS BLUE SHIELD OF MI	35,016.09
01-19-2024	T16446M	04088	BLUE CROSS BLUE SHIELD OF MI	30,931.21
01-26-2024	T16447M	04088	BLUE CROSS BLUE SHIELD OF MI	82,440.05
02-01-2024	T16448M	04088	BLUE CROSS BLUE SHIELD OF MI	22,237.54
02-09-2024	T16449M	03770	MICHIGAN GAS UTILITIES	214.60
02-09-2024	T16450M	03770	MICHIGAN GAS UTILITIES	1,075.72
02-20-2024	T16451M	00197	CITY OF STURGIS UTILITIES	9,773.84
01-22-2024	T16452M	03173	FIFTH THIRD BANK	15,781.93
02-01-2024	T16453M	03951	SOUTHERN MICHIGAN BANK & TRUST	5,277.77
02-12-2024	T16454M	03770	MICHIGAN GAS UTILITIES	39.44
02-12-2024	T16455M	03770	MICHIGAN GAS UTILITIES	1,376.70
02-20-2024	T16456M	00197	CITY OF STURGIS UTILITIES	6,352.23
02-11-2024	T16457M	02909	CHARTER COMMUNICATIONS	725.84
02-12-2024	T16458M	04389	FRONTIER COMMUNICATIONS A	54.31
02-12-2024	T16459M	04389	FRONTIER COMMUNICATIONS A	101.44
02-12-2024	T16460M	04389	FRONTIER COMMUNICATIONS A	242.70
02-12-2024	T16461M	04389	FRONTIER COMMUNICATIONS A	26.08
02-12-2024	T16462M	04389	FRONTIER COMMUNICATIONS A	202.64
02-13-2024	T16463M	04389	FRONTIER COMMUNICATIONS A	54.11
02-15-2024	T16464M	04389	FRONTIER COMMUNICATIONS A	604.00
02-10-2024	T16465M	04421	AT&T MOBILITY	777.60
02-01-2024	T16466M	06290	MEDPRO WASTE DISPOSAL LLC	26.25
02-20-2024	T16467M	04389	FRONTIER COMMUNICATIONS A	220.79
02-20-2024	T16468M	03770	MICHIGAN GAS UTILITIES	105.93
02-20-2024	T16469M	03770	MICHIGAN GAS UTILITIES	646.66
01-19-2024	T16470M	00062	CITY OF STURGIS-EMPLOYEE INS	72,148.08
01-19-2024	T16471M	05588	ALERUS FINANCIAL/MERS TRANSFER	3,049.81
01-19-2024	T16472M	06190	HEALTH EQUITY/HSA PR TRANSFER	1,200.00
01-19-2024	T16473M	00065	DOYLE MEMBERSHIP TRANSFER	3,004.64
01-19-2024	T16474M	00063	CITY OF STURGIS TAX TRANSFER	18,466.73
01-19-2024	T16475M	05123	COMERICA BANK-INST TRUST SERV	31,215.08
01-19-2024	T16476M	03229	CITY OF STURGIS-WORKERS COMP	3,143.81
01-19-2024	T16477M	00064	INTL CITY MGMT ASSOC RETR CORP	9,241.92
02-02-2024	T16478M	00062	CITY OF STURGIS-EMPLOYEE INS	72,199.10
02-02-2024	T16479M	05588	ALERUS FINANCIAL/MERS TRANSFER	2,966.26
02-02-2024	T16480M	00065	DOYLE MEMBERSHIP TRANSFER	3,066.79
02-02-2024	T16481M	00063	CITY OF STURGIS TAX TRANSFER	18,377.40
02-02-2024	T16482M	05123	COMERICA BANK-INST TRUST SERV	30,508.24

Date	Check#	Vendor	Vendor Name	Amount
02-02-2024	T16483M	03229	CITY OF STURGIS-WORKERS COMP	3,071.64
02-02-2024	T16484M	00064	INTL CITY MGMT ASSOC RETR CORP	9,194.50
02-01-2024	T16485M	03951	SOUTHERN MICHIGAN BANK & TRUST	1,658.42
02-21-2024	T16486M	04389	FRONTIER COMMUNICATIONS A	53.70
02-22-2024	T16487M	03770	MICHIGAN GAS UTILITIES	13,649.40
02-20-2024	T16488M	03770	MICHIGAN GAS UTILITIES	1,836.82
02-20-2024	T16489M	03770	MICHIGAN GAS UTILITIES	305.80
02-01-2024	T16490M	06030	VERIZON CONNECT NWF INC	113.33
02-11-2024	T16491M	00512	CAMOCO FUEL SYSTEM	17,037.71
02-23-2024	T16492M	03770	MICHIGAN GAS UTILITIES	35.58
02-23-2024	T16493M	03770	MICHIGAN GAS UTILITIES	91.74
02-23-2024	T16494M	03770	MICHIGAN GAS UTILITIES	293.68
02-23-2024	T16495M	03770	MICHIGAN GAS UTILITIES	138.00
02-22-2024	T16496M	03770	MICHIGAN GAS UTILITIES	699.03
02-05-2024	T16497M	04197	MI PUBLIC POWER AGENCY	272,042.44
01-29-2024	T16498M	04197	MI PUBLIC POWER AGENCY	310,740.79

Automatic Checks

02-14-2024	248179	00110	A & K PRINTING & POOLS	890.00
02-14-2024	248180	00002	ALL-PHASE ELECTRIC SUPPLY	4,897.51
02-14-2024	248181	05634	ALLEN KUNCE	30.00
02-14-2024	248182	05103	BRIDGETTE ALLEY	400.00
02-14-2024	248183	05986	ALPHA BUILDING CENTER-NOTTAWA	59.88
02-14-2024	248184	06119	AMAZON.COM SALES INC	6,712.30
02-14-2024	248185	00340	AMERICAN SAFETY & FIRST AID	146.15
02-14-2024	248186	00296	ANGELA TROYER	13,058.00
02-14-2024	248187	00296	ANIBAL G BERRIOS MELENDEZ	33.63
02-14-2024	248188	06473	ARMSCOR CARTRIDGE INC	5,048.00
02-14-2024	248189	03576	ARROW SERVICES INC	83.00
02-14-2024	248190	00379	AUTO PARK FORD	1,418.00
02-14-2024	248191	06117	BENITA ANN LEWIS	45.00
02-14-2024	248192	00072	BIRD, SCHESKE, REED & BEEMER,	12,117.20
02-14-2024	248193	00511	BOALS SEWER & DRAIN CLEANING	60.00
02-14-2024	248194	00132	BOFA INC	1,386.80
02-14-2024	248195	00006	BOLAND TIRE INC	3,520.01
02-14-2024	248196	05964	BREWHOUSE BBQ	156.00
02-14-2024	248197	00296	BRITTANY M KRUGH	24.12
02-14-2024	248198	06474	BROWN EQUIPMENT COMPANY	100,000.00
02-14-2024	248199	00138	BS & A SOFTWARE	2,858.00
02-14-2024	248200	00296	CARNICERIA MICHIOACAN	3,000.58
02-14-2024	248201	00296	CHLOE J MARACLE	34.53
02-14-2024	248202	01323	CITY OF COLDWATER	4,123.51
02-14-2024	248203	05108	CORRIGAN OIL CO	1,702.66
02-14-2024	248204	06325	COTTIN'S HARDWARE	850.03
02-14-2024	248205	06158	CULLIGAN WATER OF STURGIS	192.00
02-14-2024	248206	04998	D & D FENCING	2,960.00
02-14-2024	248207	00296	DAVID ELDRED MCKERNAN	76.97
02-14-2024	248208	00296	DENISE L COMINATOR	53.25
02-14-2024	248209	00296	DIANE WARNEMENT	154.97
02-14-2024	248210	03095	MARY DRESSER	180.00
02-14-2024	248211	00160	DURY OIL CO	109.72
02-14-2024	248212	00364	CAROL DUSTIN	360.00
02-14-2024	248213	06361	ECOLAYERS INC	775.00

Date	Check#	Vendor	Vendor Name	Amount
02-14-2024	248214	00166	ELHORN ENGINEERING CO	1,345.00
02-14-2024	248215	00769	EMERGENCY VEHICLE PRODUCTS INC	1,399.87
02-14-2024	248216	04955	ENVIRO-CLEAN	6,158.00
02-14-2024	248217	00296	ERICA E GOSNELL	46.19
02-14-2024	248218	06343	ERIN MELCHI BAKER	80.00
02-14-2024	248219	00296	EVELIO E ROMERO GREENWOOD	42.31
02-14-2024	248220	05929	FACTUAL DATA	50.00
02-14-2024	248221	00169	FASTENAL COMPANY	122.42
02-14-2024	248222	06454	FAWLEY OVERHEAD DOOR	5,224.38
02-14-2024	248223	05151	FAWN RIVER MECHANICAL LLC	4,789.68
02-14-2024	248224	00013	FISHBECK	3,186.00
02-14-2024	248225	00776	FLEIS & VANDENBRINK	37,692.58
02-14-2024	248226	06287	FOCAL POINT STUDIOS	5,000.00
02-14-2024	248227	04389	FRONTIER COMMUNICATIONS A	5,475.21
02-14-2024	248228	00296	GARRY & ANNETTE ALLEN	157.65
02-14-2024	248229	02082	GECKO SECURITY LLC	1,604.00
02-14-2024	248230	00183	W W GRAINGER INC	4,405.13
02-14-2024	248231	00296	GRAYSON G RIETHMILLER	60.66
02-14-2024	248232	03806	GREAT LAKES PEST CONTROL	365.00
02-14-2024	248233	01436	GRIFFITH ELECTRIC LLC	357.50
02-14-2024	248234	05827	HAASCAYWOOD	623.25
02-14-2024	248235	03566	HAMMERSMITH EQUIPMENT CO	378.85
02-14-2024	248236	02440	HOFFMAN BROTHERS INC.	82,239.54
02-14-2024	248237	04922	HUTSON ASSESSING INC	5,047.50
02-14-2024	248238	03515	HYDROCORP	4,625.50
02-14-2024	248239	05171	STUART C IRBY CO	3,850.98
02-14-2024	248240	00296	JACK L POORMAN JR	16.88
02-14-2024	248241	00296	JAMIE CRITES	812.25
02-14-2024	248242	06314	JODIE M JOHNSON	40.00
02-14-2024	248243	05842	JOHN DEERE FINANCIAL	277.23
02-14-2024	248244	06217	JOHN J FLOWERS	60.00
02-14-2024	248245	05634	JULIE BRANDLI	50.00
02-14-2024	248246	00296	JUSTIN P BOYER	78.56
02-14-2024	248247	06482	KENDRICK STATIONERS	555.17
02-14-2024	248248	00296	KIMBERLY L PARRISH	54.35
02-14-2024	248249	01101	JANENE KOSMAN	160.00
02-14-2024	248250	00581	KRONTZ GENERAL MACHINE & TOOL	524.00
02-14-2024	248251	00212	KSS ENTERPRISES	1,519.08
02-14-2024	248252	05977	LAKELAND INTERNET LLC	106.94
02-14-2024	248253	00394	LAWSON-FISHER ASSOCIATES PC	5,015.16
02-14-2024	248254	03684	LEXISNEXIS RISK SOLUTIONS	100.00
02-14-2024	248255	00220	LITHO PRINTERS INC	636.47
02-14-2024	248256	06464	LRS LLC	1,130.48
02-14-2024	248257	06087	MALLORY SAFETY AND SUPPLY, LLC	218.96
02-14-2024	248258	06488	MEAD AND HUNT INC	13,237.35
02-14-2024	248259	06351	MELISSA ANDREWS	160.00
02-14-2024	248260	06155	MERCER SEPTIC AND EXCAVATING	200.00
02-14-2024	248261	06349	MERCURY MEDICAL	116.23
02-14-2024	248262	00702	MICHIGAN MUNICIPAL LEAGUE	350.00
02-14-2024	248263	06397	MICHIGAN SOUTHERN RAILROAD	29,878.76
02-14-2024	248264	00505	STATE OF MICHIGAN	8,189.00
02-14-2024	248265	00024	STATE OF MICHIGAN - MDOT	546.21
02-14-2024	248266	00238	MIDWEST COMMUNICATION SERVICES	20,305.91

Date	Check#	Vendor	Vendor Name	Amount
02-14-2024	248267	04014	MILLERS SALES & SERVICE	432.55
02-14-2024	248268	05051	MILSOFT UTILITY SOLUTIONS	501.71
02-14-2024	248269	04825	MML WORKERS COMP FUND	14,684.00
02-14-2024	248270	00847	MWEA	2,860.00
02-14-2024	248271	05671	PACE ANALYTICAL SERVICES LLC	364.30
02-14-2024	248272	03935	PARAGON LABORATORIES INC	507.00
02-14-2024	248273	05091	PAXXO (USA) INC	564.48
02-14-2024	248274	05042	PLANT GROWTH MANAGEMENT SYSTEM	10,913.60
02-14-2024	248275	02741	PLATEMATE	109.50
02-14-2024	248276	00485	POWER LINE SUPPLY	20,126.49
02-14-2024	248277	06109	POWERDMS, INC	6,295.01
02-14-2024	248278	04481	PROF SPORTS SPECIFIC TRAINING	270.00
02-14-2024	248279	04251	RAI JETS LLC	1,260.00
02-14-2024	248280	00035	RESCO	1,869.50
02-14-2024	248281	06038	REVOLUTION HEALTH, P.C.	335.00
02-14-2024	248282	00296	ROBERT L MARKER	14.85
02-14-2024	248283	05379	S & S INDUSTRIAL SUPPLY	222.06
02-14-2024	248284	00296	SARAH M SMITH	68.45
02-14-2024	248285	06470	SCHWEITZER ENGINEERING LAB INC	36,397.62
02-14-2024	248286	01197	SHERWIN-WILLIAMS COMPANY	224.79
02-14-2024	248287	06280	SHOULDICE INDUSTRIAL	93,974.54
02-14-2024	248288	06483	SONIT SYSTEMS LLC	2,227.50
02-14-2024	248289	01840	ST JOSEPH CO ISD	650.00
02-14-2024	248290	00488	STATE SYSTEMS RADIO INC	795.78
02-14-2024	248291	03214	STRYKER	81.64
02-14-2024	248292	01021	STURGIS COMMUNITY FOUNDATION	1,657.82
02-14-2024	248293	00290	STURGIS HOSPITAL	93.00
02-14-2024	248294	00101	STURGIS NEIGHBORHOOD PROGRAM	5,033.33
02-14-2024	248295	06281	T-MOBILE USA INC	1,559.69
02-14-2024	248296	06151	THE NAKED SHIRT CUSTOM PRINTNG	400.00
02-14-2024	248297	03565	THREE RIVERS AREA	235.00
02-14-2024	248298	00047	CITY OF THREE RIVERS	660.00
02-14-2024	248299	06441	TOTAL PROPERTY MANAGEMENT	1,077.50
02-14-2024	248300	06426	TRACY LIVELY LLC	20.00
02-14-2024	248301	05664	TREECORE LLC	63,764.50
02-14-2024	248302	04773	TRIANGLE DIGITAL PRINTING INC	93.80
02-14-2024	248303	01238	UNITED PARCEL SERVICE	94.05
02-14-2024	248304	06150	UNITED WHOLESALE GROCERY	435.73
02-14-2024	248305	06384	USA BLUEBOOK	369.63
02-14-2024	248306	03331	UTILITIES INSTRUMENTATION SERV	3,318.89
02-14-2024	248307	05745	ERICA VARGAS SARCO	80.00
02-14-2024	248308	05659	WARNER OIL COMPANY	3,163.60
02-14-2024	248309	03511	WASTE MANAGEMENT	120.00
02-14-2024	248310	06272	WEST MICHIGAN BASEBALL	387.36
02-14-2024	248311	04994	W MICHIGAN INTERNATIONAL LLC	119.28
02-14-2024	248312	05014	WHEELER WORLD INC	669.28
02-14-2024	248313	06451	WILCOX NEWSPAPERS	520.00
02-14-2024	248314	02948	WITMER PUBLIC SAFETY GROUP INC	58.96
02-14-2024	248315	06486	WMUK	510.00
02-14-2024	248316	06107	YEOMAN, TALIA	100.00
02-14-2024	248317	06480	ZIP'S AW DIRECT	1,619.89
02-14-2024	D02206	00335	ALTEC INDUSTRIES, INC.	7,738.66
02-14-2024	D02207	01213	BISBEE INFRARED SERVICES INC	500.00

Date	Check#	Vendor	Vendor Name	Amount
02-14-2024	D02208	04066	BORDEN WASTE-AWAY SERVICE INC	6,401.18
02-14-2024	D02209	04965	BSN SPORTS INC	234.00
02-14-2024	D02210	00077	CARQUEST AUTO PARTS	195.70
02-14-2024	D02211	02983	CINTAS LOCATION #351	2,475.44
02-14-2024	D02212	03929	EMERGENCY MEDICAL PRODUCTS INC	1,388.41
02-14-2024	D02213	00019	KENDALL ELECTRIC INC	69.42
02-14-2024	D02214	00216	LAWSON PRODUCTS INC	523.31
02-14-2024	D02215	03944	LINDE GAS & EQUIPMENT INC	369.59
02-14-2024	D02216	06250	MARANA GROUP	5,180.14
02-14-2024	D02217	05121	MICKEY'S LINEN	124.76
02-14-2024	D02218	06026	MID-CITY SUPPLY CO INC	247.66
02-14-2024	D02219	06069	NAPA AUTO PARTS	7,183.44
02-14-2024	D02220	00279	RATHCO SAFETY SUPPLY	155.06
02-14-2024	D02221	06125	THE COPY IMAGE INC	872.49
02-14-2024	D02222	05777	TRACE ANALYTICAL LABORATORIES	3,259.00
Manual Total				\$2,137,453.51
Automatic Total				\$745,012.95
Grand Total				\$2,882,466.46

PAYROLL DISBURSEMENT
FOR PAYROLL ENDING 01/14/2024
PR0628M PAYROLL DATE 01/19/2024

GENERAL	\$155,317.58
MAJOR STREET	16,804.87
LOCAL STREET	10,654.12
CEMETERY	5,540.04
AIRPORT	1,316.68
BUILDING	3,473.01
HOUSING DEPARTMENT	0.00
STURGES-YOUNG CENTER FOR THE ARTS	5,530.09
RECREATION	2,755.05
DOYLE RECREATION CENTER	9,451.94
AMBULANCE	12,777.20
ELECTRIC	84,634.62
SEWER	19,023.37
WATER	5,656.92
MOTOR VEHICLE	2,721.29
Payroll Sub-Total	\$335,656.78

PAYROLL DISBURSEMENT
FOR PAYROLL ENDING 01/28/2024
PR0629M PAYROLL DATE 02/02/2024

GENERAL	\$157,382.42
MAJOR STREET	11,940.34
LOCAL STREET	8,740.01
CEMETERY	4,644.55
AIRPORT	2,684.39
BUILDING	3,480.89
STURGES-YOUNG CENTER FOR THE ARTS	5,993.78
RECREATION	3,039.05
DOYLE RECREATION CENTER	9,792.02
AMBULANCE	12,759.54
ELECTRIC	83,412.38
SEWER	17,867.30
WATER	8,080.97
MOTOR VEHICLE	3,899.08
Payroll Sub-Total	\$333,716.72

**City of Sturgis
City Commission
Regular Meeting**

Agenda Item 8C

City of Sturgis
St. Joseph County, Michigan

Resolution for Street Right of Way Dedication
for
North Clay Street

RESOLVED that the City of Sturgis hereby accepts the conveyance and dedication of the following property and does hereby dedicate it for public right-of-way purposes and all accompanying uses for public utilities, sewer and water:

Right-of-Way Description

A parcel of land located in the City of Sturgis, St. Joseph County, Michigan, more fully described as follows:

Part of the East 1/2 of the Northwest Quarter of Section 1, Township 8 South, Range 10 West, beginning at the NE corner of Lot 1, Block 3, Original Plat of Sturgis, thence Northwesterly along the West line of Clay Street to the West 1/2 – 1/4 line of Section 1, T 8 S, R 10 W, then South on the said half quarter line to the Northwest corner of said Lot 1, Block 3, O.P. thence Northeasterly along the Northerly line of Lot 1 to the point of beginning, excepting all that land lying south of the North right of way line of McKee Street.

N. Clay Street Right of Way Dedication

 - Property Boundary



**City of Sturgis
City Commission
Regular Meeting**

Agenda Item 9A

Meeting Minutes from 2023 City Commission Meetings regarding Urban Chickens

REGULAR MEETING - STURGIS CITY COMMISSION WEDNESDAY, MARCH 8, 2023 WIESLOCH RAUM – CITY HALL

The City Commission had consensus to bring back information related to a potential urban chicken ordinance at the next regular meeting.

REGULAR MEETING - STURGIS CITY COMMISSION WEDNESDAY, MARCH 22, 2023 WIESLOCH RAUM – CITY HALL

Interim City Manager Andrew Kuk provided a history of the City's efforts that have been done in the past related to the allowance of chickens in the City. He explained that the Planning Commission developed a proposed ordinance in 2011, which was never adopted. In 2021, the City Commission decided against moving forward with an urban chicken ordinance.

The City Commission discussed the issue and expressed views in support and against moving forward.

Several citizens expressed their general support of allowing chickens in the City including:

Rudy Lance - 614 Sturgis St, Mason Combs - Jacob Street, Larry Hahn - 604 Cottage, Chuck Huber - 508 W Congress, Jayna Beard - 508 E West, Steve Kelly - 1313 E Hatch, Newell Franks - 702 Independence, Chelsea Smith - 603 W. West, Anastasia Griffith - 416 Sturgis, Matt Cravin - Burr Oak, Kevin Lawrence - 209 Pleasant, Kelly Lawrence - 505 S Jefferson, Dray Perkins - 206 Pleasant, Josh Verro - 210 Center, and Tracy Galindo.

Some of the ideas were a learning opportunity for children, the need for proper enforcement, the expansion to additional types of fowl, a history of the issue in Sturgis, possible violations, a ballot issue, and other items.

Discussion continued.

Move by Kinsey and seconded by Comm. Perez to refer a recommendation to the Planning Commission for development of an urban chicken ordinance.

Voting yea: Eight

Voting nay: Hile

MOTION CARRIED

REGULAR MEETING - STURGIS CITY COMMISSION WEDNESDAY, APRIL 26, 2023 WIESLOCH RAUM – CITY HALL

Eileen West and Ryan Taylor expressed opposition to urban chickens.

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 26, 2023
WIESLOCH RAUM – CITY HALL

Community Development Director Will Prichard provided information on the work done related to the potential allowance of urban chickens. He explained that the Planning Commission recommended to not approve an ordinance at this time, but they would support a ballot initiative. The City Commission had extensive discussion on the issue and whether to move forward now or allow residents to vote on the issue. It was explained that public hearings would need to be held at the Planning Commission for related zoning ordinances if the City Commission was willing to move forward with a potential ballot initiative.

Moved by Comm. Miller and seconded by Comm. Perez to direct City Staff to develop an ordinance based on the presentation for consideration at a future meeting with an accompanying resolution to allow for final approval at a future election.

Voting yea: Eight

Voting nay: None

Absent: Kinsey

MOTION CARRIED

Meeting Minutes from 2023 Planning Commission Meetings regarding Urban Chickens

REGULAR MEETING – STURGIS PLANNING BOARD

April 18, 2023

WIESLOCH RAUM – CITY HALL

Urban Chickens

Chairman Mikulenas read the Staff report and explained that the Planning Commission was giving the public a chance to weigh in on their interest regarding urban chickens. He explained that the comments should be kept brief and should be a maximum of 2 minutes per person. He explained that this was not a public hearing, however, dependent on interest, an ordinance may be drafted, and a public hearing would be held at a later date. The ordinance would have to be approved at 2 readings in front of the City Commission as well.

Mr. Mikulenas invited the public to the podium to speak. Marv Smith, City Commissioner and owner of the property at 206 E. Jerolene Street, approached the podium. He then handed out an ordinance that he had drafted regarding livestock and fowl. Mr. Mikulenas asked why it was labeled urban fowl instead of urban chickens; Mr. Smith indicated that he had removed geese, however, it would allow for ducks. Mr. Smith expressed that he felt the less rules you have, the less enforcement that will be required. He indicated that he did not feel that there should be a charge for owning fowl, only the building permit fee for the chicken coop. Mr. Mikulenas thanked Mr. Smith for his time and input in drafting the ordinance.

Rudie Lantz of 614 Sturgis Street approached the podium. She explained that citizens have been excited about chickens and she had even started a Facebook page for discussion regarding the topic. She expressed that she felt that those opposed to urban chickens should be educated on the topic. She indicated that most people understand that there is not a cost benefit to owning chickens and that the risk will be on the property owners. She indicated that a yearly inspection might be helpful for the owners to be held accountable. Mr. Mikulenas indicated that the permits would most likely require a renewal. Ms. Lantz indicated she did not disagree from having to pay a fee. She explained that farmers would gladly take the compost, so that may not be a problem. She indicated she thought that it would be a fad that would wear off and only the serious owners will be left.

Mason Combs of 217 Jacob approached the podium. He explained that there were benefits to having egg and meat chickens. He indicated that he would like quails to be allowed, as he is aware of people that are not able to eat eggs from chickens. He expressed that it would be beneficial for children to be able to have animals for 4H animals.

Newell Franks, owner of the property located at 702 Independence, approached the podium. He explained that his son had approached the Planning Commission regarding urban chickens approximately 10 years ago. He indicated that the topic had died due to lack of support.

Kelly Lawrence, owner of the property located at 505 S. Jefferson Street, approached the podium. She indicated that she is in favor of allowing chickens in the city, however, would like the ordinance to include allowing ducks and quails also. She explained she felt that the fowl should be treated like dogs and cats and that the rules and requirements should be similar. She indicated citizens should be required to maintain their properties the same as if they own dogs or cats.

Micheline Combs of 217 Jacob approached the podium and explained that she did not feel that the people that choose to have chickens be taxed. She had heard that there would be a cost for "banding" and wanted to know who would pay for the bands. Mr. Mikulenas explained that banding would be a way used to help identify and locate the owner of the chicken. He indicated it would be part of the permitting

process and most likely would be a minimal cost. Ms. Combs explained that there should not be an issue with breeding because roosters would not be allowed. Mr. Mikulenas asked what enforcement she would recommend for those owners that did not take care of the chickens properly. Ms. Combs indicated that she felt people can change and they should be allowed 3 strikes before the privilege is taken away. She explained that she felt there was a small percentage of citizens that would actually choose to own chickens.

Barry Cox, owner of the property located at 1421 E. Merribe Street, approached the podium. He explained that he had read an article that indicated it was best to not mix types of fowl. He inquired whether landlords would be able to allow their tenants to have chickens, especially in multi-unit dwellings. Mr. Cox expressed his opinion that a chicken coop should be included as an accessory structure. He indicated that if someone were to stop owning chickens and abandons the chicken coops, there will be 3 accessory structures on the property, in excess of the 2 accessory structures that are currently allowed. Mr. Cox indicated concern for code enforcement and what the cost will be for the city. Mr. Mikulenas indicated that a lot of expenses would have to be considered, especially for enforcement.

Larry Hahn, owner of the property located at 604 Cottage, approached the podium. He indicated he had extensive experience with chickens. He indicated he would not recommend allowing roosters. He explained portable chicken coops.

Anastasia Griffith, owner of the property located at 416 Sturgis Street, approached the podium and explained that she lived on a corner lot, has issues with being allowed fencing, and expressed that she hoped that the Planning Commission would take corner lots into consideration when making any decisions on ordinances regarding chickens. She indicated she felt that they are penalized for owning a home on a corner lot and wanted to have equal opportunity for chicken ownership as someone that did not live on a corner lot. She stated she disagreed with Mr. Cox regarding the accessory structure. She did not feel that someone would choose to have chickens just for an extra accessory building.

Linda Hahn, owner of the property located at 604 Cottage, approached the podium and explained she felt that neighbors would most likely do code enforcement by turning their neighbors in. She agreed with allowing for 3 strikes and taking the privilege away. Mr. Mikulenas discussed with Ms. Hahn how code enforcement may be hindered if citizens are hesitant to report their neighbors.

Kelly Franks, owner of the property located at 702 Independence, approached the podium and expressed that our default as citizens should always be to take care of ourselves. She stated liberty over more rules.

Jeff Mullins, City Mayor, approached the podium and requested that the commission members may benefit from reviewing the fence ordinance when they discussed the accessory structures.

Chairman Mikulenas asked for any further comments from the public, none were heard.

Motion: By consensus for City staff to draft an ordinance for review at an upcoming meeting.

REGULAR MEETING – STURGIS PLANNING BOARD May 16, 2023 WIESLOCH RAUM – CITY HALL

Urban Chicken Discussion

Chairman Mikulenas read the Staff report and explained that there would be discussion. He explained that they may readdress the issues that had come about from previous meetings.

Steve Shevick indicated that he is not in favor of chickens within the city. Travis Klinger, Marvin Smith, Bryan Boughton, Jaime Hypes, Larry Hahn, and Linda Hahn spoke and indicated they were in favor of

chickens within the city. Topics that were covered were: size and types of accessory structures and materials that could be used for chicken coops, fencing/barrier requirements, types and prevention of predators, types and cost of enforcement, possibility of a community chicken coop, and caging requirements.

Mr. Prichard reviewed the previously proposed ordinance with the Commission members. He explained each section and the origin of the proposed language. They discussed restricted covenants that exist in some areas of the city that would prohibit chickens.

Mr. Caywood inquired as to how much support from Commission members there would be to continue forward. There was discussion as to how many times the topic had been brought to the Commission members and the outcome. Mr. Brothers indicated that he had been on a committee one of the times it had been brought to them and that once it reached the City Commission, the topic died. Mr. Smith indicated that if the topic reaches the City Commission, he believed there would be support, even if the ordinance did not pass.

Chairman Mikulenas asked for any further comments from the public, none were heard.

SPECIAL MEETING – STURGIS PLANNING BOARD

June 27, 2023

WIESLOCH RAUM – CITY HALL

Urban Chickens

Mr. Mikulenas read the Staff report and inquired whether the proposed ordinance language and fee schedule had been made public; Mr. Prichard indicated it had not and had only been provided to commissioners as part of the packet.

Mr. Mikulenas reviewed the proposed fee schedule for permitting urban chickens and Mr. Prichard high pointed the proposed ordinance. Mr. Prichard noted that if a permit was issued for urban chickens and the property had a covenant against urban chickens, the permit would be void.

Possible setback requirements were discussed for the chicken coops. The members indicated by consensus they would prefer 10' from the primary structure and 3' from an accessory structure. However, citizens in the audience indicated they would prefer 3' from the primary structure. Rudie Lantz indicated concern that a 10' setback may force some property owners to place the chicken coops in the middle of their yards.

The requirement for rodent proofing was discussed. Mr. Mikulenas indicated he would prefer to add the word "predator" also, as he did not consider some animals to be "rodents", but predators.

Mr. Liston inquired who would be responsible for the inspections of the chicken coops; Mr. Prichard indicated it would be the Community Development Department and Code Enforcement would handle complaints. Mr. Liston inquired as to how many people come into City Hall to ask for a permit or if they can have chickens; Mr. Prichard explained he usually would get asked if chickens are permitted because they have a complaint that a neighbor has one.

Marvin Smith, City Commissioner, indicated that he felt the fee schedule was high. Mr. Mikulenas explained there would be time invested in permitting and enforcement, adding to administrative burden. Mr. Smith noted that the penalty/violation fee is less than the application fee; Mr. Mikulenas indicated he felt that the violation fee should be higher. Mr. Prichard discussed the timeline for the fee schedule; Mr. Mikulenas indicated he felt that the cost might be determined better once the ordinance is in effect. Rudie Lantz of 614 Sturgis Street indicated that though she would not be

thrilled to pay the fee, that a higher cost might make sure people follow the rules and would be serious about taking care of their chickens.

REGULAR MEETING – STURGIS PLANNING BOARD
July 18, 2023
WIESLOCH RAUM – CITY HALL

Urban Chickens and Accessory Structures

Chairman Mikulenas opened the Public Hearing. He read into the record an email from Karyl Kreps of 709 Nottingham. Ms. Kreps indicated in the email that she was a representative for herself and 2 others that did not want urban chickens to be permitted in the city. Mr. Mikulenas also read into record an email from Planning Commission member Garry Allen, as he was not able to attend the meeting. His email indicated he did not want urban chickens permitted within the city either.

Ryan Banaszak, Director of Public Safety, approached the podium. Mr. Mikulenas inquired as to what would happen to the chickens, banded or unbanded, if they were loose. Mr. Banaszak indicated that animal control may transport the chickens when needed, however, it would be difficult during the evening hours when the Animal Control Officer is not available. There would not be anywhere to house them. Mr. Mikulenas asked what would be done with the chickens that were found loose; Mr. Banaszak indicated that he did not have that answer, as it would be an issue that must be addressed. He indicated that City staff had researched what other municipalities were doing, however was not able to find much information. A woman from the audience indicated transporting the chickens would require additional cleaning of vehicles to prevent the spread of disease. She indicated that she felt the officers would have better ways to spend their time than dealing with chickens.

Marvin Smith, City Commissioner, indicated he thought maybe there was not much information regarding enforcement in other cities because they were not having problems. Mr. Banaszak explained that some do not enforce ordinances. Mr. Mikulenas asked Mr. Smith whether he was speaking as a commissioner or a citizen; Mr. Smith indicated he was representing himself as a citizen. Mr. Mikulenas asked Mr. Smith if he thought residents in precinct 3 were in favor of permitting chickens; Mr. Smith indicated yes.

Mr. Banaszak explained some of the process for enforcement. He indicated that a disadvantage with purchasing chicks is that whether it is a hen, or a rooster only becomes known once they are grown. If someone unknowingly purchases a rooster, it would have to be removed if roosters were not allowed. He indicated that in some cases a court order would need to be obtained for non-compliance which would take time. Mr. Mikulenas inquired how court costs would be recuperated; Mr. Banaszak indicated that it would be up to the attorneys to determine.

Mr. Mikulenas asked for a raise of hands from the commission members on how many thought permitting chickens in the city was a good idea; no members raised their hand. Mr. Brothers indicated he felt the people of Sturgis should be able to vote and the issue should be put on a ballot; members agreed.

Chairman Mikulenas asked for any further comments from the public, none were heard.

Motion: Made by Mikulenas, seconded by Stage, to not recommend the addition of ordinance section 10.65 – Urban chickens and amendment to ordinance section 10.64 – Keeping of animals, fowl, etc. restricted – to the Sturgis City Commission.

Commission members agreed that they would support this issue being placed on an upcoming ballot for the residents of the City of Sturgis to vote.

Voting yea: Mikulenas, Brothers, Liston, Stage, Mahler, Alvez, Caywood
Absent: Allen, Perez

Voting nay: None
MOTION CARRIED

REGULAR MEETING – STURGIS PLANNING BOARD
November 14, 2023
WIESLOCH RAUM – CITY HALL

Zoning Ordinance Amendments – Urban Chicken Language

Acting Chairman Alvez read the Staff report and opened the Public Hearing. He stated, for the record, that the Planning Commission had thought permitting urban chickens was a bad proposal. However, they did support placing the proposal on an upcoming ballot for a vote. Mr. Liston inquired whether approving the zoning ordinance amendments would nullify their previous disapproval; Mr. Prichard responded that it would not, by making this recommendation was to allow the language to be used as part of the ballot language when the City Commission finalizes the language.

Acting Chairman Alvez asked for comments from the public, none were heard.

Motion: Made by Liston, seconded by Stage, to recommend the amendments to the following zoning ordinance sections 1.1105 and 1.1401, as presented, to the Sturgis City Commission.

Voting yea: Alvez, Brothers, Liston, Stage, Perez, Denman
Absent: Mikulenas, Mahler

Voting nay: None
MOTION CARRIED

...

Sec. 10-64. - Keeping of animals, fowl, etc. restricted.

No horse, cow, calf, swine, sheep, goat, geese, ducks, donkeys, **fowl unless permitted by section 10-65**, or pigeons shall be kept in any dwelling or part thereof. No such animals or fowl shall under any circumstances be kept on the same lot or premises with a dwelling unless they are maintained in connection with the operation of a bona fide farm. Notwithstanding the foregoing, it shall be permissible to own, keep, or harbor not more than two adult rabbits per household, together with not more than eight young rabbits until they attain the age of four months. The keeping of chickens shall be permitted with a valid permit issued by the City of Sturgis as per section 10-65.

Section 10-65. – Urban Chickens

- (a) No person shall keep chickens unless they obtain an urban chicken permit and comply with all City ordinances. No permit will be issued unless the following has been completed:
 - (1) Urban chicken permit application has been submitted.
 - (2) All fees have been paid.
 - (3) An inspection of property has been completed to verify compliance with the ordinance.
- (b) Permit applications shall be submitted to the Community Development Department on a form provided by the City for review and approval. The application must be completed with all information requested. The following additional items shall be included with your permit application:
 - (1) A sketch plan which indicates the location of any chicken coop, chicken runs, and fencing (including height and style) as well as setbacks from all property lines and structures on same property and adjoining residential structures.
 - (2) Inspections will be conducted after the permit application has been reviewed and all fees have been paid. Application will not be approved, and permit will not be issued until property is found to be in compliance with City ordinances. The first inspection is included with the cost of the permit application fee. Any additional inspections to verify compliance will require an additional inspection fee to be paid prior to scheduling of the inspection.
- (c) The applicant's first (initial) urban chicken permit is valid until June 1 of the following year. If a person wishes to continue keeping chickens, they shall obtain a new permit before their current permit expires. Renewal permits are valid for two (2) years with all permits expiring on June 1.

Renewal permit applications shall be submitted a minimum of 30 days prior to the expiration of the permit. Inspections shall be completed and approved prior to the issuance of the renewal permit. Application for a renewal permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies.

- (1) No permit shall be issued without the written authorization from the owner of the property consenting to the application and the keeping of urban chickens.
- (2) Permits are not transferrable to another applicant. When an applicant vacates a property, the permit is revoked and all structures, including chicken coop and enclosures, that were permitted as part of the permitting process must be removed.
- (d) The keeping of chickens is permitted only on a lot where the principal use is a single-family dwelling in the following zoning districts: R-1, R-2, R-3, R-4. No multi-family dwelling(s), multiple single-family dwellings on a single lot, duplex, or apartment(s) shall be permitted urban chickens.
- (e) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, restrictive covenants for the neighborhood, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (f) A person who has received a permit for urban chickens on their property shall comply with all of the following requirements:
 - (1) Maintain a valid permit as required under this section.
 - (2) Keep no more than six (6) female chickens per property.
 - (3) All chickens shall have a City-issued identification band on their leg. Leg bands will be provided by the City of Sturgis when the permit is issued. Renewal permits will not require new bands. Replacement bands can be obtained for a fee from the City of Sturgis.
 - (4) The principal use of the applicant's property is a single-family dwelling.
 - (5) No person shall keep any rooster, crowing hens, or guinea chickens.
 - (6) No person shall slaughter any chickens in public view.
 - (7) Chickens shall be always provided and remain within a fully enclosed coop and/or fenced enclosure with a top and/or cover.

- (8) The coop shall be a single structure not to exceed sixty (60) square feet in area and eight (8) feet in height. The minimum run size per chicken shall be eight (8) square feet with a maximum area of 300 square feet. The coop shall meet the standards for accessory structures (section 1.1105 of the zoning ordinance) and the enclosure shall meet the standards for fences (section 1.1106 of the zoning ordinance).
- (9) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials not in keeping with the appearance of other accessory buildings in the immediate area of the property as determined by the Zoning Administrator is prohibited.
- (10) The coop and enclosure may be movable only if the dimensional/setback restrictions required in this section are maintained.
- (11) A person shall not keep chickens in any location on the property other than in the rear yard.
- (12) The coop or enclosure shall not be located closer than forty (40) feet to the nearest residence on an abutting lot. For the purpose of this section, “residence” shall be defined to include both the principal structure and any decks, porches, sunrooms, or similar areas attached to the principal structure. This requirement shall be met at the time of initial permit issuance and is not meant to be retroactively applied in the event a residence on an abutting lot constructs an addition of some type that encroaches upon an existing chicken coop or enclosure.
- (13) No coop or enclosure shall be located closer than ten (10) feet to any property line of an abutting lot.
- (14) No coop or enclosure shall be located closer than ten (10) feet to the principal structure or three (3) feet an accessory structure on the same property.
- (15) Coops and enclosures must be clean, dry, odor-free and kept in a neat and sanitary condition and in compliance with all City ordinances.
- (16) All enclosures shall be constructed or repaired to prevent rats, mice, other rodents, or predators from being harbored underneath, within, or within the walls of the enclosure.
- (17) All feed and other items associated with the keeping of chickens shall be kept in a vermin and predator proof sealed container.
- (18) Waste materials (feed, manure, and litter) must be disposed of in an environmentally responsible manner. Piling waste materials on the property is not permitted. Litter must be kept dry.
- (19) If the above requirements are not complied with, the City may revoke any permit granted under this section and /or initiate prosecution for a civil

infraction violation.

(g) Enforcement and penalties:

- (1) Any person who keeps chickens without a valid permit as required by this ordinance or who otherwise violates any of the provisions of this section shall be deemed guilty of a civil infraction and be issued a notice of violation. If the violation is not corrected within the timeframe referenced in this subsection, a citation may be issued and fine applied in accordance with the fine schedule of the City code of ordinances.
- (2) The City may revoke any permit granted under this section if any of the requirements of this section are not complied with.
- (3) A person who has been issued a notice of violation shall be given up to seven (7) days to correct the violation unless an extension has been granted by the zoning administrator.
- (4) A person who remains in violation after the timeframe for correction shall have their permit revoked and shall immediately discontinue the keeping of chickens at the permitted premise.

City Code of Ordinances, Appendix A – Zoning, Article XI. – General Provisions

...

1.1105 Accessory buildings, structures and uses.

...

(B) Accessory building or accessory structures in a residential district.

...

(8) There shall be no more than two accessory buildings on any one parcel excluding play houses, dog houses, **chicken coops not exceeding 30 square feet**, pergolas or gazebos not exceeding 150 square feet, or buildings of similar uses.

(10) Chicken coops shall not exceed eight (8) feet in height and sixty (60) square feet in area. Chicken coops shall be removed if a valid urban chicken permit as per section 10.65 of the City of Sturgis code of ordinances is not maintained.

City Code of Ordinances, Appendix A – Zoning, Article XIV. – Administration and Enforcement

...

1.1401.-Building Permits.

No sign, parking area, fence, building, or other structure regulated by this zoning ordinance shall be erected, razed, moved, extended, enlarged, altered, or changed in use, and no exterior of any commercial building in the central business district shall be painted until a building permit has been issued by the building department, except the following:

1. Touch-up painting of the same color of any commercial building in the central business district.
2. **Accessory structures and fences that are included as part of an urban chicken permit, section 10.65 of the City of Sturgis code of ordinances.**

City Code of Ordinances, Appendix B – Fine Schedule for Municipal Civil Infractions

...

Chapter 10. -Animals

Urban Chickens Violations:

First Offense - \$100.00

Second Offense - \$200.00

Any additional offenses - \$300.00

City of Sturgis Fee Schedule

...

Planning / Zoning

...

Urban Chickens

Initial Permit Application Fee	\$150.00
Renewal Permit Application Fee	\$75.00
Additional Inspection Fee	\$50.00
Permitted Chickens Running At Large (per Chicken)	\$40.00
Keeping of chickens prior to permit issuance	\$100.00

**City of Sturgis
City Commission
Regular Meeting**

Agenda Item 10A

**TERM SHEET
ELECTRIC CITY ESS**

This non-binding Term Sheet is made this ____ day of ~~January~~February, 2024 (the “Effective Date”) and reflects the intent of The City of Sturgis, MI, a public body corporate and politic, formed under the laws of the State of Michigan (“Buyer”), and Electric City ESS LLC, a Delaware limited liability company (“Seller”) with respect to a proposed energy storage facility (the “Electric City ESS Facility”) as described in the Project Description below.

- Project Description: The Electric City ESS Facility will have the following attributes:
- An inverter nameplate capacity of not less than 9.792MW.
 - A battery nameplate capacity of not less than 39.168MWh.
 - A 90% round trip efficiency or higher (charging and discharging) at Standard Test Conditions.
 - Located at 2730 S. Centerville Rd. Sturgis, MI 49091, or as mutually agreed (“Project Site”). A map of the Project Site is attached as Exhibit A.
 - Interconnected to Buyer’s 12.47kV distribution line on or adjacent to the Project Site, or as mutually agreed.
 - Initially oversized to account for 15 years of degradation. Key equipment (inverters and batteries) will have a 15-year warranty.
- Project Development: Seller will be responsible for project development activities, including environmental, interconnection, permitting, and zoning. Buyer and/or Buyer’s agent will provide reasonable support for Seller’s development activities.
- Conditions Precedent: Seller shall use commercially reasonable efforts to satisfy the following conditions, which shall be conditions precedent to Seller’s development obligations under the Agreement (collectively, the “Conditions to Seller’s Obligations”):
- (a) No later than 180 days after the Effective Date, Seller shall have received all zoning land use permits, from the City of Sturgis, necessary to install, construct, and operate the Electric City ESS Facility.
 - (b) No later than 180 days after the Effective Date, Seller and the City of Sturgis Electric Department shall have entered in an interconnection agreement (the “Interconnection Agreement”), and such Interconnection Agreement shall provide for the installation and energization of the interconnection facility by December 31, 2025, at a cost acceptable to Seller.
 - (c) No later than 180 days after the Effective Date, Seller shall have received approval of a loan from the USDA under its PACE loan program (the “USDA Loan”) on terms and conditions satisfactory to Seller in its sole discretion.

Products: The Buyer's Dispatch Rights and Buyer's Net Revenue Share, as more fully described below.

Buyer's Dispatch Rights: Buyer shall be entitled to dispatch the Electric City ESS Facility a maximum of one hundred sixty (160) hours per year ("Buyer's Discharge Rights"). Beginning on the Commercial Operations Date, as such term is defined in the Agreement, and continuing through the remainder of the Delivery Period, Buyer and/or Buyer's agent will have the right to submit a dispatch notice to Seller and/or Seller's agent. Each valid dispatch request will be:

- delivered on or before 5 PM on the day preceding dispatch and then confirmed ~~by~~not later than 12PM on the day of discharge (unless limited by prior dispatch, Seller and/or Seller's agent will charge the Electric City ESS Facility for up to 6 hours prior to start of the upcoming dispatch to target a 100% state of charge) For the avoidance of doubt, the time required to charge the Electric City ESS Facility will not be included in Buyer's Discharge Rights.
- should PJM declare a maximum generation emergency, the battery will be dispatched for up to four hours or duration of emergency, whichever is greater, at maximum MW output.
- for a defined dispatch duration unless instructed by Buyer, each dispatch will be at maximum MW output to maintain consistent output throughout the defined duration based upon current available battery capacity.
- limited to not exceed the current City of Sturgis electric load at the AEP tie point (the "Delivery Point").

Cost of Energy and Losses applicable to Buyer's Dispatch Rights to be included in calculation of Buyer's Net Revenue Share. Assumes POI is at the Billing Meter.

Guarantees: Subject to events of force majeure and utility outages, Buyer will guarantee to Seller that, with respect to Buyer's Dispatch Rights only:

- The average state of charge of the Electric City ESS Facility at the beginning of the first hour of discharge for Buyer's Dispatch Rights within a calendar year will be greater than or equal to 85%. If this guarantee is not met, then Seller shall rebate to Buyer from Seller's Net Revenue Share ("Rebate 1") an amount equal to:

$$(0.85-ADC) * CP$$

Where:

"ADC" = the average state of charge, expressed as a decimal, of the Electric City ESS Facility at the beginning of the first hour of discharge for all dispatch periods of Buyer's Dispatch Rights within such calendar year;

"CP" = the total amount of the Contract Price paid by Buyer for such calendar year.

• In addition to the Rebate 1 guarantee, Seller will use good faith efforts to achieve at the beginning of the first hour of each discharge for Buyer's Dispatch Rights within a calendar year a 100% state of charge.

• The average capacity of the Electric City ESS Facility during all dispatch periods of Buyer's Dispatch Rights within a calendar year will be greater than or equal to 85% of the inverter nameplate capacity as measured at the Billing Meter. If this guarantee is not met, then Seller shall rebate to Buyer from Seller's Net Revenue Share ("Rebate 2") an amount equal to:

$$(0.85-AC/IC) * CP$$

Where:

"AC" = the average capacity of the Electric City ESS Facility during all dispatch periods of Buyer's Dispatch Rights within such calendar year;

"IC" = the inverter nameplate capacity;

"CP" = the total amount of the Contract Price paid by Buyer for such calendar year.

Seller's aggregate liability for Rebate 1 and Rebate 2 for any calendar year shall not exceed Seller's Net Revenue Share for such calendar year.

Buyer's Net Revenue Share: Buyer will receive 50% of the net revenues received from dispatch of the Electric City ESS Facility when not dispatched in accordance with Buyer's Dispatch Rights (beginning on the Commercial Operations Date and continuing through the remainder of the Delivery Period). For the avoidance of doubt, the calculation of Buyer's Net Revenue Share will not include the Contract Price.

Contract Price: \$111,394.00 per month.

Settlement: Within 20 days of receipt of settlement statement from _____, Seller and/or Seller's agent will provide a settlement calculation in accordance with the following formula:

Settlement Amount = Buyer's Net Revenue Share – Contract Price

If the result of the settlement calculation is positive, payment of the Settlement Amount will be from Seller to Buyer

If the result of the settlement calculation is negative, payment of the Settlement Amount will be from Buyer to Seller

Payment will occur with ___ days of receipt of the Settlement Calculation.

Energy Retention Warranty:	No performance security will be required from Seller, but the Agreement will contain language which mimics supplier warranty (battery supplier).
Tax Credits and Grants:	As the owner of the Electric City ESS Facility, Seller shall be entitled to all (i) Tax Credits and any other federal and state production tax credits, and (ii) outright grants of money or loans relating in any way to the Electric City ESS Facility, including those relating to the Powering Affordable Clean Energy Program administered by the US Department of Agriculture (USDA). Tax Credits shall mean any and all (i) investment tax credits, including the federal investment tax credit established under Section 48 of Internal Revenue Code of 1986, (ii) production tax credits, (iii) any property tax or other abatement or exemption, (iv) beneficial tax attributes applicable to the Electric City ESS Facility, and (v) similar tax credits or grants under federal, state, or local law relating the construction ownership or production of energy from the Electric City ESS Facility.
Delivery Period:	15 years, commencing from the date the Electric City ESS Facility reaches Commercial Operation, as defined in the Agreement, which shall be on or before December 31, 2025, <u>as such date may be extended for force majeure, utility delays, and delays in achieving financial close of the USDA Loan.</u>
Operation and Maintenance:	<u>Prior to the Commercial Operation Date, Buyer and Seller will establish an Operating Committee to develop Operating Plan, including identification of Scheduled Maintenance Periods.</u> Seller shall, at all times <u>after the Commercial Operation Date:</u> <ul style="list-style-type: none">(i) At its sole expense, operate and maintain (directly or through its subcontractors or other third party providers) the Electric City ESS Facility (A) in accordance with applicable law, and (B) in a manner that is reasonably likely to optimize the output of energy from the Electric City ESS Facility and result in a useful life for the Electric City ESS Facility of not less than fifteen (15) years subject to the terms and conditions otherwise set forth in the Agreement;(ii) Employ (directly or through its subcontractors or other third-party providers) qualified and trained personnel for managing, operating and maintaining the Electric City ESS Facility and for coordinating with Buyer and/or Buyer's agent, and ensure that necessary personnel are available on-site or on-call twenty-four (24) hours per day during the Delivery Period;(iii) Operate and maintain (directly or through its subcontractors or other third-party providers) the Electric City ESS Facility with due regard for the safety, security and reliability of the interconnected facilities and distribution system to which it is interconnected; and

- (iv) Comply (directly or through its subcontractors or other third-party providers) with operating and maintenance standards recommended or required by the Electric City ESS Facility equipment suppliers, or to the extent inconsistent, comply with prudent electrical practices.

Seller and/or Seller's agent will be responsible for ongoing monitoring and management of the Electric City ESS Facility and expects to provide Buyer and/or Buyer's agent with remote access.

Metering:

The meter used to measure energy delivered to the Delivery Point (the "Billing Meter") shall be owned, installed, operated, and maintained in accordance with the Interconnection Agreement at no cost to Buyer under the Agreement. Seller shall ~~provide or arrange with the distribution provider to~~ provide Buyer reasonable access to the Billing Meter as necessary for Buyer to perform its obligations under the Agreement.

Robert Lalonde [RL1]
Sturgis is the distribution provider.
Does this sentence need to be in there?

Buyer may install a dedicated real time access so that Buyer can access the Billing Meter.

Buyer and/or Seller may elect to install and maintain, at its own expense, backup meters in addition to the Billing Meter.

Non-binding:

It is understood that this Term Sheet does not contain the terms and conditions necessary for a definitive final agreement between the Parties. It is intended as a guide for the purpose of informing both Buyer and Seller of important aspects of what may become a negotiated agreement. Accordingly, the terms hereof do not constitute a legally binding agreement and are not enforceable. Any such binding agreement would only arise as a result of the negotiation, execution and delivery of a definitive agreement (the "Agreement").

Governing Law:

This Term Sheet shall be governed by the laws of the State of Michigan.

Counterparts:

This Term Sheet may be executed in counterparts and by facsimile or electronic transmission, each of which shall be considered as an original of this Term Sheet.

[signatures on next page]

The City of Sturgis, MI

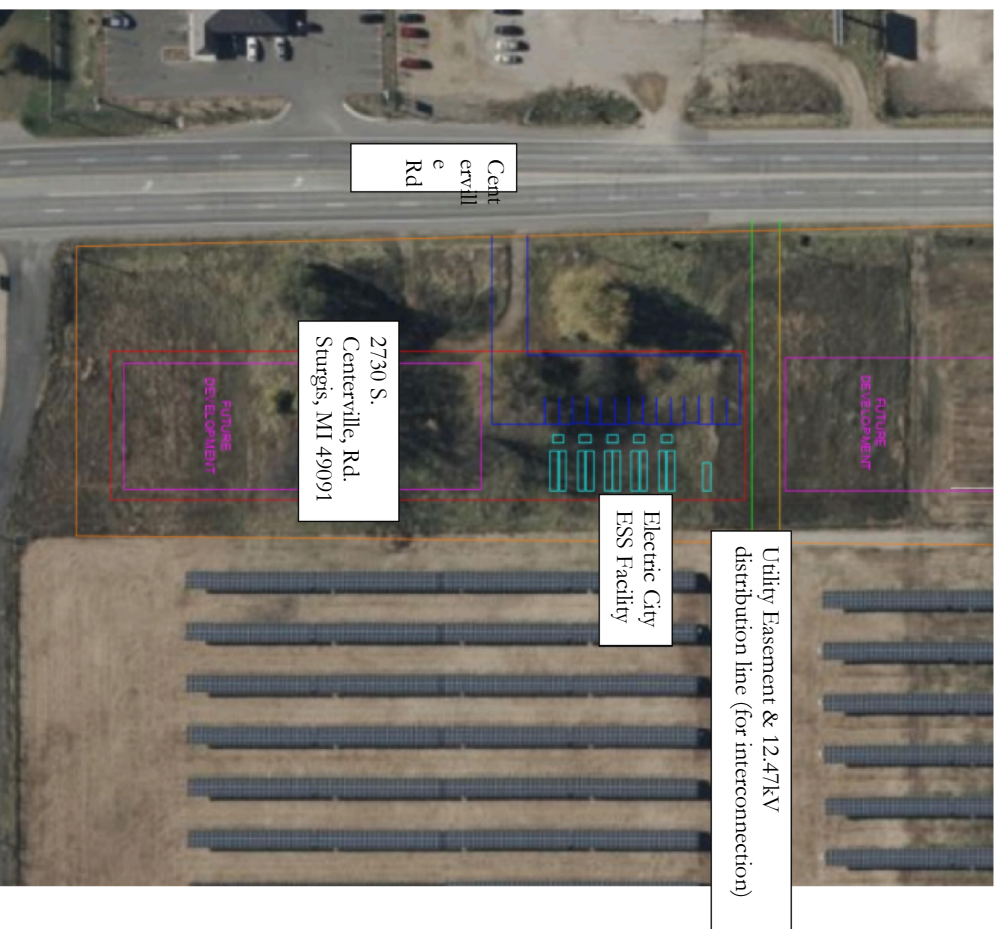
Electric City ESS LLC

By: _____
Name:
Title:
Date:

By: _____
Name:
Title:
Date:

Attachment: Exhibit A – Site Map

EXHIBIT A
SITE MAP



Document comparison by Workshare Compare on Tuesday, February 6, 2024
9:57:32 AM

Input:	
Document 1 ID	netdocuments://4854-6688-4255/5
Description	Electric City ESS Term Sheet
Document 2 ID	netdocuments://4854-6688-4255/6
Description	Electric City ESS Term Sheet
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	25
Deletions	9
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	34

**City of Sturgis
City Commission
Regular Meeting**

Agenda Item 10B

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
N. Franks Avenue Reconstruction
Construction Phase

B. Background/Description:

The purpose of this task order is to provide construction oversight and contract administration for the N. Franks Avenue Reconstruction project in accordance with Michigan Department of Transportation (MDOT) Local Agency Program Requirements.

This task order is for construction phase professional services for the project bid through MDOT on January 5, 2024

C. Work Scope:

CONSTRUCTION PHASE

1. Perform construction staking for the contractor’s placement of proposed improvements. Our budget includes two (2) site visits to perform construction staking.
2. Provide project administration and engineering consultation throughout the construction period, including:
 - Schedule and attend preconstruction meeting with the Contractor, MDOT, and City staff. Prepare and distribute meeting minutes.
 - Review and take action on contractor shop drawings and submittals.
 - Schedule and attend progress meetings with the Contractor and City staff. Prepare and distribute meeting minutes. We have budgeted one (1) progress meeting during construction.
 - Prepare contractor pay estimates and submit to MDOT for payment.
 - Prepare contract modifications, if necessary, and submit recommendation to City and MDOT for authorization.
 - Maintain project files on behalf of the City using “Field Manager” software in accordance with MDOT practice.
 - Prepare and sign MDOT required documents as “Project Engineer.”
3. Provide on-site observation during construction. Our budget includes 40 hours per week for 9 weeks of regular time, and 5 hours per week for 9 weeks of overtime for on-site observation. The observer’s duties shall also include:
 - Provide record keeping of construction activities.
 - Address complaints filed with the City.
4. Coordinate materials testing in accordance with MDOT requirements.

5. Conduct wage rate interviews on-site, collect and review certified payrolls and report discrepancies in accordance with MDOT requirements.
6. Conduct a final review meeting on-site with the Contractor, MDOT and City staff to review the completed work. Prepare a final punch list of remaining work items. Provide a follow-up inspection to verify that the punch list items have been completed.
7. Assist with MDOT audit of project files for project acceptance and closeout.

2. Services of Engineer

The work scope is to provide Construction and Commissioning Phase professional 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:

A1.05 – Construction Phase, include the following paragraphs;

A.1

A.2 – RPR services based on time indicated in work scope. Site time for RPR services to be determined based on contractor operations.

A.3

A.4

A.5

A.6

A.7–

A.8

A.9

A.10

A.11

A.12

A.13

A.14

A.15

A.16

A.17

A.18

A.19

A.20 Visit the site once in 2025 to evaluate turf acceptance.

B.

A2.01 – Other Services

A.5 – Construction Staking for proposed improvements.

A2.02

A.1

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 based on a February 14, 2024, acceptance date.

<u>Phase</u>	<u>Proposed Completion Date</u>
<u>RPR Phase</u>	<u>August 5, 2024</u>
<u>Construction Administration</u>	<u>May 30, 2025</u>

5. Payments to Engineer

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

Category of Services	Compensation Method	<i>Estimate of Compensation for Services</i>
<i>Construction Phase</i>	<i>Standard Hourly Rates</i>	<i>\$101,000</i>
TOTAL FEES =		\$101,000

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 Between Owner and Engineer (as modified above), which 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 February 15, 2024

OWNER
City of Sturgis

ENGINEER
Fleis & VandenBrink Engineering, Inc.

Signature _____ Date _____

Andrew Kuk
Name

City Manager
Title

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Barry Cox, P.E.
Name

City Engineer
Title

130 N. Nottawa

Address

bcox@sturgismi.gov
E-Mail Address

(269) 659-7249
Phone

(269) 659-7295
Fax

Sturgis Purchase Order No.: _____

Signature _____ Date _____


Matt Johnson, P.E.
Name

Regional Manager
Title

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Matt Johnson, P. E.
Name

Project Manager
Title

4798 Campus Drive

Kalamazoo, MI 49008
Address

mjohnson@fveng.com
E-Mail Address

(269) 532-7396
Phone

(269) 382-6972
Fax

F&V Vendor No.: 00776

N. Franks Avenue Extension

	204 Street & Sidewalk Improvements		TOTAL PROJECT	
	N. Franks Ave. Roundabout			
	FY 2021-2022	FY 2023-2024		
BUDGETED FUNDS	\$ 100,000.00	\$ 330,000.00	\$ 430,000.00	
PROJECT COSTS				
Design and Bid Phase Engineering	APPROVED	\$ 52,500.00	\$ -	\$ 52,500.00
Construction Award	AWARDED (MDOT)	\$ -	\$ 567,425.50	\$ 567,425.50
Contingency Budget	Recommended	\$ -	\$ 57,000.00	\$ 57,000.00
Construction Phase Engineering	Recommended	\$ -	\$ 101,000.00	\$ 101,000.00
TOTAL PROJECT COST		\$ 52,500.00	\$ 725,425.50	\$ 725,425.50
LESS GRANT FUNDS		\$ -	\$ 385,000.00	\$ 385,000.00
TOTAL CITY COST		\$ 52,500.00	\$ 340,425.50	\$ 340,425.50
OVER (UNDER) BUDGET		(47,500.00)	10,425.50	

Notes
TO #7
As-bid per MDOT Letting 1/5/24
~ 10% of Project Cost
TO # 7a includes construction eng., contract admin, and materials testing
Small Urban Funding