

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 13, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Dobberteen called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Holsinger, Eaton, Chrisman, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: Sunday-Horstman

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous rescheduled meeting, held on Monday, December 21, 1998 were approved as presented.

Mr. Al Kuhlman, 213 Virginia, stated his concerns regarding vehicles parked on the streets during snow removal.

Moved by Comm. Fraim and seconded by Comm. Harrison to approve the request from the Sturgis Area Chamber of Commerce to use the Kirsch Municipal Airport for a circus on August 3, 1999 with the understanding that insurance will be provided and that the date will not conflict with Riley Aviation.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

Ray McKercher, DPW Superintendent, presented an updated report on the 1999 Winter Storm Clean-Up.

Several Commissioners commended Mr. McKercher and his staff, as well as the City staff, on a job well done keeping the streets cleared during the recent snow storm.

Kaz Zeltkalns, Zoning Administrator, reported on the Planning Board, Zoning Board of Appeals and Downtown Development Authority joint meeting held on January 7th, 1999.

Moved by Comm. Harrison and seconded by Comm. Holsinger that the Planning Board consider amending the sign ordinance to allow for greater flexibility in size, design, style and appearance.

Voting yea: Seven Voting nay: Fraim Absent: Sunday-Horstman MOTION CARRIED

Moved by Comm. Holsinger and seconded by Comm. Kinsey to proclaim February 27, 1999 as the official "Walk for Warmth" day in the City of Sturgis.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Chrisman that the City bills in the amount of \$1,235,821.48 be paid.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Hayes that the Hospital bills in the amount of \$678,253.37 be ratified.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

Moved by Comm. Harrison and seconded by Comm. Hayes to accept the resignation of Comm. Fraim from the Planning Board.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

Comm. Fraim nominated Comm. Kinsey to fill the unexpired term of Comm. Fraim from the Planning Board, term to expire in May, 1999.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Eaton to recess under the Open Meetings Act for the purpose of discussing a property purchase.

Voting yea: Kinsey, Hayes, Holsinger, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen

Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

The meeting recessed at 8:43 p.m.

The meeting reconvened at 9:51 p.m.

Moved by Comm. Eaton and seconded by Comm. Kinsey to purchase a site for the purpose of a substation in the amount of \$8,000.

Voting yea: Hayes, Holsinger, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Dobberteen

Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

Moved by Comm. Fraim and seconded by Comm. Hayes that the meeting be adjourned.

Voting yea: Eight Voting nay: None Absent: Sunday-Horstman MOTION CARRIED

The meeting was adjourned at 9:51 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 27, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Dobberteen called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: None

Also present: City Manager, Assistant City Attorney, Assistant City Manager, City Clerk

City Manager Jerome Kisscorni recommended that the bid to construct a vacuum vehicle discharge area at the Wastewater Treatment Plant be tabled until the next regular meeting to be held on Wednesday, February 10, 1999.

Moved by Comm. Holsinger and seconded by Comm. Eaton to award the low bid for a 1999 Dodge (4x4) pick up truck through the State of Michigan purchasing program for the Electric Department in the amount of \$23,130.41.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Public hearing was held on the approval of an Agreement #2 for Conditional Transfer of Property from Fawn River Township to the City of Sturgis.

Moved by Comm. Eaton and seconded by Comm. Kinsey that Agreement #2 for Conditional Transfer of Property from Fawn River Township to the City of Sturgis be approved as presented.

Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen

Voting nay: None

MOTION

CARRIED

Public hearing was held on the approval of an Agreement #3 for Conditional Transfer of Property from Fawn River Township to the City of Sturgis.

Moved by Comm. Harrison and seconded by Comm. Kinsey that Agreement #3 for Conditional Transfer of Property from Fawn River Township to the City of Sturgis be approved as presented.

Voting yea: Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Mayor Dobberteen

Voting nay: None

MOTION

CARRIED

Julie Cottin presented an updated report from the Advanced Communications Services Committee.

A question and answer session followed.

Moved by Comm. Holsinger and seconded by Comm. Hayes to approve the Hospital Affiliation Agreement between Sturgis Hospital and Memorial Health Systems, Inc., subject to the approval of the City Attorney.

Voting yea: Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen

Voting nay: None

CARRIED

MOTION

Moved by Comm. Kinsey and seconded by Comm. Eaton that the following resolution be adopted:

RESOLUTION

WHEREAS, the City of Sturgis operates and maintains a water supply system to provide a water to its residents, businesses and industries; and

WHEREAS, the City of Sturgis desires to continue to maintain a safe, secure and reliable water supply system; and

WHEREAS, the City of Sturgis has committed to a Wellhead Protection Program by completing a Wellhead Protection Area Delineation and by budgeting additional funds to continue with the development of a complete Wellhead Protection Program; and

WHEREAS, the City of Sturgis wishes to apply to the Michigan Department of Environment Quality for a Wellhead Protection Grant.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis commits to complete a Wellhead Protection Program.

BE IT FURTHER RESOLVED, the City Commission authorizes the establishment of a Wellhead Advisory Board to serve as a “Local Team” in the development of a Wellhead Protection Program. Said Board to consist of representatives from: the various City Departments; businesses and industry; agriculture; education; adjacent affected townships and the general public.

BE IT FURTHER RESOLVED, the City Commission authorizes the City Manager to apply for a Wellhead Protection Grant from the Michigan Department of Environment Quality.

Voting yea: Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Mayor Dobberteen

Voting nay: None

ADOPTED.

RESOLUTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$309,517.88 be paid.

Voting yea: Nine

Voting nay: None

CARRIED

MOTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$551,151.39 be ratified.

Voting yea: Nine

Voting nay: None

CARRIED

MOTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to accept the resignation of

Jim Cramer from the Planning Board and that a letter of appreciation be sent.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Harrison and seconded by Comm. Hayes to proclaim January 31, 1999 through February 6, 1999 s “Catholic Schools Week.”

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

RESOLUTION

Moved by Comm. Fraim and seconded by Comm. Holsinger to recess under the Open Meetings Act for the purpose of discussing a possible purchase of property.

Voting yea: Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Mayor Dobberteen

Voting nay: None

MOTION CARRIED

The meeting recessed at 8:26 p.m.

The meeting reconvened at 9:02 p.m.

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman that the meeting be adjourned.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

The meeting was adjourned at 9:02 p.m.

Carol F. Rambadt, City Clerk

Librarian as recommended by the Library Board.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Holsinger and seconded by Comm. Harrison to accept the resignation of Anne Bowen from the Sister City Committee, and that a letter of appreciation be sent.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman to appoint Regina Whitehead to the Sister City Committee as recommended by the School Board.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

RESOLUTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act for the purpose of discussing pending litigation.

Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Dobberteen
CARRIED

Voting nay: None

MOTION

The meeting recessed at 10:18 p.m.

The meeting reconvened at 10:59 p.m.

Moved by Comm. Holsinger and seconded by Comm. Fraim that the meeting be adjourned.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

The meeting was adjourned at 10:59 p.m.

Carol F. Rambadt, City Clerk

CARRIED

RESOLUTION

Moved by Commissioner Kinsey and seconded by Commissioner Sunday-Horstman that the City of Sturgis Master Plan for Parks and Recreation be approved, as amended.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Eaton and seconded by Comm. Holsinger to deny the request from the Tower Plaza owners for a sign to be constructed on S. Centerville Road.

Voting yea: Sunday-Horstman, Eaton, Chrisman, Harrison, Hayes, Holsinger, Mayor Dobberteen

Voting nay: Fraim, Kinsey

MOTION

CARRIED

Commissioner Chrisman absent.

Moved by Comm. Kinsey and seconded by Comm. Hayes to grant the request from the Planning Board for funding (not to exceed \$4,000) to have the City Planning Consultant update the zoning and review planning issues in the Central Business District.

Voting yea: Seven Voting nay: Harrison Absent: Chrisman MOTION

CARRIED

Due to a lack of response to ads placed in the Sturgis Journal, the appointments of Sidewalk Committee members for Precincts One and Four, to replace Commissioners Harrison and Chrisman, will take place at a future Commission meeting to allow time for more applicants.

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman to adopt the following resolution: **RESOLUTION**

WHEREAS, a growing world population and the development of nations has put an increased and depleting demand on the world's resources; and

WHEREAS, recycling and reuse are effective methods for extending an adequate supply of resources; and

WHEREAS, in the total waste stream the lower tipping fees at a recycling center are a result of the money recovered from the value of the materials removed from the waste stream; and

WHEREAS, the removal of these materials from the waste stream increases the life of existing landfills and reduces the need to site new landfills; and

WHEREAS, curbside pickup has proven to increase residential recycling; and

WHEREAS, as stewards of this earth we should endeavor to ensure the wise use of our limited resources;

THEREFORE, BE IT RESOLVED, that the Sturgis City Commission strongly urges its citizens to recycle;

AND BE IT FURTHER RESOLVED, that the Sturgis City Commission continue its efforts to develop a curbside collection system that will increase recycling opportunities for its citizens.

Voting yea: Eaton, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen

**Voting nay: None Absent: Comm. Chrisman RESOLUTION
ADOPTED.**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,239,664.47 be paid.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$658,033.74 be ratified.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to approve a pay increase for election inspectors from \$5.15 to \$10.00 an hour and chairman from \$5.80 to \$11.50 an hour.

**Voting yea: Seven Voting nay: Harrison Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Kinsey to approve an additional expenditure, not to exceed \$5,000, to do further testing of the Hunter Property in Phase II by the recommendation of Triad.

Voting yea: Eight Voting nay: None Absent: Chrisman MOTION CARRIED

RESOLUTION

Moved by Comm. Fraim and seconded by Comm. Eaton to recess under the Open Meetings Act for the purpose of discussing a potential purchase of property.

Voting yea: Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Mayor Dobberteen

**Voting nay: None Absent: Chrisman MOTION
CARRIED**

The meeting recessed at 9:39 p.m.

The meeting reconvened at 9:52 p.m.

Moved by Comm. Fraim and seconded by Comm. Hayes that the meeting be adjourned.

Voting yea: Eight Voting nay: None Absent: Chrisman MOTION CARRIED

The meeting was adjourned at 9:52 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 10, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Dobberteen called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Harrison, Sunday-Horstman, Holsinger, Chrisman, Eaton, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting held on Wednesday, February 24, 1999 were approved as presented.

Public hearing on a grant application for funding the development of Franks Park through the Michigan Department of Natural Resources (MDNR), Clean Michigan Fund was held. Speaking in favor of the proposed park were Chuck Fahs, 25892 N. White Tail Rd. and Lanea Roberts, 727 N. Lakeview Avenue.

RESOLUTION

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman that the City submit a Grant Application to the Michigan Department of Natural Resources (MDNR) for funding to develop Franks Park, not to exceed \$275,000 or 25% in matching funds.

Voting yea: Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen

Voting nay: None

MOTION CARRIED

Moved by Comm. Hayes and seconded by Comm. Eaton to proceed with negotiations with Reltec to provide technology for advanced communications services.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission congratulated Newell Franks and his committee for their outstanding efforts in initiating the fiber optics communications system and the recent approval of the fiber optics system on the vote held on the March 9, 1999 Special Election.

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to authorize the Mayor to change the name from Advanced Communications Advisory Committee to Sturgis Digital City Technology Advisory Committee and to allow the same members of the Advanced Communications Advisory Committee to serve on the Sturgis Digital City Technology Advisory Committee.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Fraim and seconded by Comm. Eaton to approve the request from the Michigan Antique Model Airplane Club to hold their summer model airplane contest at Kirsch Municipal Airport on June 19th and 20th, 1999.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$411,800.16 be paid.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$574,833.88 be ratified.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Dan Fullenkamp, Director of the Doyle Community Center, gave a report on the Doyle Center membership and fee structures and presented a five-year rate adjustment plan.

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Holsinger to recess under the Open Meetings Act for the purpose of discussing pending litigation.

Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen

**Voting nay: None
CARRIED**

MOTION

The meeting recessed at 9:15 p.m.

The meeting reconvened at 9:25 p.m.

Moved by Comm. Holsinger and seconded by Comm. Eaton to authorize the City Manager to execute the appropriate documents to accept a \$92,000 settlement from Voith, Inc. for faulty repairs to a discharge ring at the Hydro Plant in Centreville.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Fraim and seconded by Comm. Chrisman that the meeting be adjourned.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

The meeting was adjourned at 9:27 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 24, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Dobberteen called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Deputy City Clerk

Minutes of previous regular meeting, held on Wednesday, March 10, 1999 were approved as presented.

Moved by Comm. Harrison and seconded by Comm. Holsinger to approve the request from the Sturgis Area Chamber of Commerce to obtain a twenty-four hour liquor license for the Annual Michigan Week Dance to be held on May 15, 1999 at the Sturgis Armory.

**Voting yea: Six Voting nay: Sunday-Horstman, Eaton Abstain: Kinsey
MOTION CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to award the low bid for Substation Maintenance (for two (2) substations) for the Electric Department to Newkirk Electric, Muskegon, Michigan, in the amount of \$24,950.00.

**Voting yea: Nine Voting nay: None MOTION
CARRIED**

Paul Trinko, Fire Chief, spoke regarding the needs of the community and which services different ambulance companies could provide. After review of the proposals, the review committee recommended Mercy Ambulance.

Rodney Palmer, Mercy Ambulance Company, presented a short summary of their company's policies and the services they provide to other communities. He invited the commissioners to look at the ambulance they had brought with them.

Moved by Comm. Harrison and seconded by Comm. Hayes that the City approve a three-year contract with Mercy Ambulance.

**Voting yea: Nine Voting nay: None MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Chrisman to approve an annexation petition to be filed with the State Boundary Commission for property located in Burr Oak Township (Marian Trail and island).

**Voting yea: Nine Voting nay: None MOTION
CARRIED**

The meeting recessed at 9:17 p.m.
 The meeting reconvened at 9:27 p.m.

Moved by Comm. Holsinger and seconded by Comm. Chrisman to adopt the following resolution:

RESOLUTION

WHEREAS, the City of Sturgis (“City”) and the Township of Sherman (“Township”) entered into an Agreement for Conditional Transfer of Property (Agreement #2), with an effective date of September 15, 1998; and

WHEREAS, Agreement #2 provides that initially only limited jurisdiction was transferred to the City for certain parcels located in Area 2 as described in the Exhibits to Agreement #2, and that full jurisdiction over parcels in Area 2 would transfer immediately from the Township to the City if any one of several stated events occurs; and

WHEREAS, one of the stated events for the transfer of full jurisdiction over a parcel in Area 2 involves a parcel that is not occupied by the owner(s) of record on or after the effective date of Agreement #2; and

WHEREAS, the Township Assessor and the City Assessor have certified that the parcels listed below were not occupied by the owners of record after the effective date of Agreement #2 and, accordingly, full jurisdiction of these parcels has been transferred from the Township to the City effective December 31, 1998;

NOW THEREFORE, IT IS RESOLVED THAT full jurisdiction for all purposes of the following parcels of land (identified below by a listing of the respective owners, street addresses, former Township tax parcel number and new tax parcel number assigned by the City) located in Area 2 as described in Agreement #2 are certified to have been transferred from the Township to the City effective as of December 31, 1998:

<u>Owner</u>	<u>Property Address</u>	<u>Parcel Number (Township)</u>	<u>Parcel Number</u>
Marek, Steven P.	920 N. Nottawa	75-014-036-000-036-00	75-052-777-000-504-00
Citizens Bank - Trustee	900 N. Nottawa	75-014-036-000-052-00	75-052-777-000-505-00
Wenzel, Richard A. &	67515 M-66	75-014-036-000-060-00	75-052-777-000-507-00
Spencer, Robert B. &	67595 M-66	75-014-036-000-062-00	75-052-777-000-508-00
Gibson, Susan L.	111 W. Lafayette	75-014-036-000-067-00	75-052-777-000-510-00
Sturgis Wesleyan Church	911 N. Nottawa	75-014-050-000-001-00	75-052-120-000-001-00
Larimer, Margaret M	108 E. Lafayette	75-014-050-000-009-00	75-052-120-000-009-00
C. A. Murphy	1137 N. Nottawa	75-014-120-000-001-00	75-052-373-000-001-00

Legal descriptions of each of the above parcels are attached as Exhibit A to this Resolution.

BE IT FURTHER RESOLVED THAT, in accordance with Section 2.1.C of Agreement #2, the City Commission hereby certifies that more than sixty (60) days have elapsed since the occurrence of an event of full jurisdiction without the Township Board adopting a resolution for the transferring of full jurisdiction over such parcels to the City, and the filing of this Resolution shall be sufficient to evidence the transfer of full jurisdiction over the above parcels to the City.

BE IT FURTHER RESOLVED THAT, the City Manager is authorized and directed to file certified copies of this Resolution with the Township Clerk, the St. Joseph County Clerk and the Office of the Great Seal of the State of Michigan to evidence that the transfer of full jurisdiction to the City of such parcels has occurred for the records of each such office.

Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Dobberteen

Voting nay: None

RESOLUTION ADOPTED.

Moved by Comm. Kinsey and seconded by Comm. Harrison to approve the changes in the Doyle Center pricing structure.

Discussion followed.

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman to amend the changes to change the family non-resident fees from \$20.00 to \$50.00.

Voting yea: Eight

Voting nay: Fraim

MOTION CARRIED

Vote was taken on the original motion.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Eaton and seconded by Comm. Chrisman to adopt the following resolution:

RESOLUTION

Approving Enhanced Access To Public Records Policy

WHEREAS, Public Act #462 of 1996, the Enhanced Access to Public Records Act, allows public bodies to provide enhanced access or the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure; and

WHEREAS, the legislation further requires that a public body wishing to provide such enhanced access to produce a policy, approved by the governing body, guiding the access to information; and

WHEREAS, the City of Sturgis may share data through various electronic means; and

WHEREAS, the City staff has drafted such a policy and recommends that the City Commission adopt it as required by Public Act #462 of 1996.

NOW, THEREFORE, BE IT RESOLVED that the Sturgis City Commission hereby adopts the following City of Sturgis Enhanced Access to Public Records Policy, in accordance with the Enhanced Access to Public Records Act, 1996 P.A.462 effective as of this date.

ENHANCED ACCESS TO PUBLIC RECORDS POLICY

1. DEFINITIONS

A. “Enhanced access” means a public record’s immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.

B. “Operating expenses” includes, but is not limited to, a public body’s direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.

C. “Person” means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

D. “Public Body” means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being section 15.323 of the Michigan Compiled Laws.

E. “Reasonable fee” means a charge calculated to enable City of Sturgis to recover over time only those operating expenses directly related to the public body’s provision of enhanced access.

F. “Public Record” means that term as defined in Section 2 of the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

G. “Software” means that term as defined in Section 2 of the Enhanced Access to Public Records Act, Act No. 462 of the Public Acts of 1996, being section 15.442 of the Michigan Compiled Laws.

2. AUTHORIZATION

A. Pursuant to 1996 P.A. 462, all City of Sturgis government public bodies may provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.

B. This policy does not require a City of Sturgis public body to provide enhanced access to any specific public record.

C. City elected officials, department heads, agencies, boards, commissions and councils legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record shall upon approval by the City Manager, select which public records may be provided through enhanced access.

D. Principle and policies to be considered in determining which public records shall be made available through enhanced access include, but are not limited to the following:

1. Management principles applied to information resources should be the same as those applied to other government resources.

2. Elected officials, department heads, agencies, boards, commissions, councils and other City public bodies legally responsible for the reaction, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record have the

responsibility, authority and accountability for the management of public record information.

3. Information resources investments must be driven by legal, programmatic and governmental requirements.

4. City of Sturgis government, in trust for the people of City of Sturgis, has a duty to ensure ownership of information products and City created intellectual property is protected and maintained.

3. FEES

A. It is the policy of the City of Sturgis that a reasonable fee may be charged for providing enhanced access to a public record.

B. It is the policy of City of Sturgis a reasonable fee may be charged for providing access to:

- (i) Tax and assessment records.
- (ii) The output from a tax and assessment records.
- (iii) Any other public record approved by the City Manager

C. The City Manager shall establish a proposed reasonable fee for each public record made available for enhanced access or for access to a assessment or tax record system or the output from such information system. Any proposed fee shall be presented to and approved by the City Commission before it shall be effective.

D. All persons may be charged the reasonable fee approved by the City Commission for enhanced access to a public record of for access.

E. The City of Sturgis may furnish access of enhanced access without charge or at a reduced charge if the City Manager determines that a waiver or reduction of fee is in the public interest because access or enhanced access can be considered as primarily benefiting the general public. Examples may include, but are not limited to, instances when:

- 1. The information is critical to public health or safety;
- 2. The information is required for non-profit research purposes such as academic or public interest research;
- 3. The information is required to meet legal, programmatic or governmental objectives;
- 4. The information explains the rights, entitlements, and/or obligations of individuals;
- 5. The cost of administering the fees would exceed the revenue to be collected.

6. The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes of users;

7. The reasonable fee established would limit the number of users enough to compromise achieving program or other governmental objectives.

F. Waiver or fee reductions shall be decided only by the City Manager.

4. DISCLAIMER

A. Recipients of information pursuant to this policy receive all information “AS IS”. The City of Sturgis, its officers, officials, employees, agents, volunteers, contractors or its public bodies, make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a recipient’s right of use. Recipients are solely responsible for investigating the accuracy of any information disclosed and resisting, litigating and settling any claims or complaints, including the payment of any damages or cost relating to the use of any such information.

B. Except for the City Commission, by resolution adopted by a majority of those elected and serving no officer, official, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of the City or one of its public bodies.

Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen

Voting nay: None

RESOLUTION ADOPTED.

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,385,738.09 be paid.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$659,023.94 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Fraim and seconded by Comm. Hayes to set a public hearing date of April 14, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider creating an Industrial Development District for Lots 1-23 in Bullard Industrial Park.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Mayor Dobberteen presented the following speech:

“A year ago, when I decided to run for the County Commission seat which was left vacant by Mike Sutter, I consulted with Attorney Roger Bird on the issue of conflict of interest. In his opinion there was none, so I proceeded through the election process, making it perfectly clear

that if elected, I intended to finish my term on the City Commission. By making these statements, I had hoped that it would give ample time for anyone objecting to come forward. No one did, at least not until after the election was over, at which time I continued to state that I would retain my position with the City. I was, and continue to be confident in the City Attorney's opinion. However, the City Commission, with the passage of the Fiber Optic System, faces many new challenges not yet addressed and not yet foreseen. The full attention of this body will be needed to bring shape to this new City enterprise. For me to continue as Mayor would be counterproductive to this body and would remove attention from the task at hand.

Therefore, I ask that you accept my resignation as Mayor effective April 1, 1999. I also ask that you then accept my resignation as 2nd Precinct Commissioner effective at the end of the first scheduled meeting in April.

It has been a true honor to serve as Mayor of one of Michigan's finest cities. The past two and a half years have had their ups and downs, with more ups than downs. I feel privileged to have helped to guide the City throughout the digital vote from the beginning. While on the City Commission, I've been involved with many projects, including building projects, the rental ordinance project, trash project, and the replacement of lamp posts throughout the City. It is my hope that I've been able to leave the City a little better than it was two and a half years ago, and I would like to take this opportunity to extend my thanks and appreciation to all of those who have given me the opportunity to borrow this chair."

Moved by Comm. Eaton and seconded by Comm. Kinsey to accept the resignation of John Dobberteen as Mayor of the City of Sturgis, effective as of April 1, 1999.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Hayes and seconded by Comm. Chrisman to appoint Carl Holsinger as Mayor to fill the unexpired term of John Dobberteen.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Eaton to accept the resignation of John Dobberteen as a second precinct commissioner, effective at the end of the first scheduled meeting in April, 1999.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Comm. Sunday-Horstman wished to publicly thank Police Chief Alli and his officers for a fine job they've been doing during the Citizen's Police Academy. She commended the police department and stated that the program has been fun and very educational.

Moved by Comm. Harrison and seconded by Comm. Chrisman to appoint the City Attorney to draft

an ordinance establishing a Commissioners Compensation Review Committee.

Voting yea: Eight

Voting nay: Frain

MOTION CARRIED

Moved by Comm. Hayes and seconded by Comm. Eaton that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 10:20 p.m.

Mary M. Stoddard, Deputy City Clerk

**STURGIS CITY COMMISSION
SPECIAL MEETING
MARCH 31, 1999**

Mayor Dobberteen called the meeting to order at 7:30 p.m. in the Wiesloch Raum of City Hall.

Commissioners present: Kinsey, Harrison, Hayes, Holsinger, Sunday-Horstman, Chrisman, Eaton, Fraim, Mayor Dobberteen

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager

Discussion was held on the City exercising its option to purchase properties owned by the Moose Club prior to expiration on April 1.

Moved by Comm. Harrison and seconded by Comm. Kinsey that the City on behalf of the DDA purchase the Moose properties at a cost not to exceed \$175,000 and enter into a long-term lease agreement with the Moose at market value.

Discussion was held on the legality of the meeting under the Open Meetings Act and the propriety of the motion under Robert's Rules of Order.

It was the City Attorney's opinion that in each case the Commission's meeting and action was legal and proper.

Moved by Comm. Hayes and seconded by Comm. Fraim to amend the motion to permit the City to exercise its option to purchase the Moose properties and negotiate to lease the building for five years, with first choice going to the Moose.

Vote on the amendment:

Yes: Fraim, Hayes, Mayor Dobberteen

No: Kinsey, Sunday-Horstman, Chrisman, Eaton, Harrison, Holsinger

Amendment defeated.

Vote on the motion:

Yes: Kinsey, Sunday-Horstman, Harrison, Holsinger, Fraim, Hayes, Mayor Dobberteen

No: Chrisman, Eaton

Motion carried.

The meeting adjourned at 8:30 p.m.

Gerry Mayer, Acting Secretary

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 14, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Harrison, Dobberteen, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting held on Wednesday, March 24, 1999 and the Special meeting held on Wednesday, March 31, 1999 were approved as presented.

Mr. David Wurtsbaugh, Heat Waves Tanning, requested that his property be re-zoned from R-4 to B-H.

Moved by Comm. Dobberteen and seconded by Comm. Eaton that the request be referred to the Planning Board.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Gerry Mayer, Assistant City Manager, introduced Max Krueger of Audio Designs, Inc., Grand Haven, Michigan to present a proposed sound system for the Wiesloch Raum.

Moved by Comm. Dobberteen and seconded by Comm. Eaton to purchase the proposed sound system for the Wiesloch Raum from Audio Designs, Inc., Grand Haven, Michigan, in the amount of \$4,948.03.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Dobberteen and seconded by Comm. Eaton to award the low bid for a computer workstation for the Department of Public Works to SFT/Compuworx, Toledo, Ohio in the amount of \$7,313.00.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Dobberteen and seconded by Comm. Eaton to purchase a John Deere 240 Skid-Steer Loader from Finnermans Farm & Garden Service, Centreville, Michigan, for the Wastewater Treatment Plant through the Michigan Extended Purchasing Program in the amount of \$17,285.34.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Public hearing on the establishment of an Industrial Development District for lots 1 through 23 in Bullard Industrial Park was held.

Moved by Comm. Dobberteen and seconded by Comm. Fraim that an Industrial Development District for lots 1-23 in Bullard Industrial Park be established.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Jim Freeland, 303 Michigan, spoke as the representative regarding a tree petition that was circulated and had two hundred sixty signatures. Ed Brooks, AEP, answered questions regarding the different markings on the trees within the City. Dr. Hugh McCullough, 910 Independence, voiced his concerns about notices being received by citizens.

Further discussion followed.

Comm. Dobberteen requested that the City give property owners more advanced notice regarding any trimming or removal of trees on their property.

Moved by Comm. Dobberteen and seconded by Comm. Sunday-Horstman to set a public hearing date of Wednesday, May 12, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Sturgis Molded Products.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Nominations were accepted to appoint three (3) City Representatives to the Sturgis Area Recreation Authority (SARA).

Moved by Comm. Dobberteen and seconded by Comm. Fraim to appoint Comm. Hayes as a SARA representative.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Comm. Eaton nominated John Westra, 605 Buckingham Drive.

Moved by Comm. Dobberteen and seconded by Comm. Hayes to appoint John Westra as a SARA representative.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Dobberteen and seconded by Comm. Harrison to postpone any action regarding the City Commission vacancy until the next regular meeting.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Dobberteen and seconded by Comm. Sunday-Horstman to approve the request from the VFW Post #1355 to sell poppies on May 13, 14, and 15, 1999 within the City of Sturgis.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Dobberteen and seconded by Comm. Eaton to approve the request from the March of Dimes to hold their annual "Walk America" on Sunday, May 2, 1999.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Dobberteen and seconded by Comm. Eaton that the City bills in the amount of \$383,556.01 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Dobberteen and seconded by Comm. Harrison that the Hospital bills in the amount of \$541,658.59 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Dobberteen and seconded by Comm. Kinsey to set a date of May 3, 1999 to hold a Special meeting to consider approving a Bond Ordinance and to hold a Budget Workshop at 6:30 p.m. in the Wiesloch Raum of City Hall.

Voting yea: Eight

Voting nay: Eaton

MOTION

CARRIED

Mayor Holsinger presented Comm. Dobberteen with a gavel, his nameplate, and a plaque to commemorate his years as Mayor and Commissioner of Precinct 2. Comm. Dobberteen presented a short speech and thanked his fellow Commissioners for their support.

Moved by Comm. Dobberteen and seconded by Comm. Eaton that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 8:51 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 28, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Commissioners absent: Kinsey

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting held on Wednesday, April 14, 1999 were approved as presented.

Commissioner Kinsey present.

Moved by Comm. Hayes and seconded by Comm. Fraim that the low bid for a Net Server for the City of Sturgis be awarded to Automation Plus, Sturgis, Michigan, in the amount of \$6,574.00.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Eaton and seconded by Comm. Chrisman to appoint a 2nd Precinct Commissioner.

**Voting yea: Six
CARRIED**

Voting nay: Fraim, Harrison

MOTION

Nominations were accepted to appoint a commissioner to Precinct 2 to fill the vacancy of John Dobberteen.

Comm. Kinsey nominated William Tacchella.

Comm. Sunday-Horstman nominated Kurt Esseltine.

Comm. Eaton nominated Rev. William Murphy.

Comm. Chrisman nominated Tom Picker.

Moved by Comm. Harrison and seconded by Comm. Eaton to close the nominations.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Vote was taken to appoint a commissioner for Precinct 2.

Voting for William Tacchella: Kinsey, Harrison

Voting for Kurt Esseltine: Sunday-Horstman

Voting for Rev. William Murphy: Hayes, Eaton, Chrisman, Fraim, Mayor Holsinger

Rev. William Murphy was appointed to 2nd Precinct City Commissioner.

Moved by Comm. Eaton and seconded by Comm. Hayes to consider this the first reading of an ordinance to create an Elected Officials Compensation Commission.

**Voting yea: Six
CARRIED**

Voting nay: Fraim, Sunday-Horstman

MOTION

Moved by Comm. Harrison and seconded by Comm. Eaton that the following resolution be adopted:

RESOLUTION

WHEREAS, Act 451, P.A. 1994, as amended, provides for the conveyance of State-owned tax reverted lands to municipal units for public purposes; and

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned Act, and the legal description of two parcels of such lands located within the City of Sturgis is attached hereto and incorporated herein by reference; and

WHEREAS, the City of Sturgis desires to acquire such lands for purposes of urban renewal:

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis, through the City Manager or his designee, is authorized to make application to the State of Michigan, Department of Natural Resources, Real Estate Division for conveyance of said land to the City of Sturgis for a nominal fee as set by the Natural Resources Commission; and

FURTHER, BE IT RESOLVED that the City of Sturgis shall set up necessary procedures and controls to provide for the proper distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned Acts.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Harrison and seconded by Comm. Kinsey that the following resolution be adopted:

RESOLUTION

WHEREAS, the Michigan Department of Transportation (“Department”), in cooperation with the Board of County Road Commissioners of the County of St. Joseph (“Board”), proposes certain improvements to Fawn River Road from Huff Road to approximately 138 meters (452 feet) east of M-66 (S. Centerville Road);

WHEREAS, the portion of Fawn River Road east of M-66 (S. Centerville Road) is a Major Road under the jurisdiction of the City of Sturgis (“City”); and

WHEREAS, the City has requested the portion of Fawn River Road east of M-66 (S. Centerville Road) be included in the proposed improvement of Fawn River Road; and

WHEREAS, Part B of the Department’s project includes the City’s portion of Fawn River Road east of M-66 (S. Centerville Road);

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approves Contract No. 99-5064 and authorizes the Mayor and the City Clerk to sign the above described contract.

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to file certified copies of this resolution with the Department.

**Voting yea: Eight
ADOPTED.**

Voting nay: None

RESOLUTION

Moved by Comm. Eaton and seconded by Comm. Fraim to hold a public hearing on Wednesday, May 26, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Rehau, Inc.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to proclaim May 18, 1999 as “Arbor Day” in the City of Sturgis.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,366,275.81 be paid.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$709,052.97 be ratified.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Fraim and seconded by Comm. Chrisman to refer to the Planning Board a request to amend the Zoning Ordinance to permit office buildings in a manufacturing zone as a special land use.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Comm. Sunday-Horstman thanked Mr. William Parker for his twenty-three years of service to the community.

Moved by Comm. Fraim and seconded by Comm. Hayes to instruct the City Attorney to do the following:

1. Prepare an ordinance to prohibit the storing of garbage, trash, rubbish or brush in the public right-of-way for more than twenty-four (24) hours, and to allow the City after three (3) days notice to remove and bill the property owner.
2. Prepare and amend the Zoning Ordinance to prohibit the storing of garbage, trash, rubbish or brush in the required front set back in any zone and to allow the City after three (3) days notice to remove and bill the property owner.
3. Reduce the requirement of four (4) complaints and sixty (60) days to **after a citation** and **ten (10) days** and allow the City to remove and bill the property owner.

**Voting yea: Eight
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Fraim and seconded by Comm. Hayes that the meeting be adjourned.

Voting yea: Eight

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 8:13 p.m.

Carol F. Rambadt, City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
MONDAY, MAY 3, 1999
WIESLOCH RAUM, CITY HALL**

Mayor Holsinger called the meeting to order at 6:30 p.m.

Commissioner present: Kinsey, Harrison, Sunday-Horstman, Chrisman, Eaton, Fraim, Murphy, Hayes, Mayor Holsinger

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Clerk

The City Manager introduced Mr. Dennis Neiman, Bond Counsel, and Mr. Tom Traciak, Financial Advisor, who were present to review the Bond Ordinance with the City Commission and to answer any questions.

Moved by Comm. Eaton and seconded by Comm. Harrison to adopt a Bond Ordinance for an \$8,000,000.00 City of Sturgis Communications System Revenue Bond, Series 1999.

Voting yea: Kinsey, Murphy, Hayes, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Holsinger

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 6:50 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 12, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Hayes, Murphy, Sunday-Horstman, Eaton, Fraim, Mayor Holsinger

Commissioners absent: Chrisman

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting, held on Wednesday, April 28, 1999 were approved as corrected. Minutes of the previous Special Meeting held on Wednesday, May 3, 1999 were approved as presented.

Moved by Comm. Kinsey and seconded by Comm. Hayes to award the low bid for Lighting Equipment for the Sturges-Young Auditorium to Graybar Electric, Kalamazoo, Michigan, in the amount of \$49,100.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Public hearing on issuing an Industrial Facilities Exemption Certificate to Sturgis Molded Products was held.

Moved by Comm. Harrison and seconded by Comm. Fraim that an Industrial Facilities Exemption Certificate not to exceed \$1,000,000 be awarded to Sturgis Molded Products for a period of twelve (12) years and that the following resolution be adopted:

RESOLUTION

WHEREAS, Sturgis Molded Products Company in conformity with Act 198 of the Public Acts of 1974, as amended (Act 198) has submitted an application providing all information and requirements necessary for granting of an Industrial Facilities Exemption Certificate by the City of Sturgis, County of St. Joseph, State of Michigan to Sturgis Molded Products Company, and

WHEREAS, on September 14, 1983 the City Commission established the Industrial Development District for the industrial property of Sturgis Molded Products Company, and

WHEREAS, the Sturgis City Assessor, and representatives of all affected taxing units were notified by certified mail of the time and place of the hearing on the application, and

WHEREAS, a hearing was held by the Sturgis City Commission providing the Assessor, and representatives of all affected taxing units the opportunity to be heard as required by the statute, and

WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate have been heard and considered, and

WHEREAS, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount

of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Sturgis Molded Products Company for an “Industrial Facilities Exemption Certificate”.

Voting yea: Kinsey, Harrison, Murphy, Sunday-Horstman, Eaton, Fraim, Hayes, Mayor Holsinger

Voting nay: None Absent: Chrisman THE RESOLUTION WAS ADOPTED.

Public hearing on the 1999-2000 Fiscal Year Budget was held.

RESOLUTION

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the annual budget of the City of Sturgis be approved. After holding a public hearing on May 12, 1999 and receiving public comment on the 1999-2000 Budget, the City elects to levy a tax rate below the maximum tax rate authorized of 12.50 mills. The City tax rate for the 1999-2000 fiscal year, to be levied in July 1999, is set at 10.82 mills. The City taxes shall be distributed among the several City funds as shown below. The City Manager shall make no transfers between funds without the approval of the City Commission.

<u>Fund</u>	<u>Appropriations From City Tax Levy</u>
General	1,079,510
Major Street	0
Local Street	280,000
Cemetery	112,000
Library	330,000
Auditorium	220,000
Doyle Community Center	40,000
Parks & Recreation	400,000
Total	2,461,510

Voting yea: Eight Voting nay: None Absent: Chrisman MOTION CARRIED

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Hayes that the following Electric Rates go into effect October 1, 1999.

<u>Rate</u>	<u>Present Rate Charges</u>	<u>Proposed Rate Charges</u>
<u>Domestic Use - City (Rate A)</u>		
Customer Charge	\$2.444 per month	
Energy Charge:		Rate increase 8.90%
First 30 kWh	\$0.000 per kWh	
Next 570 kWh	\$0.063 per kWh	
Over 600 kWh	\$0.060 per kWh	
<u>Domestic Use - Rural (Rate B)</u>		
Customer Charge	\$3.050 per month	
Energy Charge:		Rate increase 8.90%
First 30 kWh	\$0.000 per kWh	
Next 570 kWh	\$0.066 per kWh	
Over 600 kWh	\$0.063 per kWh	
<u>General Service (Rate C)</u>		
Customer Charge	\$0.000 per month	
Energy Charge:		Rate increase 5.00%
First 200 kWh	\$0.100 per kWh	
Next 200 kWh	\$0.100 per kWh	
Next 4600 kWh	\$0.090 per kWh	
Over 5000 kWh	\$0.076 per kWh	
<u>Small Industrial Power (Rate D)</u>		
Customer Charge	\$0.000 per month	
Demand Charge	\$11.200 per kW	Rate increase 4.30%
Energy Charge	\$0.040 per kWh	
<u>Primary Industrial Power (Rate PP)</u>		
Customer Charge	\$0.000 per month	
Demand Charge	\$9.460 per kW	Rate increase 1.50%
Energy Charge	\$0.034 per kWh	
<u>Security Outdoor Lighting (Rate SOL)</u>		
<u>One lamp on One Pole:</u>		
100 Watt HPS	\$ 8.33 per lamp	
175 Watt MVL	\$10.99 per lamp	

250 Watt HPS Wood Pole - OH Wiring	\$13.61 per lamp	No Change
250 Watt HPS Concrete Pole - UG Wiring	\$21.11 per lamp	
400 Watt MVL Wood Pole - OH Wiring	\$18.60 per lamp	
400 Watt HPS Concrete Pole - UG Wiring	\$28.76 per lamp	
Two lamps on One Pole		
250 Watt HPS Wood Pole - OH Wiring	\$17.01 per lamp	
250 Watt HPS Concrete Pole - UG Wiring	\$26.39 per lamp	No Change
400 Watt MVL Wood Pole - OH Wiring	\$23.25 per lamp	
400 Watt HPS Concrete Pole - UG Wiring	\$35.95 per lamp	
Voting yea: Eight	Voting nay: None	Absent: Chrisman
CARRIED		MOTION

BOARD APPOINTMENTS

Airport Advisory Committee

Moved by Comm. Fraim and seconded by Comm. Harrison to reappoint Tom Franks, James Liston, Robert Littke, Stewart Swihart, Mike McCarthy, John Hayes (Commissioners, non-voting), and Brian Riley (non-voting) to one-year terms to the Airport Advisory Committee.

Voting yea: Eight **Voting nay: None** **Absent: Chrisman** **MOTION**
CARRIED

Ambulance Committee

Moved by Comm. Fraim and seconded by Comm. Hayes to reappoint Carroll Eaton, Commissioner, to a one-year term to the Ambulance Committee.

Voting yea: Eight **Voting nay: None** **Absent: Chrisman** **MOTION**
CARRIED

Auditorium Board

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to reappoint Walt Kinsey (Commissioner, Voting, one- year), and John Bush, Jean Shears, and Neil Johnston to three-year terms to the Auditorium Board.

Voting yea: Eight **Voting nay: None** **Absent: Chrisman** **MOTION**
CARRIED

Board of Review

Moved by Comm. Harrison and seconded by Comm. Eaton to reappoint Valerie Mildenberg, Ken Chrisman and Eric Scheske to two-year terms to the Board of Review.

Voting yea: Eight **Voting nay: None** **Absent: Chrisman** **MOTION**
CARRIED

Cemetery Board

Moved by Comm. Eaton and seconded by Comm. Kinsey that John Hayes (Commissioner, non-voting) be reappointed to a one-year term and Robert Magness be reappointed to a five-year term to the Cemetery Board.

Voting yea: Eight **Voting nay: None** **Absent: Chrisman** **MOTION**
CARRIED

Construction Board of Appeals

Moved by Comm. Fraim and seconded by Comm. Eaton to reappoint Frank Kalasky to a three-year term to the Construction Board of Appeals.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

DDA Board of Directors

Moved by Comm. Harrison and seconded by Comm. Kinsey that Don Lampe, Tim Carmichael, Roland Weidner and Gerry Mayer (City Manager Appointee) be reappointed to four-year terms to the DDA Board of Directors.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Doyle Board of Directors

Moved by Comm. Harrison and seconded by Comm. Fraim to reappoint Ron Scheske (City Appointee), Jay Jones (City Appointee), and Dan Fullenkamp (Director, non-voting) to three-year terms and to appoint Carl Holsinger (ex-officio, non-voting) to a three-year term to the Doyle Board of Directors.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Economic Development Corporation & Brownfield Redevelopment Authority

Moved by Comm. Eaton and seconded by Comm. Hayes to reappoint William Boersma to a six-year term to the Economic Development Corporation & Brownfield Redevelopment Authority.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Harrison to appoint Carl Holsinger (Mayor) to the Economic Development Corporation & Brownfield Redevelopment Authority to fill the unexpired term of John Dobberteen, term to expire in May, 2002.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Election Commission

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to reappoint Marge Brand, Duke Lutz and Mary Kerchner to one-year terms to the Election Commission.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Employee's Retirement System

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to appoint Carroll Eaton (Commissioner, voting) to a three-year term to the Employee's Retirement System.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Hospital Board of Trustees

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman to reappoint Vickie Chrisman (Commissioner, non-voting) to a one-year term and Tom McLaughlin to a five-year

term to the Hospital Board of Trustees.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Investment Committee

Moved by Comm. Harrison and seconded by Comm. Eaton to appoint Commissioner Murphy to the Investment Committee.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Library Board

Moved by Comm. Fraim and seconded by Comm. Harrison to appoint Cindy Sunday-Horstman (Commissioner, non-voting) to a one-year term and to reappoint James A. Allen, Sr. to a five-year term to the Library Board.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Parks & Recreation Advisory Board

Moved by Comm. Harrison and seconded by Comm. Eaton to reappoint Catherine Gilbert and Karee Harrison to three-year terms and to appoint Walt Kinsey (Mayor's Designee) to a three-year term to the Parks & Recreation Advisory Board.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Planning Board

Moved by Comm. Eaton and seconded by Comm. Harrison to reappoint Walt Kinsey (Commissioner, non-voting) to a one-year term and to reappoint Jerry Quirin, Larry Franks and Jayne Krebsler to three-year terms to the Planning Board.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Sister City Committee

Moved by Comm. Kinsey and seconded by Comm. Murphy to reappoint June McCarthy and Barb

Sisson to three-year terms, to appoint Gene Harrison (Commissioner) and to appoint Carl Holsinger (Mayor, by virtue of office, voting) to one-year terms to the Sister City Committee.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Sturgis Housing Commission

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to reappoint Richard Earl to a five-year term to the Sturgis Housing Commission.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Zoning & Building & Housing Board of Appeals

Moved by Comm. Kinsey and seconded by Comm. Eaton to reappoint Keith Waltke and Richard Duffield to three-year terms to the Zoning & Building & Housing Board of Appeals.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton that Deb Stewart be reappointed City Librarian for one year at a salary of \$39,449 for the first six months with an increase to \$40,435 for the remainder of the year.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Hayes that Roger Bird be reappointed City Attorney for one year at a retainer fee of \$53,208 and John Svensen, Robert Brothers, Eric Scheske and Rob Pattison be reappointed Assistant City Attorneys.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton that Carol F. Rambadt be reappointed City Clerk/Treasurer for one year at a salary of \$41,696.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Murphy that Jerome Kisscorni be reappointed City Manager for one year at a salary of \$75,000.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton that the contract of City Manager Jerome Kisscorni be renewed for one year, as presented.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Hayes that the following resolution be adopted:

RESOLUTION

WHEREAS, there may now be and may hereafter from time to time come into the hands of Carol F. Rambadt, Treasurer of the City of Sturgis, Michigan certain monies belonging to or being held by the state, county or other political units of the state, or otherwise held according to law, and

WHEREAS, under the law of the State of Michigan this Commission is required to provide by resolution for the deposit of all monies including tax monies coming into the hands of said Treasurer, in one or more banks, hereinafter called banks, to be designated in such resolution.

NOW, THEREFORE, BE IT RESOLVED, that said Treasurer Carol F. Rambadt, is hereby directed to deposit all public monies including tax monies coming into her hands as Treasurer, in the following banks:

- Citizens Bank - Sturgis, Michigan
- Sturgis Bank & Trust Co., FSB - Sturgis, Michigan

Century Bank & Trust - Sturgis, Michigan
Key Bank - Sturgis, Michigan

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton to consider this the second and final reading of Ordinance No. 99 creating a Local Officials Compensation Commission and to adopt the following resolution:

RESOLUTION

WHEREAS, the Michigan Home Rule City Act, M.S.A. §5.2084(3), permits municipalities to establish a local officers compensation commission for purposes of establishing salaries of a municipality’s elected officials, notwithstanding any provision to the contrary in the municipality’s charter; and

WHEREAS, the City of Sturgis has determined it to be in the best interest of the residents of the City to establish a local officers compensation commission;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Chapter 34: Elected Officials Compensation Commission is hereby added to Title III of the Ordinances of the City of Sturgis, effective as of July 1, 1999.

CHAPTER 34: ELECTED OFFICIALS COMPENSATION COMMISSION

34.01 CREATION OF COMMISSION

- (A) The City of Sturgis Elected Officials Compensation Commission (“Commission”) is hereby created. The Commission shall consist of five (5) members, each of whom shall be registered electors of the City of Sturgis. Each member shall be appointed by the Mayor, but shall not serve until confirmed by majority vote of the City Commission. In no event may a member of the City Commission, an employee of the City or an immediate family member of the foregoing be a member of the Commission.
- (B) The members of the Commission shall serve five (5) year terms; provided, however, that each of the initial members shall be appointed for terms of one, two, three, four, and five year(s), respectively. The initial members shall be appointed within thirty (30) days after the effective date of this ordinance. After the initial members are appointed, all successor members shall be appointed before October 1 of the year of appointment.
- (C) The Commission shall appoint a chairperson from its members.
- (D) The members of the Commission shall not receive compensation, but shall be entitled to reimbursement of actual and necessary expenses incurred in the performance of official duties.

34.02 REMOVAL AND REPLACEMENT.

- (A) A member may be removed from the Commission for any reason whatsoever

upon two-thirds vote of the City Commission.

- (B) If a member becomes unable to serve, refuses to serve, or is removed from his position before the expiration of his or her term, the vacancy shall be filled for the remainder of the unexpired term in the same manner provided under Section 34.01 of this Ordinance.

34.03 DETERMINATION OF SALARY.

(A) The Commission shall determine the salary of each local elected official and shall file its determination with the City Clerk. The Commission's determination shall be effective as of January 1 of the following year unless within thirty (30) days after it is filed with the City Clerk the determination is rejected by resolution adopted by a two-thirds vote of the City Commission. If the determination is rejected, the official's existing salary shall continue.

- (B) The Commission shall meet for not more than fifteen (15) session days in each odd numbered year and shall make its determination within forty-five (45) calendar days after its first meeting. A "session day" means a calendar day on which the Commission meets and a quorum is present. A majority of the members constitutes a quorum. The Commission shall not take action or make a determination without a concurrence of at least three of the members.

34.04 OPEN MEETINGS AND FREEDOM OF INFORMATION ACTS.

- (A) All business of the Commission shall be conducted in compliance with the State of Michigan Open Meetings Act.
- (B) Any writing prepared, owned, used, in the possession of, or retained by the Commission shall be made available to the public in accordance with the State of Michigan Freedom of Information Act.

34.05 PRE-EMPTION.

- (A) This ordinance, including the establishment of the Commission and its powers, shall control the method and procedure for establishing salaries of the City's elected officials, notwithstanding any other ordinance or City Charter provision to the contrary.

Voting yea: Hayes, Eaton, Harrison, Kinsey, Mayor Holsinger

Voting nay: Sunday-Horstman, Fraim, Murphy

MOTION

CARRIED

Moved by Comm. Fraim and seconded by Comm. Eaton to hold a public hearing on May 26, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall to spread 1997 Sidewalk Special Assessments.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey to approve the request from the Sturgis Lions Club to hold their annual “White Cane Days” in Sturgis from May 25th through May 29th.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to adopt the following resolution:

RESOLUTION

WHEREAS, the Michigan Municipal League on May 23, 1999 will be celebrating 100 years of service to the cities and villages of the State of Michigan; and

WHEREAS, the Michigan Municipal League was born out of the Progressive Movement in the last quarter of the 19th Century to bring honesty and efficiency to government; and

WHEREAS, through the diligent efforts of the Michigan Municipal League in the early 20th Century to limit direct control of local municipalities by the State Legislature, the citizens of Michigan approved the 1908 State Constitution putting into place language that allowed municipalities to formulate their own charter with less State intervention; and

WHEREAS, Sequent legislative action created a process by which voters in both Cities and Villages establish locally elected charter commission’s, drafted their own charter and voted on direct democratic structures such as non-partisan elections, recall, initiative and referendum; and

WHEREAS, the Michigan Municipal League has maintained its original goal for 100 years in identifying the most critical challenges facing local government, examining potential solutions, and foster continuing discussion and exchange of ideas about our future.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission on behalf of the Citizens congratulate the Michigan Municipal League, its President, Nancy Crandell, its Executive Director, George D. Goodman on their 100th Anniversary of serving the needs of local government.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,223,189.76 be paid.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$615,914.33 be ratified.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton to approve the request from the

American Legion to sell poppies on May 20, 21, and 22 in the City of Sturgis..

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey that the City purchase four (4) golf outing tickets at \$75.00 each from the Sturgis Neighborhood Program. The outing will be held on July 9th at 1:00 p.m.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Hayes that the meeting be adjourned.

**Voting yea: Eight Voting nay: None Absent: Chrisman MOTION
CARRIED**

The meeting was adjourned at 8:29 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 26, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Harrison, Murphy, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting held on Wednesday, May 12, 1999 were approved as presented.

Heidi Huenergarde, Director of the Community Child Care Center, 619 N. Lakeview Avenue, expressed her concerns regarding a tree stump which was left in the backyard of the Center, and her wishes to have it removed for the safety of the children. City Manager Jerome Kisscorni assured her that the City would remove the stump.

Public hearing on issuing an Industrial Facilities Exemption Certificate to Rehau Plastiks, Inc. was held.

Moved by Comm. Eaton and seconded by Comm. Kinsey that an Industrial Facilities Exemption Certificate not to exceed \$1,951,209.00 be awarded to Rehau Plastiks, Inc. for a period of twelve (12) years and that the following resolution be adopted:

RESOLUTION

WHEREAS, Rehau, Inc. in conformity with Act 198 of the Public Acts of 1974, as amended (Act 198) has submitted an application providing all information and requirements necessary for granting of an Industrial Facilities Exemption Certificate by the City of Sturgis, County of St. Joseph, State of Michigan to Rehau, Inc., and

WHEREAS, on September 14, 1977 the City Commission established the Industrial Development District for the industrial property of Rehau, Inc., and

WHEREAS, the Sturgis City Assessor, and representatives of all affected taxing units were notified by certified mail of the time and place of the hearing on the application, and

WHEREAS, a hearing was held by the Sturgis City Commission providing the Assessor, and representatives of all affected taxing units the opportunity to be heard as required by the statute, and

WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate have been heard and considered, and

WHEREAS, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not

have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Rehau, Inc. for an “Industrial Facilities Exemption Certificate”.

Voting yea: Kinsey, Harrison, Murphy, Sunday-Horstman, Eaton, Chrisman, Fraim, Hayes, Mayor Holsinger

Voting nay: None **THE RESOLUTION WAS ADOPTED.**

Moved by Comm. Hayes and seconded by Comm. Chrisman to consider this the first reading on an Ordinance establishing a Communications Department for the City of Sturgis.

Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton to consider this the first reading on an Ordinance to create a local Cable Television Commission.

Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Hayes to consider this the first reading of an Ordinance to grant a Cable Television Franchise to the Communications Department of the City of Sturgis.

Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Chrisman to consider this the first reading to amend the Zoning Ordinance to permit office buildings in a Manufacturing Zone as a special land use.

Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Fraim and seconded by Comm. Hayes that a proposed amendment to the Zoning Ordinance on Garbage and Rubbish be referred to the Planning Board for recommendation.

Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman to approve the request from the DDA to seek grant funds to finance landscape architect plans for downtown.

Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Hayes and seconded by Comm. Chrisman to adopt the following resolution:

RESOLUTION

Michigan Department of Transportation - US-12

WHEREAS, the Michigan Department of Transportation (“Department”), has prepared and published a “5 Year Road & Bridge Program 1999 to 2003” which is to be updated on an annual basis; and

WHEREAS, the Manager of the Kalamazoo Transportation Service Center of the Department’s Southwest Region has proposed the reconstruction of US-12 (Chicago Road) from Centerville Road to the East City limit be added to the Road & Bridge Program for the year 2004; and

WHEREAS, this portion of US-12 (Chicago Road) was constructed 35 years ago, has exceeded it’s design life, handles a traffic volume of over 18,000 vehicles per day, and is in deplorable condition; and

WHEREAS, US-12 (Chicago Road) is one of the most important infrastructure elements in the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission requests the reconstruction of US-12 from Centerville Road to the East City Limit of Sturgis be added to the Department’s Road & Bridge Program for the year 2004 or sooner; and

BE IF FURTHER RESOLVED, that the City Commission hereby authorizes the City Manager to transmit this resolution to the Department and copies to: Senator Harry Gast, Representative Cameron Brown, and other persons or organizations who may have an interest in this project.

Voting yea: Nine

Voting nay: None

RESOLUTION

ADOPTED.

Moved by Comm. Eaton and seconded by Comm. Kinsey to hold a rescheduled public hearing on June 9, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall to spread the 1997 Sidewalk Special Assessments.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$291,354.25 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$640,580.10 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Comm. Eaton requested that it go on record to officially commend the Sturgis Fire Department for their quick response and efficient job in handling a recent house fire.

Moved by Comm. Eaton and seconded by Comm. Kinsey to approve the following names submitted by the Mayor for the City of Sturgis Elected Officials Compensation Commission,

with John Dobberteen to serve as temporary Chairman.

Dwight Alexander	1 year term
John Dobberteen	2 year term
Joseph Smith	3 year term
John Fisher	4 year term
Sharon Blankenship	5 year term

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

RESOLUTION

Moved by Comm. Fraim and seconded by Comm. Eaton to recess under the Open Meetings Act for the purpose of discussing a property purchase.

Voting yea: Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Murphy, Hayes, Mayor Holsinger

Voting nay: None

CARRIED

MOTION

The meeting recessed at 8:40 p.m.

The meeting reconvened at 9:13 p.m.

Moved by Comm. Hayes and seconded by Comm. Eaton that the City Commission approve a resolution to purchase the practice of Thomas Brenner, M.D., and to lease for an appropriate amount of time his facility until he can join the Doctors' Office.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 9:14 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 9, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Harrison, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Commissioners absent: Murphy

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting held on Wednesday, May 26, 1999 were approved as presented.

Attorney Tom Robertson, representing Jose Lopez, addressed the Commission requesting permission to expand the property at the corner of W. West Street and N. Centerville Road and to have it rezoned to a commercial use.

Moved by Comm. Fraim and seconded by Comm. Harrison that the request to rezone the property at the corner of W. West Street and N. Centerville Road be referred to the Planning Board.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Harrison to award the low bid for the Thurston Woods Well #2 Drilling Services to Peerless-Midwest, Inc., Mishawaka, Indiana in the amount of \$59,709.00.

Voting yea: Eight Voting nay: None Absent: Murphy MOTION CARRIED

Public hearing to spread Special Assessments on the 1997 Sidewalk Program was held.

Tom Kool, Kool Chevrolet, spoke regarding his sidewalk bill and pointed out that the sidewalk in front of his business is not a legal sidewalk and does not have proper access nor is it handicapped accessible. Part of his property is in the City and part of it is in the Township. Mr. Kool requested that his payment be deferred until the project is completed and offered to split the cost with the City if they were willing to assist in the completion of the project. City Manager Jerome Kisscorni agreed that the City would complete the sidewalk on Mr. Kool's township parcel to the driveway and would split the cost with Mr. Kool.

Public hearing was closed.

Moved by Comm. Harrison and seconded by Comm. Eaton that the City complete the project in front of Kool Chevrolet and split the cost with Kool Chevrolet.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to approve the spread of Special Assessments on the following streets:

RESOLUTION

WHEREAS, the City Commission has determined the spread of Special Assessments for the 1997 Sidewalk Program, on:

- X North Centerville Road from South of Newman Avenue to South of W. West Street (West side)
- X S. Centerville Road (M-66) from Chicago Road to the South City Limits (Both sides)
- X Ohio Avenue from S. Centerville Road to Ohio Court.
- X N. Franks Avenue from South of Griffith Street to the City property North of E. Hatch Street (West side)
- X S. Nottawa along Oaklawn Park
- X New Houses on the following streets at 100% owner cost: Cheshire, Maplecrest and Wren Street.

THEREFORE, BE IT RESOLVED, that a Special Assessment District was created for assessment of costs of construction of new sidewalks against the respective property owners; that payment of these assessments be made in not more than five (5) annual installments, with interest at 6% per annum, in lieu of payment in full, to the Treasurer of the City of Sturgis;

BE IT FURTHER RESOLVED, new sidewalks have been constructed thereon and the cost of the project spread on the tax rolls and assessed against the abutting properties on a front foot basis as determined by the City Assessor.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to grant the request from the Sturgis Soccer League to use the Airport Property for an adult soccer field.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to grant the request from Ralph Levin to construct a canopy in the City right-of-way at 304 S. Lakeview.

Discussion followed.

Moved by Comm. Fraim and seconded by Comm. Kinsey to authorize the City to enter into an agreement subject to approval of the City Attorney, between the City of Sturgis and Ralph Levin to allow Mr. Levin to construct a canopy in the City right-of-way.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Vote was taken on the original motion.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton that this be considered the second reading and approval of an ordinance establishing a Communications Department for the City of Sturgis.

ORDINANCE CREATING COMMUNICATIONS DEPARTMENT

An ordinance to add Chapter 55: Communications Department to Title V of the Ordinances of the City of Sturgis establishing a Communications Department for the City of Sturgis, to prescribe the Department’s authority and responsibilities; and to provide for an effective date of this ordinance.

WHEREAS, the Michigan Home Rule City Act and the Sturgis City Charter permit municipalities to establish departments, administer municipal government and pass ordinances relating to its municipal concerns; and

WHEREAS, the City of Sturgis has determined it to be in the best interest of the residents of the City to establish a Communications Department;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Chapter 55: Communications Department is hereby added to Title V of the Ordinances of the City of Sturgis, effective as of July 1, 1999.

CHAPTER 55: COMMUNICATIONS DEPARTMENT

55:01 PURPOSE AND AUTHORITY

(A) It is hereby deemed necessary for the public health safety and welfare of the City, and for the public purpose of providing increased and economical communications services to:

- (1) Acquire, construct, install and operate a communications network for the City.
- (2) Improve the operation and efficiency of the City’s water, sewage and electrical utilities.
- (3) Provide additional communication capabilities for City services.
- (4) Make such communications network available to individuals, businesses, industries and other governmental entities; and
- (5) Acquire, construct, install and operate such other communications services as the City may lawfully provide, both within and outside the corporate limits of the City, all such communications facilities and services to be collectively referred to as the “Department.”

(B) The City has the power to acquire and operate the Department pursuant Chapter XXVIII, Section 18, of its Charter and pursuant to general Michigan law.

55:02 ESTABLISHMENT OF DEPARTMENT

There is hereby established in and for the City a separate department under the City Charter for providing communications services, including, but not limited to, the transmission of voice, video and data, and consisting of all necessary machinery, equipment, appurtenances and attachments, including, but not limited to, a hybrid fiber optic-coaxial cable communications network. Such department shall be known as the City of Sturgis Communications Department.

55:03 AUTHORITY OF COMMUNICATIONS DEPARTMENT

(A) The City Commission hereby authorizes the City Manager to employ a Communications Department Manager (“Manager”) to operate and manage the Department on behalf of the City. The City Manager is authorized to employ the Manager on such terms and conditions as he deems appropriate.

(B) The Manager shall operate and manage the Department, under the direction of the

City Manager and shall provide monthly reports of its activities, income statements, asset statements and the development of the Department. The City has issued Communications System Revenue Bonds in the amount of Eight Million (\$8,000,000.00) Dollars to finance the cost of the Communications System. The obligation of the City pursuant to said Bonds shall be paid by the Department pursuant to the provisions of the Bonds from revenues generated by the Department.

(C) The Department, upon approval by the City Commission, may, from time to time, establish rates and charges for services provided by the Department and shall permit the City to bill the customers of the Department monthly and collect said bills in the same fashion as it collects its bills for electric services. The Department shall pay the City, in lieu of taxes, payments in lieu of taxes, cable television, franchise fees, administrative fees and such other fees as determined by the City Commission from time to time.

(D) The Department shall have the authority to apply for and obtain such licenses, franchises or permits as may be necessary for the operation of the Department. The Department shall have the further authority to enter into such contracts with such public and/or private entities as it deems necessary for the operation of the Department.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that this be considered the second reading and approval of an Ordinance granting a Cable Television Franchise to the Communications Department of the City of Sturgis.

**AN ORDINANCE GRANTING A CABLE TELEVISION FRANCHISE TO THE
COMMUNICATIONS DEPARTMENT OF THE CITY OF STURGIS**

THE CITY OF STURGIS, ST. JOSEPH COUNTY, MICHIGAN ORDAINS:

SECTION 1. Background.

The City of Sturgis has established a Communications Department through which the City will operate a cable television system;

The City has determined that it is in the best interest of the residents of the City to grant a franchise to the Communications Department for the operation of the cable television system; and

The City of Sturgis has determined that it is appropriate for the City of Sturgis to provide that such cable television system franchise fee be in an amount approved by the City Commission from time to time.

SECTION 2. Permission/Franchise.

There is hereby granted to the City of Sturgis Communications Department which a franchise to construct, install and maintain a cable television system in, over, under and across the public ways and to transact cable television business within the City of Sturgis.

SECTION 3. Franchise Non-Exclusive.

This franchise and all the rights granted hereunder are non-exclusive. The City reserves the right to grant such other and future franchises as it deems appropriate.

SECTION 4. Franchise Fee.

The Communications Department shall pay to the general fund of the City throughout the term of this franchise, a franchise fee in an amount approved by the City Commission from time to time. Provided, however, that said franchise fee shall be included in and not be in addition to the payment of fees pursuant to the Ordinance Creating The Communications Department.

SECTION 5. Term.

The term of this franchise shall be for a period of thirty (30) years from the effective date of this ordinance. Provided, however, that this franchise shall be revocable at the will of the City unless during the term thereof it is approved by a 3/5 vote of the electors voting thereon in a general or special election pursuant to Chapter XX of the City Charter.

SECTION 6. Equal Access and Political Interference.

(A) Equal Access.

(1) If any person who is a legally qualified candidate for election to the City Commission of the City of Sturgis shall be permitted to use the cable television system, equal opportunities shall be afforded to all other such candidates for such office in the use of such cable television system. An appearance by a legally qualified candidate on any bona fide news commentary of on-the-spot coverage of bona fide news events shall not be deemed to be use of the cable television system within the meaning of this section.

(2) The charges made for the use of the cable television system for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such cable television systems for other purposes.

(3) The Sturgis Cable Television Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

(B) Political Interference. No elected or appointed City officer or City employee, including the Mayor and/or any member of the City Commission, shall influence or seek to influence the operation of the cable television system for personal or private gain, for partisan political purposes or for personal political purposes.

(C) Equitable Remedies. The provisions of this Section may be enforced through equitable remedies issued by a court of competent jurisdiction, including injunction and order of abatement or any other remedy permitted at law or in equity.

SECTION 7. Effective Date.

This Ordinance shall take effect on July 1, 1999.

Voting yea: Eight Voting nay: None Absent: Murphy
CARRIED

MOTION

Moved by Comm. Hayes and seconded by Comm. Kinsey that this be considered the second

reading and approval of an Ordinance creating a local Cable Television Commission.

ORDINANCE CREATING THE STURGIS CABLE TELEVISION COMMISSION

An ordinance to add Chapter 35: Sturgis Cable Television Commission to Title III of the Ordinances of the City of Sturgis establishing a local cable television commission for the City of Sturgis, to prescribe the Commission’s authority, and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has established a city-owned Communications Department, which will provide cable television service; and

WHEREAS, the city-owned cable television system will be operated as a department of the City pursuant to the terms of a communications department ordinance adopted simultaneously with this ordinance; and

WHEREAS, the Cable Communications Policy Act of 1984, at 47 USC 533, recognizes and permits municipal ownership and operation of cable television systems; however, it requires the creation of an independent body to control programming offered by such systems; and

WHEREAS, the City of Sturgis has determined that an independent commission to determine matters of programming for the Sturgis municipal cable television system ought to be created, and further that such Commission should have such additional advisory powers as well as such other authority as is deemed appropriate;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Chapter 35: Sturgis Cable Television Commission is hereby added to Title III of the Ordinances of the City of Sturgis, effective as of July 1, 1999.

CHAPTER 35: STURGIS CABLE TELEVISION COMMISSION

35:01 ESTABLISHMENT

There is hereby established for and in the City of Sturgis a Commission to be known as the Sturgis Cable Television Commission with all of the privileges, powers and authority granted hereunder. As used in this Ordinance, the term “Commission” shall mean the Sturgis Cable Television Commission.

35.02 MEMBERSHIP

- (A) **Number.** The Commission shall consist of seven (7) members appointed by the Mayor with the consent of the City Commission.
- (B) **Term.** A member of the Commission shall be appointed for a term of three (3) years. To provide staggered terms, the terms of the initial appointments to the Commission shall be for shorter terms as hereinafter provided.
- (C) **Qualification.** Each member of the Commission shall be a resident of the City of Sturgis to be qualified for appointment to the Commission and to remain qualified as a member of the Commission. Should any member cease to be a resident of the City of Sturgis after appointment, then that member shall be disqualified from further service and a vacancy on the Commission shall exist.

No person shall be appointed to the Commission who is currently a candidate for or has been elected and is now serving in the position of City Commissioner for the City of Sturgis and such persons shall be disqualified for membership on the

Commission.

- (D) **Initial Appointments.** The Mayor, with the consent of the City Commission shall establish the term of each of the initial appointments to the Commission for the purpose of creating staggered terms as required herein. The terms of three (3) members shall expire at the end of one (1) year, the terms of two (2) members shall expire at the end of two (2) years and the term of the remaining two (2) members shall expire at the end of three (3) years; however, each appointment thereafter shall extend for the full term as established herein.
- (E) **Vacancy.** Vacancies occurring in the Commission shall be filled for the unexpired term in the same manner as for appointment to the Commission.
- (F) **Removal.** The Commission shall have authority to remove any of its members by an affirmative vote of at least 5/6 of the remaining members of the Commission. Among other reasons, the Commission may remove a member for failure to attend meetings, failure to remain qualified as a member, failure to discharge the duties of office in a professional manner, conflicts of interest, breach of confidentiality, acts of misconduct which directly affect the work of the Commission or the operation of the municipal cable television system or other acts which cause embarrassment or bring disrepute to the Commission and/or the City of Sturgis.
- (G) **Notice of Vacancy.** Upon the expiration of any term, resignation, retirement or removal of any member, the Chairman of the Commission shall notify the Mayor that a vacancy exists.

35:03 POWERS, PRIVILEGES AND DUTIES.

- ____(A) **General.** Except as may be otherwise provided by this section, the powers and duties of the Commission are generally advisory in nature and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of the City Commission or City Boards, except as herein provided or which conflict with the authority of the City Commission. Advice, recommendations and decisions made by the Commission regarding the rates and financial matters involving the municipal cable television system shall be subject to the final approval of the City Commission.
- (B) **Programming.** The Commission shall make all decisions concerning the programming to be provided by the municipal cable television system. Such decision shall not be reviewable by nor subject to the approval of the City Commission, any City officer, the City Manager or any staff person in the employment of the City of Sturgis. Such decision shall be final when rendered by the Commission.
- (C) **Other Responsibilities.** The Commission shall discharge such additional functions and carry out other responsibilities as may be assigned to the Commission from time to time by the City Commission including, among other things, the following:
 - (1) To confer with and advise the City Commission on all matters concerning the ownership, management and operation of the municipal cable television system;

- (2) To confer with and advise the Communications Department Manager on the management and operation of the municipal cable television system; and
- (3) To confer with and consider requests from citizens and community groups concerning services to be provided by a cable television system.

35:04 ORGANIZATION AND PROCEDURE.

- (A) **Meetings.** The City Manager shall schedule an initial organizational meeting of the Commission upon the initial appointment of the Commission. At such initial organizational meeting, the Communications Department Manager shall act as temporary chair, and the Commission shall organize itself and elect from its members a Chairman and a Secretary who shall serve for a one year term or until successors in office are appointed. The Commission shall have authority to elect such other officers as it may deem necessary.
The commission shall hold regular meetings for the transaction of its business at such place and at such times as the Commission deems appropriate and special meetings may be held at any time when the Chairman or any two (2) members of the Commission shall deem it appropriate.
All meetings of the Commission shall be open to the public. Proper notice for each meeting shall be given and the Commission shall comply with all applicable requirements of the Michigan Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.
- (B) **Duties of Officers.** It shall be the duty of the Chairman to preside over all meetings of the Commission. In the Chairman’s absence, a temporary chairman may be appointed to preside.
It shall be the duty of the Secretary to keep a record of all proceedings of the Commission, transmit its recommendations to the City Commission and to perform such other duties as are commonly performed by the Secretary of a deliberative body.
- (C) **Staff.** The Communications Department Manager shall have authority to appoint a staff person in the employment of the City of Sturgis as liaison between the Commission and the City. The staff person so assigned shall provide administrative and technical assistance to the Commission in its work and carry out such other duties as may be assigned by the Commission.
- (D) **Minutes and Records.** The Commission shall keep a full record of its proceedings and minutes of its meetings showing the business transacted at each meeting and shall submit copies thereof to the City Manager. All records of the Commission shall be subject to the Michigan Freedom of Information Act, Act 442 of the Public Acts of 1976, as amended.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman to accept the Mayor's nominations and to appoint the following members to the Cable Television Commission:

Jeffrey Bastin (4th precinct) - one-year term, Kurt Esseltine (2nd precinct) - one-year term, Norberto Brioner (2nd precinct) - two-year term, Rob Olsen (1st precinct) - three-year term, Sharon Cressman (1st precinct) - three-year term, John Raifsnider (4th precinct) - two-year term, and Dan Wood (3rd precinct) - one-year term.

**Voting yea: Eight Voting nay: None Absent: Murphy MOTION
CARRIED**

Rick Clark, Director of the Communications Department, presented an updated report on the activities of the Communications Department.

Moved by Comm. Kinsey and seconded by Comm. Eaton that this be considered the second reading and approval to amend the Zoning Ordinance to permit office buildings in a Manufacturing (M) Zone as a special land use.

**AMENDMENT TO ZONING ORDINANCE PERTAINING TO SPECIAL LAND USE IN
THE R-4 APARTMENT AND M MANUFACTURING DISTRICTS**

An ordinance to amend Article IV and X of the Zoning Ordinance of the City of Sturgis pertaining to special land uses in the R-4 Apartment and M Manufacturing Districts and to provide for an effective date of this ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to Office Buildings as special land uses in the R-4 Apartment and M Manufacturing Districts;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Articles IV and X of the Zoning Ordinance are hereby modified as follows effective as of July 1, 1999.

- (1) Section 1.0408 (C) is hereby modified to include the following as a special land use:
 - (7) Office building.
- (2) Section 1.1003 (D) is hereby modified to provide as follows:
 - (D) **Office Buildings.**
 - (1) Office buildings are permitted as a special land use on any lot facing a marked state or federal highway in any R-4 Apartment District.
 - (2) Office buildings and uses customarily carried on in an office are permitted as a special land use in any M Manufacturing District under the following provisions and conditions.
 - a. A special land use permit shall be limited to office buildings that do not retail a product or a service requiring visits to the site for such retail product or service by the public.
 - b. Lot, yard, height and area requirements of the M Manufacturing District shall apply.

The meeting adjourned at 9:30 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 23, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Harrison, Murphy, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Clerk

Minutes of the previous regular meeting held on Wednesday, June 9, 1999 were approved as presented.

Mayor Holsinger congratulated the Sturgis Trojans 1999 Division II High School Baseball Champions and presented the team with a plaque. Comm. Eaton presented the team with a baseball signed by all of the City Commissioners.

Moved by Comm. Fraim and seconded by Comm. Eaton that the State add to our "City of Sturgis" entrance signs an additional sign to read "Home of the 1999 Class BB Baseball State Champions."

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Don Lampe, 402 Sturgis Avenue, addressed the Commission on what the procedures are once violations have been cited regarding the weeds and noxious growth ordinance. It was decided that further discussion on this topic would follow a report on Planning, Zoning and Code Enforcement later in the meeting.

Moved by Comm. Eaton and seconded by Comm. Kinsey to award the low bid for a 1999 Pickup Truck for the Electric Line Department to Gateway Ford, Sturgis, Michigan in the amount of \$15,739.20.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Harrison and seconded by Comm. Hayes to award the bid for a 14' Grooming Rotary Mower for the Department of Public Works to Finnerman's, Centreville, Michigan in the amount of \$8,999.00.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Eaton to award the bid for Stage Lighting Electrical Installation for the Sturges-Young Civic Center Auditorium to Miller Electric,

WHEREAS, the company employs over 500 area residents and provides business opportunities for countless others, and;

WHEREAS, the company's management and employees have, individually and corporately, donated innumerable hours to the many community volunteer activities that mark the success of Sturgis.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis extends its congratulations to the Ross Products Division of Abbott Laboratories as it celebrates fifty years of successful business activity in Sturgis and pledges its support to the company and its employees toward continued success in the future.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Fraim that the following resolution be adopted:

RESOLUTION

TRANSFER OF PROPERTIES FROM FAWN RIVER TOWNSHIP (Agreement #2)

WHEREAS, the City of Sturgis ("City") and the Township of Fawn River ("Township") entered into an Agreement for Conditional Transfer of Property (Agreement #2), with an effective date of March 15, 1999; and

WHEREAS, Agreement #2 provides that initially only limited jurisdiction was transferred to the City for certain parcels located in Area 2 or Term Area as described in the Exhibits to Agreement #2, and that full jurisdiction over parcels in Area 2 or Term Area would transfer immediately from the Township to the City if any one of several stated events occurs; and

WHEREAS, one of the stated events for the transfer of full jurisdiction over a parcel in Area 2 or Term Area involves a parcel that is not occupied by the owner(s) of record on or after the effective date of Agreement #2; and

WHEREAS, another of the stated events for the transfer of full jurisdiction over a parcel in Area 2 or Term Area involves establishment of a business use on a parcel on or after the effective date of Agreement #2; and

WHEREAS, the Township Assessor and the City Assessor have certified that the parcels listed below were not occupied by the owners of record or have established a business use after the effective date of Agreement #2 and, accordingly, full jurisdiction of these parcels has been transferred from the Township to the City effective immediately;

NOW THEREFORE, BE IT RESOLVED, that full jurisdiction for all purposes of the following parcels of land (identified below by a listing of the respective owners, street addresses, former Township tax parcel number and new tax parcel number assigned by the City) located in Area 2 or Term Area as described in Agreement #2 are certified to have been transferred from the Township to the City effective as of March 15, 1999:

<u>Owner</u>	<u>Property Address</u>	<u>Parcel Number (Township)</u>	<u>Parcel Number (City)</u>
Finnerman, Phillip & Tammy	28849 US-12	75-005-006-000-044-00	75-052-800-000-121-00
Sponseller, Dale E.		75-005-006-000-044-01	75-052-800-000-122-00
Millet, Mary Lou		75-005-006-000-045-00	75-052-800-000-123-00
Smith, William & Brenda	28887 US-12	75-005-006-000-045-10	75-052-800-000-124-00
Sponseller, Dale E.	28781 US-12	75-005-006-000-046-20	75-052-800-000-125-00

Legal descriptions of each of the above parcels are attached as Exhibit A to this Resolution.

BE IT FURTHER RESOLVED, that in accordance with Section 2.1.C of Agreement #2, the City Commission hereby certifies that events have occurred transferring full jurisdiction over such parcels to the City, and the filing of this Resolution and the attached resolution adopted by the Fawn River Township Board shall be sufficient to evidence the transfer of full jurisdiction over the above parcels to the City.

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to file certified copies of this Resolution and the resolution adopted by the Fawn River Township Board with the Fawn River Township Clerk, the St. Joseph County Clerk and the Office of the Great Seal of the State of Michigan to evidence that the transfer of full jurisdiction to the City of such parcels has occurred for the records of each such office.

Voting yea: Nine

Voting nay: None

Resolution Adopted.

Kas Zeltkalns, Zoning Administrator, presented a report on Planning, Zoning and Code Enforcement.

Moved by Comm. Harrison and seconded by Comm. Kinsey to direct City Staff to contact the Michigan Chapter of the National Kidney Foundation on establishing a program allowing citizens of Sturgis to donate unwanted vehicles to the Foundation as a means of removing such vehicles from City streets and yards.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Discussion was held regarding the zoning ordinance and noxious weeds and growth.

Fire Marshal Scott Hopkins presented a report on the Housing Department.

Mary Sutter, President of Sturgis Youth and Family Counsel, thanked the City of Sturgis for supporting their organization financially. Mary thanked Kent Roberts for his dedication to the community and wished him well in his future career. Jane Dickey was introduced as Kent Robert’s replacement. Mrs. Sutter presented the Commission with a Certificate of Recognition recognizing Sturgis as a safe community and commending our city for it’s traffic safety programs and dedication to keep our community safe.

Kent Roberts thanked the City Commission for their support over the years. He requested permission to distribute copies of a program called “Boost4Kids” which was received from the office of the Vice President of the United States. St. Joseph County was one of thirteen communities chosen after a nationwide search, and the only community of the thirteen located in the Midwest. The program was designed to have the communities work with the federal government to improve services for the nation’s children.

Elizabeth Datkovic and Maria Rodriguez requested financial support from the City to help fund the Centro de Ayuda.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that the City grant \$15,000 to the Centro de Ayuda for one year, with an additional \$15,000 to be granted for the second year contingent upon the accomplishments of the Centro de Ayuda.

Voting yea: Murphy, Hayes, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Holsinger
Voting nay: None **MOTION CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to approve the request from the Downtown Sturgis Association to close Pleasant Street and the adjoining east parking lot during “Dreamfest” to be held on July 30th and July 31st.
Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Fraim and seconded by Comm. Harrison to accept the resignation of Eric Scheske from the Board of Review and to send a letter of appreciation.
Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$482,820.17 be paid.
Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$467,865.68 be ratified.
Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss labor negotiations.
Voting yea: Hayes, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Murphy, Mayor Holsinger
Voting nay: None **MOTION CARRIED**
The meeting recessed at 9:48 p.m.
The meeting reconvened at 10:17 p.m.

Moved by Comm. Fraim and seconded by Comm. Hayes that the meeting be adjourned.
Voting yea: Nine **Voting nay: None** **MOTION CARRIED**

The meeting was adjourned at 10:17 p.m.

Carol F. Rambadt, City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 7, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:01 p.m. in the Wiesloch Raum of City Hall.

Commissioners present: Harrison, Kinsey, Murphy, Sunday-Horstman, Eaton, Chrisman, Fraim, Hayes, Mayor Holsinger.

Commissioners absent: None

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

City Manager gave a brief history on negotiations for a new electric purchase agreement with AEP which began July 1, 1996.

Bob Jablon, attorney, Spiegel & McDiarmid, reviewed the content of the proposed agreement.

Janjai Chayavadhanangkur, Southern Electric, reviewed the rates in the proposed five-year agreement.

Moved by Comm. Harrison and seconded by Comm. Eaton to authorize the City Manager to enter into an Agreement on behalf of the City of Sturgis with the American Electric Power Service Corporation, as Agent for the AEP Companies, for the purchase and receipt of Firm Capacity and Firm Energy and Interruptible Energy in form and substance similar to the June 29, 1999 Draft Service Agreement.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Harrison and seconded by Comm. Hayes to authorize the City Manager to enter into an Agreement(s) on behalf of the City of Sturgis with the American Electric Power Service Corporation on behalf of the AEP Companies for the purchase of network transmission and related transmission services in form and substance similar to the June 22, 1999 Draft Service Agreement.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Eaton and seconded by Comm. Hayes to authorize Spiegel and McDiarmid to take actions to secure withdrawal of AEP and affiliates Notice of Termination of wholesale power sales to the City of Service and to enter into ancillary agreements and to make ancillary filings, including actions to obtain regulatory approval of the contracts to purchase Firm Capacity and Firm Energy and Interruptible Energy and network transmission and related transmission services, including ancillary services, from the American Electric Power Service Corporation and any of its affiliated companies.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Hayes and seconded by Comm. Murphy to authorize Spiegel and McDiarmid to take actions to withdraw from the American Electric Power Company and Central and South West Corporation merger dockets, including FERC Docket Nos. EC98-40-000, ER98-2770-000, and ER98-2786-0000, in exchange for an agreement that the American Electric Power Company or its affiliates or successors will provide the City with an option to purchase contract demand network transmission service in a form that is applicable to the City.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Harrison and seconded by Comm. Eaton to authorize the City Manager to enter into negotiations and an Agreement(s) on behalf of the City of Sturgis with other entities to act on the City's behalf (1) to procure back-up or related power supply arrangements to implement or compliment the purchase and receipt of Firm Capacity and Firm Energy and Interruptible Energy agreements with the American Electric Power Service Corporation, (2) to procure transmission and/or ancillary transmission services arrangements to implement or compliment the purchase and receipt of transmission from the American Electric Power Service Corporation; and/or (3) to procure contract demand transmission and/or ancillary transmission services arrangements consistent with the City's option to purchase contract demand network transmission service, subject to such arrangements being necessary or appropriate to implement power supply and transmission arrangements that are being entered into with the American Electric Power Service Corporation or providing the City with improved electric reliability or economics compared with those arrangements.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Harrison and seconded by Comm. Fraim that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 8:52 p.m.

Gerry Mayer, Acting Secretary

Works, from Jack Doheny Supplies, Northville, Michigan, in the amount of \$95,000.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to consider this the first reading on an ordinance to amend Chapter 93 of the Ordinances of the City of Sturgis pertaining to the regulation of weeds and noxious growth within the City.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Harrison and seconded by Comm. Eaton to designate Mayor Holsinger as the official representative, and Vice-Mayor Hayes as the alternate, to the Michigan Municipal League Annual Convention.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Hayes to adopt the following resolution:

RESOLUTION

WHEREAS, every state, county, city or town in America should have the right to decide whether it wants to provide electric service to its businesses and residents; and

WHEREAS, the consumer-owners of these utilities should have a direct say in and maintain local control over their own electric utility operations and policies; and

WHEREAS, the City of Sturgis established its community owned electric utility in 1896 its citizens have benefited from this action for over one-hundred (100) years; and

WHEREAS, there currently exist federal restriction on municipal bonds used to develop community-owned electric utilities that prevent these utilities from selling power under many circumstances, and these restrictions will make it difficult, if not impossible, for many of these utilities to operate in the more competitive environment being fostered or mandated by new federal and state laws; and

WHEREAS, bipartisan legislation, the Bond Fairness and Protection Act, has been introduced in the Senate (S.386) by Senators Slade Gorton (R-WA) and Bob Kerrey (D-NE), and in the House of Representatives (H.R.721) by Representatives Hayworth (R-AZ) and Matsui (D-CA) to reconcile these restrictions with the changing character of the electric utility industry in a way that protects our right of local control over our own affairs; and

WHEREAS, some private power companies oppose this legislation precisely because it is in their self interest to limit the ability of community-owned electric utilities to operate in this new environment; and

WHEREAS, opponents of S.386 and H.R. 721 are urging Congress to impose a federal income tax on certain revenues from sales of community-owned electric utilities; and

WHEREAS, community-owned utilities such as Sturgis, as units of state and local government operating on a not-for-profit basis, are not and should not be taxed by the federal government.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission calls on Senators Levin and Abraham and Representative Upton to support the bipartisan Bond Fairness and Protection Act of 1999, and to vigorously oppose any federal tax on community-owned electric utilities.

BE IT FURTHER RESOLVED, that certified copies of said Resolution be forwarded to

Senators Levin and Abraham, and Representative Upton.

Voting yea: Kinsey, Harrison, Murphy, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Voting nay: None

RESOLUTION

ADOPTED.

Moved by Comm. Fraim and seconded by Comm. Eaton to refer the MEDC Interlocal Agreement to the Sturgis Economic Development Corporation for recommendation.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,321,969.65 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$745,248.04 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Harrison and seconded by Comm. Fraim to refer to the Planning Board a request from Jose Lopez to rezone property at 300 N. Centerville and 306 N. Centerville from M (Manufacturing) to B-H (Business Highway).

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Fraim and seconded by Comm. Kinsey to accept the City Manager's recommendation to offer the four (4) surrounding townships the availability of use of the compost site at \$2.60 per capita.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

RESOLUTION

Moved by Comm. Fraim and seconded by Comm. Harrison to recess under the Open Meetings Act to discuss the purchase property.

Voting yea: Fraim, Harrison, Kinsey, Murphy, Hayes, Sunday-Horstman, Eaton, Chrisman, Mayor Holsinger

Voting nay: None

MOTION

CARRIED

The meeting recessed at 8:30 p.m.

The meeting reconvened at 9:08 p.m.

Moved by Comm. Harrison and seconded by Comm. Chrisman that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 9:08 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 28, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Dobberteen called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Sunday-Horstman, Eaton, Chrisman, Hayes, Mayor Holsinger

Commissioners absent: Murphy, Fraim

Also present: City Manager, City Attorney, Assistant City Manager, Deputy City Clerk

Minutes of the previous regular meeting held on Wednesday, July 14, 1999 were approved as corrected.

County Commissioner John Dobberteen presented an updated report on the Community Development Block Grant that was granted to the City of Three Rivers to administer to the County of St. Joseph.

Sheldon Fieberkorn, 106 Wenzel, expressed his concerns to the Commission regarding the proposed Communications building to be constructed in Oaklawn Cemetery. Mayor Holsinger requested that he wait until the report from the Communications Department be given later in the meeting to see if his questions would be answered.

James Cramer, 1308 E. Hatch Street, expressed his concerns regarding a test well being drilled in his neighborhood in Thurston Woods Park. He requested that the City reconsider the placement of the new well to the north side of the park where it would be less noticeable and would not deter from the aesthetics of the park. City Manager Jerome Kisscorni responded by saying before any permanent action was taken there would be an opportunity for public input.

Scott Terwedo, purchaser of the first industrial lot in Bullard Industrial Park, requested a variance be issued to delay the construction of a sidewalk on his property until more property has been purchased and other owners start installing their sidewalks.

Moved by Comm. Kinsey and seconded by Comm. Hayes to grant the request from Scott Terwedo to delay the installation of a sidewalk on his newly purchased property in Bullard Industrial Park until others are required to do so.

**Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to award the bid for a used motor grader for the Department of Public Works to Michigan CAT, Portage, Michigan, in the amount of \$52,000.

**Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to consider this the second reading and approval of an ordinance to amend Chapter 93 of the ordinances of the City of Sturgis pertaining to the regulation of weeds and noxious growth within the City and to provide for an effective date.

**AMENDMENT TO WEEDS AND NOXIOUS GROWTH ORDINANCE
OF THE CITY OF STURGIS**

WHEREAS, the City Commission has determined that it is in the best interest of the City to amend the Ordinance regulating weeds and noxious growth;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

NUISANCES - WEEDS AND NOXIOUS GROWTH, of the Ordinances of the City of Sturgis is hereby amended to provide as follows as of September 1, 1999.

WEEDS AND NOXIOUS GROWTH

§93.01 DUTY OF OWNER TO CUT WEEDS AND NOXIOUS GROWTH

It shall be the duty of the owner and occupant of any lot, land or premises within the corporate limits of the city to cut and remove, or cause to be cut and removed, all weeds or plant growth in excess of ten inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. This provision shall not apply to land utilized as a railroad, or upon a railroad right-of-way. In such cases, the city shall cut weeds or plant growth at least twice each year.

§93.02 REFUSAL OF OWNER TO CUT WEEDS; CITY TO CUT WEEDS

In case any person shall refuse or neglect to cut and remove the weeds or plant growth as herein provided, then it shall be the duty of the city manager to cause the weeds or plant growth to be cut and removed.

§93.03 RECOVERY OF WEED CUTTING EXPENSE FROM OWNER.

The city commission may collect the expense from the owner or occupant by a direct proceeding or may charge the amount against the lands from which the weeds or plant growth are removed and collect it as a special assessment. All such charges shall also be a lien upon such real estate.

**Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Chrisman that this be considered the first reading on an amendment to the Garbage and Rubbish provisions of the Zoning Ordinance of the City of Sturgis.

**Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton that this be considered the first reading to rezone 312 and 316 North Nottawa Street from R-4 (Apartment) to B-H (Business Highway).

**Voting yea: Six Voting nay: Sunday-Horstman Absent: Murphy, Fraim
MOTION CARRIED**

Moved by Comm. Hayes and seconded by Comm. Chrisman to adopt the following resolution:

RESOLUTION

WHEREAS, on April 9, 1998, as a result of diligent investigation, the City of Sturgis Police Department along with the St. Joseph County Special Response Team conducted a drug raid at the property located at 925 E. Hatch Street within the City of Sturgis, and

WHEREAS, the raid at 925 E. Hatch Street resulted in the seizure of illegal drugs and drug paraphernalia and the arrest of two residents of that home, Craig Steven Gotshall and Jeffrey Alan Gotshall, and

WHEREAS, the People of the City of Sturgis, by and through the office of the City Attorney, filed a Verified Complaint seeking forfeiture of the property located at 925 E. Hatch Street and listed Jeffrey Alan Gotshall, Craig Steven Gotshall and Charles O. Davis as interested parties on May 15, 1998, and

WHEREAS, an Order for Default Judgement against Jeffery Alan Gotshall and Charles O. Davis was entered in the St. Joseph County Circuit Court on August 31, 1998 stating that the City of Sturgis was the sole and true and legal owners of all right, title and interest in the property located at 925 E. Hatch Street as against interested parties Jeffrey Alan Gotshall and Charles O. Davis and that Order was recorded in the St. Joseph County Register of Deeds Office that same day, and

WHEREAS, on November 30, 1998, an Order for Summary Disposition was entered against Craig Steven Gotshall and in favor of the City of Sturgis stating that the City of Sturgis is the sole, true and legal owner of all right, title and interest in the real property described as 925 E. Hatch Street, Sturgis, Michigan and that Order was recorded in St. Joseph County Register of Deeds Office on December 4, 1998, and

WHEREAS, a title search furnished by Professional Abstract & Title Guaranty Co. determined the non-existence of any other potential interested parties, and

WHEREAS, the property located at 925 E. Hatch Street, Sturgis, Michigan was sold to J.D. Yoder at public auction after notice had been duly published.

BE IT RESOLVED that the Mayor and City Clerk are authorized to sign, on behalf of the City of Sturgis, a Quit Claim Deed conveying the real property located at 925 E. Hatch Street, Sturgis, Michigan, to J.D. Yoder, said property being more specifically described as follows:

Lot 95, Lakeview Manor, according to plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 3 of Plats, Page 3.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Harrison and seconded by Comm. Kinsey to adopt the following resolution:

RESOLUTION

WHEREAS, from time to time there exist in the City of Sturgis certain properties which are deemed to be detrimental to the health, safety or aesthetic quality of the City, and

WHEREAS, it becomes possible from time to time for the City to purchase said properties upon non-payment of property taxes, and

WHEREAS, it is deemed beneficial for the City to purchase said properties, then improve,

environmentally remediate or raze such properties;

NOW, THEREFORE, be it resolved that the following question be placed on the ballot for the general election scheduled for November 2, 1999 for consideration by the electors of the City of Sturgis:

PROPERTY ACQUISITION AND IMPROVEMENT TAX MILLAGE

Should the City of Sturgis levy a one (1) mill property tax for a period of five (5) years commencing in calendar year 2000 for the acquisition and remediation of properties determined by the City Commission to be detrimental to the health, safety or aesthetic quality of the City of Sturgis?

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Kinsey to grant a request to move a garage to 400 N. Lakeview Avenue.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Rick Clark, Director of the Communications Department presented an updated report. He stated that work on the cemetery building was canceled.

Comm. Harrison requested a further explanation as to why the work had been canceled and reminded Mr. Clark that there was a visitor present who had requested information regarding the work to be done in the cemetery.

Discussion followed.

Comm. Hayes requested that Mr. Clark review the original bid proposal and asked about any previous

contractual agreements that may have taken place.

Further discussion followed.

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to approve the recommendation from the Economic Development Corporation to enter into an interlobar agreement with the State of Michigan Economic Development Corporation.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Hayes and seconded by Comm. Eaton to approve an annexation petition regarding Marian Trail to be filed with the State Boundary Commission.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to approve an annexation petition regarding Robin Hood Trail to be filed with the State Boundary Commission.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Harrison and seconded by Comm. Kinsey to accept the resignation of Barbara Hackman from the Auditorium Board and to send a letter of appreciation.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

The appointment of a member to the Board of Review to fill the unexpired term of Eric Scheske has been tabled until the next regular meeting to due to a lack of response.

Moved by Comm. Harrison and seconded by Comm. Chrisman to approve the request from the Sturgis Area Chamber of Commerce for a 24 hour liquor license for their annual car raffle to be held on October 16, 1999.

**Voting yea: Harrison, Hayes, Chrisman, Mayor Holsinger
Voting nay: Sunday-Horstman, Eaton
Abstaining: Kinsey Absent: Murphy, Fraim MOTION DEFEATED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$523,040.51 be paid.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$412,699.26 be ratified.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Moved by Comm. Hayes that the request from the Chamber of Commerce be reconsidered at the next meeting.

Mayor Holsinger explained that a member from the prevailing side must make a motion to reconsider, and since he was not on the prevailing side, he was unable to do so. He went on to further explain that since two of the members were absent, they were considered as voting on the prevailing side and one of these two members could bring the issue up at the next meeting.

City Manager Jerome Kisscorni introduced his new assistant, Michael Hughes.

Moved by Comm. Kinsey and seconded by Comm. Harrison to reconsider the request from Sturgis Area Chamber of Commerce for a 24 hour liquor license for their annual car raffle to be held October 16, 1999 at the next regular commission meeting.

Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION CARRIED

Comm. Eaton commended the City Staff, Police Chief Eugene Alli, Fire Chief Paul Trinkka, Vice-President of Mercy Ambulance, Rodney Palmer, and their departments for their professional performance during the recent disaster drill.

Moved by Comm. Eaton and seconded by Comm. Chrisman that the meeting be adjourned.
**Voting yea: Seven Voting nay: None Absent: Murphy, Fraim MOTION
CARRIED**

The meeting was adjourned at 8:57 p.m.

Mary M. Stoddard, Deputy City Clerk

Voting yea: Chrisman, Fraim, Harrison, Murphy, Vice-Mayor Haas
Voting nay: Sunday-Horstman, Eaton **Absent: Kinsey, Mayor Holsinger**
MOTION CARRIED

Moved by Comm. Fraim and seconded by Comm. Harrison that the following Resolution be adopted:

RESOLUTION

WHEREAS, The State Law of Michigan authorizes the serving of alcoholic beverages and the use thereof in armory, air base and naval installation premises by outside parties of a non-military or State governmental nature, and

WHEREAS, the law requires the approval of the legislative body of the political subdivision in which the National Guard Armory, air base or naval installation is located, and

WHEREAS, a request for such approval has been made by the Sturgis Area Chamber of Commerce.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission hereby grants blanket approval authorizing the serving and use of alcoholic beverages on the premises of the **STURGIS ARMORY** located at 1103 North Centerville Road, Michigan, by outside parties of a non-military nature, provided, however, that any such use of alcoholic beverages on said premises shall be in conformity with the rules and regulations of the Michigan Liquor Control Commission, local ordinances, and State and Federal rules and regulations and rules and general orders of the Department of Military Affairs.

BE IT FURTHER RESOLVED, that this blanket approval be effective until further action by the Sturgis City Commission.

Voting yea: Five
Eaton

Voting nay: Sunday-Horstman,

Absent: Kinsey, Mayor Holsinger
ADOPTED

RESOLUTION WAS

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the following Resolution be adopted:

RESOLUTION

WHEREAS, “Zero Tolerance” means zero, zilch, none;

WHEREAS, “Zero Tolerance” serves as a foundation for strong support of enforcement efforts and as a deterrent to help our children avoid problems and situations associated with the use and abuse of illegal drugs;

WHEREAS, during the last school year over 300 fifth and sixth grade Sturgis students pledged to keep their minds and bodies drug free as they graduated from the D.A.R.E. (Drug Abuse Resistance Education) Program, thereby supporting “Zero Tolerance”;

WHEREAS, “Zero Tolerance” calls for government and community to stand together in opposing illegal drugs and reporting to law enforcement officials the use and abuse of illegal drugs in our community;

WHEREAS, the Sturgis City Commission asks all residents of the City of Sturgis to join with them in a community partnership urging parents, educators, groups and organizations to adopt a “Zero Tolerance: approach to illegal drugs;

WHEREAS, the Sturgis City Commission supports diligent enforcement efforts of the Police Department, and vigorous prosecution of those individuals charged with the use and abuse of illegal drugs in our community.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission in as effort to improve the quality of life in our community, take positive steps to preserve that quality for our children now and for future generations, and send a clear message that illegal drugs will not be tolerated, support and adopt this resolution for “Zero Tolerance.”

Voting yea: Seven Voting nay: None Absent: Kinsey, Mayor Holsinger
MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Harrison to table the appointment of a member of the Board of Review until the next regular Commission meeting.

Voting yea: Seven Voting nay: None Absent: Kinsey, Mayor Holsinger
MOTION CARRIED

Comm. Harrison nominated Madeleine Murphy Parker to the Auditorium Board and Comm. Sunday-Horstman seconded the nomination.

Moved by Comm. Eaton and seconded by Comm. Murphy that the nominations be closed.

Voting yea: Seven Voting nay: None Absent: Kinsey, Mayor Holsinger
MOTION CARRIED

Madeleine Murphy Parker will fill the unexpired term of Barbara Hackman, term expires May, 2000.

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,800,588.70 to be paid.

Voting yea: Seven Voting nay: None Absent: Kinsey, Mayor Holsinger
MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$659,060.88 be ratified.

Voting yea: Seven Voting nay: None Absent: Kinsey, Mayor Holsinger
MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Harrison to amend the Resolution to Submit Tax Millage to Public Referendum and to add the following wording to the November 2nd Election ballot: “The estimated increase in revenue to be collected by the City in the first year if the millage is approved is \$204,716.”

RESOLUTION TO SUBMIT TAX MILLAGE TO PUBLIC REFERENDUM

WHEREAS, from time to time there exists in the City of Sturgis certain properties which are deemed to be detrimental to the health, safety or aesthetic quality of the City, and

WHEREAS, it becomes possible from time to time for the City to purchase said properties upon non-payment of property taxes, and

WHEREAS, it is deemed beneficial for the City of purchase said properties, then improve, environmentally remediate or raze such properties; and

WHEREAS, the City will, subject to approval by the electors of the City of Sturgis and in compliance with state statutes, levy a one (1) mill property tax for a period of five (5) years commencing in calendar year 2000 for the acquisition and remediation of properties determined by the City Commission to be detrimental to the health, safety or aesthetic quality of the City of Sturgis.

NOW, THEREFORE, BE IT RESOLVED, that the following question be placed on the ballot for the general election scheduled for November 2, 1999 for consideration by the electors of the City of Sturgis:

PROPERTY ACQUISITION AND IMPROVEMENT TAX MILLAGE

Should the City of Sturgis levy a one (1) mill property tax for a period of five ((5) years commencing in the calendar year 2000 for the acquisition and remediation of properties determined by the City Commission to be detrimental to the health, safety or aesthetic quality of the City of Sturgis?

_____ Yes

_____ No

The estimated increase in revenue to be collected by the City in the first year if the millage is approved is \$204,716.

**Voting yea: Seven
Holsinger**

Voting nay: None

Absent: Kinsey, Mayor

MOTION

CARRIED

The meeting was adjourned at 8:15 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 25, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Murphy, Sunday-Horstman, Chrisman, Eaton, Fraim, Hayes, Mayor Holsinger

Commissioners absent: Kinsey

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, Deputy City Treasurer.

Minutes of the previous regular meeting held on Wednesday, August 11, 1999 were approved as corrected.

Commissioner Kinsey present

State Representative Cameron Brown was present to discuss the single business tax and also reviewed pending legislative bills.

Robert Magness, 1412 Kent St. came before the commission to present his concern on power outages and standard operating procedures.

Moved by Comm. Eaton and seconded by Comm. Hayes to award the low bid from Balkema Excavating, Kalamazoo, Mich., in the amount of \$130,000.00 for replacement of Wilshire Lift Station.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Fraim and seconded by Comm. Hayes to accept the bid from Hickman Home Improvement, Sturgis, MI. in the amount of \$8,676.00 to reroof the Cemetery Maintenance Barn

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Eaton and Seconded by Comm. Murphy that Navistar International Transportation, Taylor, MI. be awarded the bid for two (2) dump trucks for a total of \$161,970.00. Said purchase is through the State of Michigan Extended purchasing program.

Voting yea: nine

Voting nay: none

MOTION CARRIED

-1-

Mike Vance, City Controller and Mark Hughes, consultant, presented a report on the City's

computer billing, payroll and accounting systems. Moved by Comm. Harrison and seconded by Comm. Kinsey to authorize the City to go into negotiations with Creative Microsystems, Inc. (CMI) for a total of \$85,000.00 maximum.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Presentation on the St. Joseph County Homeowner Assistance Program was given by John Daly, Three Rivers City Manager and program executive and Lou Ann Moord, program administrator.

Moved by Comm. Hayes and seconded by Comm. Fraim that this be considered the second reading and approval on an amendment to the Garbage and Rubbish provisions of the Zoning Ordinance of the City of Sturgis and to provide for an effect date.

AMENDMENT TO THE GARBAGE AND RUBBISH PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF STURGIS

An ordinance to amend Article II, Section 1.0202, and Article V, Section 1.0521, of the Zoning Ordinance of the City of Sturgis pertaining to the definition of rubbish and the regulation of garbage and rubbish within the City, and too provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the garbage and rubbish regulation provisions of the Zoning Ordinance and to provide for a definition of rubbish;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

(1) Article II, Section 1.0202 of the Zoning Ordinance is hereby amended to include the following definition, effective as of September 15, 1999:

RUBBISH:

Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

(2) Article V, Section 1.0521 of the Zoning Ordinance is hereby amended to provide as follows, effective as of September 15, 1999:

1.0521 GARBAGE AND RUBBISH AND SCREENING OF OUTDOOR STORAGE; JUNK MOTOR VEHICLES

The outdoor storage, collection, keeping, or placing of garbage or rubbish by a property owner or occupant is prohibited in all public rights-of-way, all yards in any residential zone, and in front and side yards in B-H Business or M Manufacturing zones unless in a covered and approved container for a period not to exceed twenty-four (24) hours; Provided however, on the day of rubbish pick-up only, garbage and rubbish may be stored in secure paper or plastic bags at an appropriate rubbish pick-up location. An approved container is one which is leakproof with a close-fitting cover for the storage of garbage or rubbish.

-2-

Outdoor storage of materials and rubbish is permitted in B-H Business or M Manufacturing districts, but only in rear yards, and when any such rear yard abuts residentially zoned or

developed areas, it shall be screened from the adjacent residential areas by a solid fence or wall at least six (6) feet in height, or by six (6) foot evergreen planting. Notwithstanding the foregoing, building materials or rubbish in a dumpster may be stored temporarily on a construction site while construction is actually in progress. Other types of materials too large or bulky to be conveniently placed in a container may be temporarily stored in an outdoor location for not more than twenty-four (24) hours while awaiting pickup by a rubbish collector or hauler. Motor vehicles which are inoperable or not currently licensed shall be deemed to be rubbish, and shall not be stored in any residential zone except within the confines of an enclosed building. If garbage or rubbish is stored, collected, kept or placed in a public right-of-way or a required front yard setback area for more than twenty-four (24) hours, the City may, after a three day written notice to remove the garbage or rubbish to the property owner or occupant, remove the garbage or rubbish and bill the property owner or occupant. In all other circumstances, if garbage or rubbish is stored, collected or placed in violation of this section, the City may, ten (10) days after issuance of a citation to the property owner or occupant, cause the garbage or rubbish to be removed and bill the property owner or occupant. If any such billing is not paid within ninety (90) days it shall become a lien on the property, properly recorded at the County.

Voting yea: nine Voting nay: none MOTION CARRIED

City Commission reviewed the Grant/Funding request application forms. Report from Planning Board on Public Hearing on Weeds and Noxious Growth.

Moved by Comm. Fraim and seconded by Comm. Murphy to appoint Scott Jefferies to the Board of Review to fill the unexpired term of Eric Scheske, term to expire May 2001.

Voting yea: nine Voting nay: none MOTION CARRIED

Moved by Comm. Kinsey and seconded by Comm. Eaton to accept the resignation of Dr. Paul Brothers from the Hospital Board of Trustees, and a letter of appreciation be sent.

Voting yea: nine Voting nay: none MOTION CARRIED

Moved by Comm. Hayes and seconded by Comm. Eaton that the protective use restrictions of the Sturgis City Subdivision be approved.

Voting yea: nine Voting nay: none MOTION CARRIED

-3-

Moved by Comm. Eaton and seconded by Comm. Murphy that the City Commission hold a public hearing on Wednesday, September 22, 1999 at 7:30p.m. in the Wiesloch Raum, City Hall, to consider creating a special assessment district for Sturgis City Subdivision public

improvements.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman that the City Commission hold a public hearing on Wednesday, September 22, 1999 at 7:30p.m. in the Wiesloch Raum, City Hall to establish the 1999 sidewalk program special assessment district.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that the following resolution be adopted:

RESOLUTION

WHEREAS, AMERICRAFT CARTON, INC. is the owner of an industrial site at 305 W. South Street which has served as an employment opportunity for residents of Sturgis for fifty years, and

WHEREAS, Americraft Carton, Inc. is a nationwide leader in the design and creation of folding cartons, and

WHEREAS, by virtue of its increasing success, Americraft Carton, Inc. **Provides employment for over one hundred workers in Sturgis, and**

WHEREAS, the City of Sturgis recognizes the continuing contributions of Americraft Carton, Inc. and its employees to the community,

NOW, THEREFORE, Be it Resolved that the Sturgis City Commission does hereby proclaim August 28, 1999, as a date to be dedicated to Americraft Carton, Inc. and its staff of employees, celebrating fifty years of success in Sturgis.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$500,317.42 be paid.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$497,825.58 be ratified.

Voting yea: nine

Voting nay: none

MOTION CARRIED

Moved by Comm. Hayes and seconded by Comm. Eaton to refer to the Planning Board a request from the owners of 206 North St. to re-zone from B-C (Business Central) to R-4(Apartment).

Voting yea: nine

Voting nay: none

MOTION CARRIED

-4-

Moved by Comm. Kinsey and seconded by Comm. Hayes to allow the request from the Tops Chapters 248, 1508 & 1336 to walk the downtown sidewalks on September 18, 1999.

Voting yea: nine

Voting nay: none

MOTION CARRIED

RESOLUTION

Moved by Comm. Fraim and seconded by Comm. Hayes to recess under the Open Meetings Act to discuss labor negotiations and property purchases.

Voting yea: Kinsey, Murphy, Hayes, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Holsinger

Voting nay: none

MOTION CARRIED

The meeting recessed at 9:30p.m.

The meeting reconvened at 10:22p.m.

Moved by Comm. Hayes and seconded by Comm. Chrisman that the meeting be adjourned.

Voting yea: nine

Voting nay: none

MOTION CARRIED

The meeting was adjourned at 10:40p.m.

Sharon A. Hudson, Deputy Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 8, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners Present: Harrison, Kinsey, Murphy, Sunday-Horstman, Chrisman, Fraim, Hayes, Mayor Holsinger

Commissioners absent: Eaton

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, August 25, 1999 were approved as presented.

Moved by Comm. Harrison and seconded by Comm. Fraim that a public hearing be held on Wednesday, September 22, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall on the Sturgis City Subdivision final plat approval.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION CARRIED

Rick Clark and Julie Cottin presented a status report and options regarding the Communications Department.

Mayor Holsinger opened the meeting to the public.

The following citizens addressed the Commission to express their concerns: Fran Losinski, 809 Nottingham; Robert Magness, 1412 Kent; Gary Black, Mahle Landing; Michael Caywood, 1105 Constitution; Tony Falbe, 307 ½ S. Maple; Joe Haas, 600 E. Chicago; Keith Treman, 1332 Rolling Ridge; Scott Jeffries, 1011 Merribe; and Newell Franks II, 702 Independence.

Mayor Holsinger closed the meeting to public discussion.

City Manager Jerome Kisscorni recommended that the City exit the communications systems and begin legal action against Marconi to recover \$256,000.00.

Moved by Comm. Kinsey and seconded by Comm. Murphy to proceed with the presale as recommended by the Communications Department and to discuss this topic further and review any public feedback in another three weeks.

Voting yea: Kinsey, Murphy, Hayes, Mayor Holsinger

Voting nay: Sunday-Horstman, Chrisman, Fraim, Harrison

Absent: Eaton

VOTE

MOTION DEFEATED DUE TO TIE

Moved by Comm. Harrison and seconded by Comm. Fraim to return the Bond money, keep the

Communications Department for three (3) months, and start legal action proceedings against Marconi.

Voting yea: Fraim, Harrison

Voting nay: Murphy, Hayes, Sunday-Horstman, Chrisman, Kinsey, Mayor Holsinger

Absent: Eaton

MOTION DEFEATED

Comm. Fraim requested that the Mayor call a Special Meeting when all Commission members are present to vote on the Communications project.

Moved by Comm. Hayes and seconded by Comm. Chrisman, to approve the payment to Marconi for the walk-out, per the City Attorney's advice, in the amount of \$38,500.

Voting yea: Eight

Voting nay: None Absent: Eaton

MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$373,690.77 be paid.

Voting yea: Eight

Voting nay: None Absent: Eaton

MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$404,807.78 be ratified.

Voting yea: Eight

Voting nay: None Absent: Eaton

MOTION CARRIED

The request to go into closed session to discuss the purchase of property was postponed.

Moved by Comm. Kinsey and seconded by Comm. Chrisman that the meeting be adjourned.

Voting yea: Eight

Voting nay: None Absent: Eaton

MOTION CARRIED

The meeting was adjourned at 9:44 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 22, 1999
WIESLOCH RAUM - CITY HALL**

The meeting was called to order by Mayor Holsinger at 7:30 p.m.

Commissioners present: Kinsey, Harrison, Murphy, Sunday-Horstman, Chrisman, Fraim, Mayor Holsinger

Commissioners absent: Eaton, Hayes

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, City Clerk

Mayor Holsinger opened the meeting by recognizing Comm. Eaton, and asking that our thoughts be with him in his time of need, as he recently has suffered a serious stroke.

Minutes of the previous regular meeting held on Wednesday, September 8, 1999 were approved as presented.

Moved by Comm. Kinsey and seconded by Comm. Murphy to award the bid for the Engineering Department for the W. West Street reconstruction to Caporossi Asphalt Paving, Inc., Kalamazoo, Michigan in the amount of \$76,370.00.

**Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman to reject the bid for the Hydro Plant south abutment improvements until further input and different alternatives are received.

**Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to reject the bid for the replacement of a two-way radio system for the Electric Department until further review of different systems and options can be researched.

**Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Fraim that the bid for the sale of a 1990 Leaf Loader from the Sturgis Department of Public Works be awarded to the City of Marshall, Marshall, Michigan in the amount of \$5,051.00.

**Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that the bid for the sale of

a 1974 Motor Grader from the Sturgis Department of Public Works be awarded to Wendell Kline, Leonidas, Michigan in the amount of \$5,700.00.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION CARRIED

Public hearing on the establishment of the 1999 Sidewalk Special Assessment District was held. Jack Cavanaugh, 428 E. South Street; Jeff Kline, 508 E. South Street; and Parel Strong, 1105 Michigan Street addressed the Commission with their concerns regarding the installation of a sidewalk.

Mayor Holsinger closed the public hearing.

Moved by Comm. Harrison and seconded by Comm. Fraim to award the bid for the 1999 Sidewalk Program for the Engineering Department to Bryant Excavating, Inc., Kalamazoo, Michigan in the amount of \$108,183.00, contingent upon the adoption of the special assessment district.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION CARRIED

Moved by Comm. Harrison and seconded by Comm. Chrisman to approve the final plat of the Sturgis City Subdivision.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION CARRIED

Public hearing on the establishment of a special assessment district for the Sturgis City Subdivision public improvements was held.

No comments from the public were offered.

Mayor Holsinger closed the public hearing.

RESOLUTION

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman to reject the recommended compensation by the Elected Officials Compensation Commission as listed below.

ANNUAL SALARY

City Commissioner.....	\$1,200.00
Mayor.....	\$1,800.00

PER DIEM COMPENSATION

A City Commissioner is entitled to \$35.00, with a monthly cap of \$130.00, and the Mayor is entitled to \$50.00, with a monthly cap of \$250.00, for attendance at any meeting as a City Commissioner or Mayor, other than the regularly scheduled City Commission meetings.

The recommended compensation for the Sturgis City Commissioners, pursuant to the Elected Officials Compensation Commission Ordinance, shall become effective January 1, 2000 unless within thirty (30) days after this Determination is filed with you the Determination is rejected by a resolution adopted by a two-thirds (2/3) vote of the City Commission. In such an event, then

the existing compensation for the City Commissioners and Mayor shall remain in effect.

Voting yea: Fraim, Murphy, Sunday-Horstman

Voting nay: Chrisman, Harrison, Kinsey, Mayor Holsinger

MOTION

DEFEATED

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to approve the Fiscal Year Amendments to the 1998-99 Budget.

ACCOUNT NO.	ADJUSTMENT AMOUNT	ADJUSTED
BUDGET		
General Fund		
	Expenses	
	Increase/(Reduction)	
General Government		
101-101-000-956 (Commission)	\$19,900	\$56,000
101-172-000-956 (City Manager)	7,500	55,000
101-191-000-956 (Elections)	1,000	12,350
101-223-000-956 (Controller)	(7,000)	13,200
101-265-000-956 (City Hall & Grds)	(4,000)	39,500
101-651-000-700 (Ambulance)	(12,000)	17,000
Police Department		
101-301-000-702 (Wages)	(30,000)	1,077,900
Fire Department		
101-336-000-702 (Wages)	(40,000)	690,900
Planning & Zoning		
101-400-000-801 (Prof. Services)	10,000	20,200
Airport		
101-537-000-702 (Wages)	6,000	13,100
101-537-000-930 (Repairs & Maint.)	5,000	23,000
Parking		
101-538-000-702 (Wages)	4,000	15,000
Engineering		
101-447-000-702 (Wages)	(5,000)	31,850
101-447-000-728 (Office Exp.)	(2,000)	5,800
101-447-000-801 (Prof. Services)	(18,000)	2,000
Social Services		
101-658-000-700 (Expenditures)	4,000	67,750
Annexation		
101-806-000-700 (Expenditures)	16,500	25,500
Contingencies		
101-890-000-900 (Expenditures)	89,100	127,100
Capital Outlay		
101-900-000-970	(45,000)	194,500

General Fund Budget Adjustments:

Increases \$163,000
Reductions \$163,000

DDA Fund

214-000-000-970.000	\$20,000	\$20,000
DDA Budget Adjustment	\$20,000	\$70,117

Doyle Center Fund

265-000-000-801	\$10,000	\$52,000
265-000-000-830	5,800	28,300
Doyle Budget Adjustment	\$15,800	

Fund Balances of Affected Funds

Following are estimated Fund balances (budgeted and after amendment) for those funds affected by the above budget adjustments.

Fund	Budgeted 09-30-99 Fund Balance	Amended 09-30-99 Fund Balance
General Fund	\$1,438,207	\$1,406,307
D.D.A. Fund	87,675	67,675
Doyle Center Fund	5,315	\$ (2,100)
Voting yea: Seven Voting nay: None Absent: Eaton, Hayes		MOTION
CARRIED		

Mayor Holsinger set a date of October 4, 1999 at 7:30 p.m. to hold a Special City Commission meeting to discuss the Communication Department.

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$1,526,657.54 be paid.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$618,347.79 be ratified.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman to allow Fawn River Township the opportunity to utilize the City Compost Site at an annual fee of \$3,000.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED

County Commissioner John Dobberteen informed the Commission that the dedication of the Veteran's Memorial at the St. Joseph County Courthouse will be held on Monday, September 27, 1999 at 5:30 p.m.

RESOLUTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Murphy to recess under the Open Meetings Act for the purpose of discussing a property purchase.

Voting yea: Fraim, Harrison, Kinsey, Murphy, Sunday-Horstman, Chrisman, Mayor Holsinger

Voting nay: None

Absent: Eaton, Hayes

MOTION

CARRIED

The meeting recessed at 8:41 p.m.

The meeting reconvened at 9:09 p.m.

Moved by Comm. Murphy and seconded by Comm. Chrisman that the meeting be adjourned.

Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION

CARRIED

The meeting was adjourned at 9:09 p.m.

Carol F. Rambadt, City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
MONDAY, OCTOBER 4, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Murphy, Sunday-Horstman, Chrisman, Fraim, Mayor Holsinger

Commissioners absent: Eaton, Hayes

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, Deputy City Clerk.

Rick Clark, Director of the Communications Department reviewed the options and pre-sale numbers.

Tim Vowell, Director of Government Relations for Charter Communications, discussed the services and commitments offered by his company to the community.

Moved by Comm. Harrison and seconded by Comm. Fraim that the City exit the Communications System.

Mayor Holsinger opened the meeting to public discussion.

Don Lampe, 402 Sturgis Avenue, and Gary Black, 903 N. Clay, expressed their concerns to the Commission.

Mayor Holsinger closed the meeting to public discussion.

Further discussion followed.

Voting yea: Murphy, Sunday-Horstman, Fraim, Harrison, Mayor Holsinger

Voting nay: Chrisman, Kinsey Absent: Eaton, Hayes MOTION

CARRIED

Moved by Comm. Harrison and seconded by Comm. Kinsey that the following resolution be adopted:

**RESOLUTION APPROVING THE PURCHASE OF THE
COMMUNICATIONS SYSTEM REVENUE BONDS, SERIES 1999**

WHEREAS, on June 8, 1999, the City of Sturgis (the "City") issued its Communications System Revenue Bonds, Series 1999 (the "Bonds") in order to finance the acquisition and construction of a Communications System (the "System") to service the residents of the City; and

WHEREAS, Sturgis Bank and Trust Company, Citizens Bank and Century Bank and Trust (together the "Banks") purchased the Bonds from the City in the following amounts: Century Bank and Trust - \$2,600,000, Citizens Bank - \$2,700,000, and Sturgis Bank and Trust Company - \$2,700,000; and

WHEREAS, the construction bid received by the City from Marconi Communications to construct the System was substantially above the original proposal from RELTEC CDTS, Inc.,

Marconi's predecessor in interest, and provided for a less cost-effective technology, so that the City's feasibility study previously prepared and reviewed for the purpose of operating the System and paying for the Bonds, and which was based upon the RELTEC proposal, is no longer feasible; and

WHEREAS, because of the inability of the City to construct the System in the manner previously contemplated for the available moneys and to generate the revenues necessary to pay for the System, the City has determined not to proceed with the construction or operation of the System and therefore desires to purchase the Bonds from the Banks at par, plus accrued interest to the date of purchase, in order to cancel the Bonds and the outstanding debt of the System.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager, with the assistance and approval of the City Attorney, is authorized to negotiate, execute and effectuate a Bond Purchase Agreement with the Banks in order to purchase the Bonds at par, plus accrued interest to the date of purchase. The City shall use any other available moneys in order to pay for and cancel the Bonds in full.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Voting yea: Harrison, Kinsey, Murphy, Sunday-Horstman, Chrisman, Fraim, Mayor Holsinger

Voting nay: None

Absent: Eaton, Hayes

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Harrison to direct the City Attorney to seek further legal action against Marconi Communications, Inc.

Voting yea: Seven

Voting nay: None

Absent: Eaton, Hayes

MOTION

CARRIED

RESOLUTION

Moved by Comm. Harrison and seconded by Comm. Murphy to recess under the Open Meetings Act for the purpose of discussing purchase of property and labor negotiations.

Voting yea: Sunday-Horstman, Chrisman, Fraim, Harrison, Kinsey, Murphy, Mayor Holsinger

Voting nay: None

Absent: Eaton, Hayes

MOTION

CARRIED

The meeting recessed at 8:13 p.m.

The meeting reconvened at 9:12 p.m.

Moved by Comm. Fraim and seconded by Comm. Harrison to authorize the City to negotiate up to \$5,000.00 to acquire the mortgage and promissary note for the Newport Building.

Voting yea: Seven

Voting nay: None

Absent: Eaton, Hayes

MOTION

CARRIED

Moved by Comm. Harrison and seconded by Comm. Kinsey to ratify the proposed four (4) year contract for the City of Sturgis Police Department.

Voting yea: Seven

Voting nay: None

Absent: Eaton, Hayes

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Chrisman to ratify the proposed five (5) year contract for the City of Sturgis Fire Department.

**Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman that the meeting be adjourned.

**Voting yea: Seven Voting nay: None Absent: Eaton, Hayes MOTION
CARRIED**

The meeting was adjourned at 9:16 p.m.

Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 13, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Murphy, Sunday-Horstman, Chrisman, Fraim, Hayes, Mayor Holsinger

Commissioners absent: Eaton

Also present: City Manager, Assistant City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, Deputy City Clerk

Minutes of the previous regular meeting held on Wednesday, September 22, 1999 and of the special meeting held on Monday, October 4, 1999 were approved as presented.

Chuck Fahs, 25892 N. White Tail Road, expressed his concerns to the Commission regarding a lack of facilities to hold games for the Sturgis youth sports programs.

Moved by Comm. Kinsey and seconded by Comm. Murphy to approve the 1999 Sidewalk Special Assessment District as presented, with the exception that 428 E. South Street be allowed to have the sidewalk installed straight and not diagonally, as proposed by the City Engineer.

Discussion followed.

Comm. Murphy withdrew his second.

Moved by Comm. Kinsey and seconded by Comm. Murphy to amend the motion to remove the exception regarding 428 E. South Street.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Vote was taken on original motion to approve the 1999 Sidewalk Special Assessment District, as presented.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to approve the Sturgis City Subdivision Special Assessment District, as presented.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Chrisman to approve a fifteen (15) year lease of Kirsch Municipal Airport land (approximately 8,000 square feet) to Riley Aviation, Inc., for the purpose to construct an airplane hangar.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Hayes and seconded by Comm. Chrisman to approve the request from MCH Sturgis Corporation to transfer a B-Hotel Liquor License from the Boulevard Motel Corporation to T&G Group, LCC.

Voting yea: Six Voting nay: Kinsey, Sunday-Horstman Absent: Eaton
MOTION CARRIED

Moved by Comm. Kinsey and seconded by Comm. Hayes to consider this the introduction and first reading of an Ordinance to amend Title VII of the Ordinances of the City of Sturgis as it relates to penalties for individuals found in violation of Chapter 71.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Hayes and seconded by Comm. Chrisman to consider this the introduction and first reading of an Ordinance to amend Title VII of the Ordinances of the City of Sturgis to add Chapter 77 pertaining to being duly licensed to operate a motor vehicle.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman to consider this the introduction and first reading of an Ordinance to amend Title XIII of the Ordinances of the City of Sturgis to add Chapter 137 pertaining to retail fraud..

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman to consider this the introduction and first reading of an Ordinance authorizing criminal history review of prospective City employees.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Fraim and seconded by Comm. Harrison to refer the sample Graffiti Ordinances to the Planning Board for review and recommendation.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Harrison that the City bills in the amount of \$645,792.80 be paid.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Hayes that the Hospital bills in the amount of \$942,244.32 be ratified.

Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

Moved by Comm. Fraim and seconded by Comm. Chrisman that the meeting be adjourned.
Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED

The meeting was adjourned at 8:35 p.m.

Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 27, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Holsinger called the meeting to order at 7:30 p.m.

Commissioners present: Harrison, Kinsey, Murphy, Sunday-Horstman, Chrisman, Fraim, Hayes, Mayor Holsinger

Commissioners absent: Eaton

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, October 13, 1999 were approved as presented.

Jeff Kline, 508 E. South Street, presented a petition to the Commission signed by citizens who are requesting the City to construct the proposed sidewalks for the north side of East South Street in a straight line adjacent to the street from the intersection of South Lakeview and East South Street to Oaklawn Cemetery. The City Engineer will work with petitioners in hopes of finding a suitable sidewalk location.

DPW Superintendent Ray McKercher presented employee Larry Barnell with a plaque for winning the front loader competition at the annual Snow Plow Roadeo in Wyoming, Michigan over 32 competitors from five states and Ontario, Canada by scoring 705 points in eight events.

Police Chief Gene Alli introduced the four members of the newly organized Police Bike Patrol, along with their new bikes and equipment. Cpl. David Northrop, Ptl. Brian Cooper, Youth Services Officer Geoff Smith, and Cpl. Richard Johnson recently underwent a special training program and received certification by the Law Enforcement Bicycle Association.

Mayor Holsinger issued a report from the City Hospital Advisory Committee, recommending the City maintain ownership and control of Sturgis Hospital and that the City Commission and Hospital Board meet at least twice annually to review the Hospital's on-going viability.

Moved by Comm. Kinsey and seconded by Comm. Murphy to accept the proposed City of Sturgis Communications Plan as presented.

**Voting yea: Seven Voting nay: Chrisman Absent: Eaton MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Fraim to award an additional \$17,500 in funding for the Sturgis Community Pool.

Voting yea: Hayes, Fraim, Harrison, Kinsey, Murphy

1. Section 71.01(4) is modified to read as follows:

(4) If a person is convicted of violating subsection (1), the following shall apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor, and may be punished by one (1) or more of the following:

(i) Service to the community for a period of not more than forty-five (45) days.

(ii) Imprisonment for not more than ninety-three (93) days.

(iii) A fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

2. Section 71.01(7) is modified to read as follows:

(7) A person who is convicted of violating subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than ninety-three (93) days, or a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or both.

3. Section 71.01(8)(a) is modified to read as follows:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by one (1) or more of the following:

(i) Service to the community for a period of not more than forty-five (45) days.

(ii) Imprisonment for not more than nine-three (93) days.

(iii) A fine of not more than five hundred dollars (\$500.00).

4. Section 71.02(2)(b) is modified to read as follows:

(b) If the violation occurs within seven (7) years of one (1) ore more prior convictions, the person may be sentenced to one (1) or both of the following:

(i) Service to the community for a period of not more than sixty (60) days.

(ii) A fine of not more than five hundred dollars (\$500.00).

(iii) Imprisonment for not more than ninety-three (93) days.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Frain to consider this the second reading and adoption of an ordinance to amend Title VII of the ordinances of the City of Sturgis to add Chapter 77 (Operator's and Chauffeurs Licenses) pertaining to being duly licensed to operate a motor vehicle and to provide for an effective date.

**AMENDMENT TO TITLE VII OF THE ORDINANCES OF
THE CITY OF STURGIS TO ADD CHAPTER 77
PERTAINING TO AN ORDINANCE REGARDING BEING
DULY LICENSED TO OPERATE A MOTOR VEHICLE
AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS
ORDINANCE**

WHEREAS, the Legislature of the State of Michigan has increased the maximum penalty for certain individuals convicted of violating Michigan Compiled Law 257.904 from a maximum possible ninety (90) days incarceration to a maximum possible ninety-three (93) days of incarceration and increasing certain financial penalties; and

WHEREAS, the Legislature of the State of Michigan in Public Act No. 55 of 1999 amended Michigan Compiled Law 117.4i and authorized cities such as Sturgis to enact or amend ordinances that provide for a violation of imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both, if the violation substantially

corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is ninety-three (93) days; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to enact Chapter 77 of Title VII of the Ordinances of the City of Sturgis and to provide for penalties for violating this Chapter;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Title VII, Chapter 77: Operator's or Chauffeur's Licenses, is hereby added to the ordinances of the City of Sturgis to provide as follows effective as of December 1, 1999:

CHAPTER 77: OPERATOR'S AND CHAUFFEUR'S LICENSES.

§77.01 A person's whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided by law of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles including the area designated for the parking of motor vehicles within this state.

§77.02 A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles within the City of Sturgis by a person whose license or registration certificate is suspended or revoked whose application for license has been denied, or who has never applied for a license, except as permitted under this ordinance.

§77.03 Penalty. A person who violates this chapter is guilty of a misdemeanor punishable by imprisonment by not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Hayes that this be considered the second reading and adoption of an Ordinance to amend Title XIII of the ordinances of the City of Sturgis to add Chapter 137 pertaining to retail fraud and to provide for an effective date.

**AMENDMENT TO TITLE XIII OF THE ORDINANCES OF
THE CITY OF STURGIS TO ADD CHAPTER 137
PERTAINING TO RETAIL FRAUD AND TO PROVIDE
FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

WHEREAS, the Legislature of the State of Michigan in Public Act No. 55 of 1999 amended Michigan Compiled Law 117.4i and authorized cities such as Sturgis to enact or amend ordinances that provide for a violation of imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00), or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is ninety-three (93) days; and

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to amend Title XIII of the Ordinances of the City of Sturgis to include a chapter prohibiting certain acts of retail fraud and to provide penalties for violating that chapter;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Title XIII, Chapter 137: Retail Fraud in Third Degree, is hereby added to the ordinances of the

City of Sturgis to provide as follows effective as of December 1, 1999:

CHAPTER 137: RETAIL FRAUD IN THIRD DEGREE

§137.01 RETAIL FRAUD IN THIRD DEGREE

A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud in the third degree:

(a) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale, if the resulting differences in price is less than \$200.00.

(b) While a store is open to the public, steals property of the store that is offered for sale at a price of less than \$200.00.

(c) With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store, if the amount of money, or the value of the property obtained or attempted to be obtained is less than \$200.00.

The values of the difference in price, property stolen, or money or property obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value involved in the offense under this section.

§137.02 PENALTY

A violation of this Chapter is a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or a fine of not more than five hundred dollars (\$500.00) or three (3) times the difference in price, property stolen or money or property obtained, or attempted to be obtained, whichever is greater, or both imprisonment and a fine.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Frain and seconded by Comm. Chrisman that this be considered the second reading and adoption of an Ordinance authorizing criminal history review of prospective City employees and to provide for an effective date.

**ORDINANCE AUTHORIZING CRIMINAL HISTORY
REVIEW OF PROSPECTIVE CITY EMPLOYEES**

An ordinance to add Chapter 36: Prospective City Employees Criminal History Review to Title III of the Ordinances of the City of Sturgis authorizing criminal history reviews of prospective city employees and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation of the Chief of Police and the City Manager, has determined it to be in the best interest of the residents of the City to authorize a criminal history review of prospective City employees;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan, ordains:

Chapter 36: Prospective City Employees Criminal History Review is hereby added to Title III of the Ordinances of the City of Sturgis, effective as of December 1, 1999.

**CHAPTER 36: PROSPECTIVE CITY EMPLOYEES CRIMINAL HISTORY REVIEW
36.01 CRIMINAL HISTORY REVIEW**

The City of Sturgis requires, as a condition for employment by the City, the following criminal history review for all prospective City employees:

Moved by Comm. Sunday-Horstman and seconded by Comm. Fraim to approve the request of Daniel Stevens to move a house from Osceola, Indiana to 1014 Merryview.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Harrison to waive the liquor license fees for Applebees until the end of the 1999 calendar year.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman to approve the request from the Sturgis Shrine Club to sell candy bars from November 1st through the 13th in the City of Sturgis.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Comm. Fraim requested that it go on record to say that even though he may have had disagreements with fellow Commissioners, their hearts were in the right place.

Vice-Mayor Hayes, on behalf of the City Commission, Staff, City Manager, City Attorney and City Clerk, read to Mayor Holsinger the following proclamation and presented a plaque to him along with an engraved gavel and board.

PROCLAMATION

Carl Holsinger has been a City Commissioner representing the third precinct for twenty years. He's been Mayor twice, from 1992-94, and again this year.

Trying to list everything he has done for his community over the last 20 years would be exhausting. Just a few things which he has heavily influenced over the years included Cinco de Mayo, the Sister City relationship with Wiesloch, Germany, the City and County's Solid Waste efforts, Regional Planning, the continued economic development of Sturgis, and reorganizing the management of Sturgis Hospital.

Sturgis is a better place to live thanks to Carl's years of service as a commissioner. He has been a doer, rolling up his sleeves and attacking what needs to be done. To this Commission, he has been the voice of experience, a leader who knows the rules of the game, and had the ability to get us all to play effectively. We're going to miss his guidance and wisdom, and his expertise.

From all of us on the City Commission, from City Staff and from the community you have served so well, Carl, thanks for all you've done, congratulations on all you've accomplished and our best wishes in the day and years ahead.

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to approve the

recommendation from the Hospital Board to appoint Diana Maynard, 801 Clinton to fill the unexpired term of Dr. Paul Brothers, term to expire in May, 2003.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

Moved by Comm. Hayes and seconded by Comm. Chrisman that the meeting be adjourned.

**Voting yea: Eight Voting nay: None Absent: Eaton MOTION
CARRIED**

The meeting was adjourned at 10:22 p.m.

Carol F. Rambadt, City Clerk

ORGANIZATIONAL MEETING - STURGIS CITY COMMISSION

**MONDAY, NOVEMBER 8, 1999
WIESLOCH RAUM - CITY HALL**

The City Clerk called the meeting to order at 8:00 p.m.

Commissioners present: Kinsey, Austermann, Hayes, Murphy, Sunday-Horstman, Lampe, Chrisman, Haas, Oster

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development

The results of the November 2, 1999 Sturgis City General Election, as certified by the St. Joseph County Board of Canvassers, was presented by the Clerk to be recorded as follows:

<u>OFFICE</u>	<u>CANDIDATE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>TOTAL</u>
Comm. 1 st Pct.	Lee A. Austermann	183				183
Comm. 1 st Pct.	Eugene R. Harrison	80				80
Comm. 1 st Pct.	Robert F. Magness	175				175
Comm. 2 nd Pct.	William Murphy		117			117
Comm. 3 rd Pct.	Donald Lampe		102			102
Comm. 4 th Pct.	Carroll L. Eaton				74	74
Comm. 4 th Pct.	Joseph Haas				173	173
Comm. At-Large	Ken Chrisman	61	24	22	47	154
Comm. At-Large	Leon Fraim	112	32	43	81	268
Comm. At-Large	Francis Losinski	21	08	10	22	61
Comm. At-Large	Jo Ellen Oster	237	63	55	100	455

The following received the greatest number of votes and are elected:

Lee A. Austermann	Commissioner - First Precinct	Four year term
William Murphy	Commissioner - Second Precinct	Four year term
Donald Lampe	Commissioner - Third Precinct	Four year term
Joseph Haas	Commissioner - Fourth Precinct	Four year term
Jo Ellen Oster	Commissioner-At-Large	Two year term

The Clerk administered the oath of office to the newly elected Commissioners.

Moved by Comm. Lampe and seconded by Comm. Hayes to accept the November 2, 1999 City General Election results as presented.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

The Clerk asked for nominations for the office of Mayor.
Comm. Kinsey nominated Comm. Hayes and Comm. Murphy seconded the nomination.
Moved by Comm. Lampe and seconded by Comm. Austermann that the nominations be closed
and a unanimous ballot be cast for Comm. Hayes as Mayor.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Comm. John Hayes was seated as Mayor of the City of Sturgis.

Mayor Hayes asked for nominations for the office of Vice-Mayor.
Comm. Oster nominated Comm. Murphy and Comm. Chrisman seconded the nomination.
Moved by Comm. Haas and seconded by Comm. Sunday-Horstman that the nominations be
closed and a unanimous ballot be cast for Comm. Murphy as Vice-Mayor.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Comm. William Murphy was elected Vice-Mayor of the City of Sturgis.

Mayor Hayes made the following appointments to the various City Boards:

Ambulance Committee

Lee Austermann

Bid Opening Committee

Joe Haas

Vickie Chrisman

Walt Kinsey, Jr.

Jo Ellen Oster

Doyle Board of Directors

John Hayes

Economic Development Corporation & Brownfield Redevelopment Authority

John Hayes

Employee's Retirement System

John Hayes

Joe Haas

Finance Committee

Lee Austermann

Vickie Chrisman

Cindy Sunday-Horstman

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 10, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Hayes called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Austermann, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Murphy, Mayor Hayes

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, October 27, 1999 were approved as corrected.

Allan Weaver, 1010 Merryview, addressed the Commission regarding the 5 foot set-back in his neighborhood, and requested that the City look into the situation.

City Building Official George Musolff responded to Mr. Weaver by stating that the set-back was correct for the area that the lot is set on, and is zoned R-3 (Residential). The site plan has been inspected and approved and complies with the City codes and ordinances.

Moved by Comm. Kinsey and seconded by Comm. Austermann that this be considered the introduction and first reading on amendments to the Zoning Ordinance pertaining to establishing home occupations as a permitted use in all "R" (Residential) districts.

**Voting yea: Seven Voting nay: Lampe, Sunday-Horstman MOTION
CARRIED**

Julie Cottin, 501 N. Electric Court, addressed the Commission regarding her concerns with the home occupation ordinance.

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey to send the amendment of the Zoning Ordinance pertaining to the regulation of child care organizations back to the Planning Board for further review and to coincide with State regulation.

Comm. Murphy requested that it go on record that the City ask the Planning Board to do all they can to encourage the activity of child care and to promote child care within our City.

Further discussion followed.

Mayor Hayes opened the meeting to public discussion. The following citizens addressed the Commission with their concerns pertaining to the ordinance regarding the regulation of child care organizations:

Amy Henson-Bohlen, 401 S. Fourth; Cindy Doyle, employee of the State of Michigan; Phyllis Youga, Family Independence Agency of St. Joseph County; and Deedra Triezenburg, 1501 E. Chicago Rd.

Comm. Sunday-Horstman withdrew her motion and Comm. Kinsey withdrew his second.

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the amendment be

rejected.

Further discussion followed.

Mayor Hayes asked for any further comments from the audience.

The following citizens addressed the Commission with their concerns:

Janine Hahn, 28101 E. Lafayette; and Nancy Flowers, 604 Laurel.

Further discussion followed.

Pat Surrette, 503 George Street expressed her concerns to the Commission.

Vote was taken on the motion to reject the amendment.

Voting yea: Austermann, Sunday-Horstman, Mayor Hayes

Voting nay: Kinsey, Murphy, Lampe, Haas, Chrisman, Oster **MOTION DEFEATED**

Moved by Comm. Kinsey and seconded by Comm. Murphy to refer the ordinance back to the Planning Board with the understanding that their instructions as City Commissioners to the Planning Board is that it be re-written in such a fashion as to permit as many possible uses as they can, and that no further restrictions be placed on daycare operations than those already imposed by State Law unless such restrictions have clear and compelling requirements.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Chrisman to award the bid for two utility dumpsters for the Cemetery Department to Morrison Industrial Equipment Co., Grand Rapids, Michigan, for a total amount of \$24,948,00.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Haas to enter into a power supply study with the Michigan South-Central Power Agency, to be conducted by R. W. Beck, Indianapolis, Indiana, with the City's share of the study being \$30,000.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Oster and seconded by Comm. Murphy to approve the request from the Sturgis Neighborhood Program (SNP) for a resolution recognizing the SNP as a non-profit community organization for the purpose of obtaining a gaming license to conduct raffles.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Chrisman to set a public hearing date of Wednesday, December 8, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall, to consider granting an Industrial Facilities Exemption Certificate to Luttmann Precision Mold, Inc.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that this be considered the introduction and first reading of an amendment to the Zoning Ordinance pertaining to the

construction of fences.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Austermann and seconded by Comm. Kinsey to move the November 24th meeting to Tuesday, November 23, 1999, due to the Thanksgiving Holiday.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$364,755.58 be paid.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the Hospital bills in the amount of \$577,884.88 be ratified.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

The Sturgis City Commission will hold a general work session at 7:00 p.m. in the Wiesloch Raum of City Hall on Wednesday, December 1, 1999.

Moved by Comm. Kinsey and seconded by Comm. Lampe to publish City Commission minutes unapproved to the public as soon as possible after every meeting.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to hold the City Commission meetings on the second and fourth Mondays of each month beginning January, 2000.

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to amend the motion to the second and fourth Mondays beginning April, 2000.

Voting yea: Kinsey, Lampe, Sunday-Horstman

Voting nay: Murphy, Haas, Chrisman, Oster, Austermann, Mayor Hayes

MOTION

DEFEATED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that the meeting be adjourned.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

The meeting was adjourned at 10:15 p.m.

Carol F. Rambadt, City Clerk

Moved by Comm. Kinsey and seconded by Comm. Haas to consider this the second reading and approval of amendments to the Zoning Ordinance pertaining to establishing home occupations as a permitted use in all "R" (Residential) districts and to provide for an effective date.

**AMENDMENT TO ZONING ORDINANCE
PERTAINING TO ESTABLISHING**

HOME OCCUPATIONS AS A PERMITTED USE IN ALL "R" DISTRICTS

An ordinance to amend Articles II and IV of the Zoning Ordinance of the City of Sturgis pertaining to permitted land uses in the "R" Districts, to provide for a new definition of "Home Occupation" and to provide for an effective date of this ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to allowing Home Occupations in the "R" Districts as permitted uses and restating the definition of "Home Occupation";

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains: Articles II and IV of the Zoning Ordinance are hereby modified as follows effective as of January 1, 2000.

- (1) Section 1.0202 is hereby modified to provide as follows:
HOME OCCUPANCY (OCCUPATIONS) See Section 1.1003(A)
The use of a portion of a house, or a garage for a business.
HOME OCCUPATION

An occupation carried on for gain by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

TOURIST HOME

- (2) Section 1.0401(B) is hereby modified to provide as follows:
(B) Permitted uses. The following uses are permitted in the R-1 District.
- (9) Home Occupations subject to the following:
- (a) Home occupations that create any of the following conditions shall not be permitted:
- (1) Changes the outside appearance of the dwelling or is visible from the street;
- (2) Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
- (4) Results in outside storage or display of anything other than a sign no larger than 144 square inches in size and in accordance with Section 1.0801;
- (5) Requires the employment of more than 1 person in the home other than the dwelling occupants;
- (6) Requires exterior building alterations to accommodate the occupation;
- (7) Occupies more than twenty-five (25) percent of the floor area of the dwelling, or fifty percent of a detached garage;
- (8) Requires parking for customers that cannot be accommodated on the site. Required parking may include not exceeding one (1) parking space at curb side on the street;
- (9) Requires the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.
- (b) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

- (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering;
 - (4) Home crafts, such as, but not limited to, model making, rug weaving and lapidary work;
 - (5) Tutoring limited to four (4) students at a time;
 - (6) Computer application including software and not including sale of computers;
 - (7) Salespersons office or home office of a professional person;
 - (8) Laundering and ironing;
 - (9) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (10) Barber shops and beauty parlors, limited to one (1) operator; and
 - (11) Dance studios, limited to four (4) students.
- (c) The following are prohibited as home occupations:
- (1) Private clubs;
 - (2) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference;
 - (3) Restaurants;
 - (4) Boarding, stables, kennels;
 - (5) Motor vehicle repair or paint shops; or
 - (6) Retail sales that require visits of customers to the home.
- (d) Any proposed home occupation that is neither specifically permitted by subsection (b) of this section nor specifically prohibited by subsection (c) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in Section 1.1003A) of this ordinance.

(9)(10) Customary accessory uses to the uses set forth above.

3. Section 1.0402(B) is hereby modified to provide as follows:

(B) Permitted uses. The following uses are permitted in the R-2 District.

(5) Home occupations subject to the following:

- (a) Home occupations that create any of the following conditions shall not be permitted:
 - (1) Changes the outside appearance of the dwelling or is visible from the street;
 - (2) Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
 - (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
 - (4) Results in outside storage or display of anything other than a sign no larger than 144 square inches in size and in accordance with Section 1.0801;
 - (5) Requires the employment of more than 1 person in the home other than the dwelling occupants;

- (6) Requires exterior building alterations to accommodate the occupation;
- (7) Occupies more than twenty-five (25) percent of the floor area of the dwelling, or fifty (50) percent of a detached garage;
- (8) Requires parking for customers that cannot be accommodated on the site. Required parking may include not exceeding one (1) parking space at curb side on the street;
- (9) Requires the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.
- (b) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
 - (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering;
 - (4) Home crafts, such as, but not limited to, model making, rug weaving and lapidary work;
 - (5) Tutoring limited to four (4) students at a time;
 - (6) Computer application including software and not including sale of computers;
 - (7) Salespersons office or home office of a professional person;
 - (8) Laundering and ironing;
 - (9) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (10) Barber shops and beauty parlors, limited to one (1) operator; and
 - (11) Dance studios, limited to four (4) students.
- (c) The following are prohibited as home occupations:
 - (1) Private clubs;
 - (2) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference;
 - (3) Restaurants;
 - (4) Boarding, stables, kennels;
 - (5) Motor vehicle repair or paint shops; or
 - (6) Retail sales that require visits of customers to the home.
- (d) Any proposed home occupation that is neither specifically permitted by subsection (b) of this section nor specifically prohibited by subsection (c) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in Section 1.1003A) of this ordinance.
- (5)(6) Customary accessory uses to the uses set forth above.
 - 4. Section 1.0403(B) is hereby modified to read as follows:
 - (B) Permitted uses. The following uses are permitted in the R-3 District:
 - (4) Home occupations subject to the following:
 - (a) Home occupations that create any of the following conditions shall not be permitted:
 - (1) Changes the outside appearance of the dwelling or is visible from the street;
 - (2) Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
 - (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
 - (4) Results in outside storage or display of anything other than a sign no larger than 144

square inches in size and in accordance with Section 1.0801;

(5) Requires the employment of more than 1 person in the home other than the dwelling occupants;

(6) Requires exterior building alterations to accommodate the occupation;

(7) Occupies more than twenty-five (25) percent of the floor area of the dwelling, or fifty percent of a detached garage;

(8) Requires parking for customers that cannot be accommodated on the site. Required parking may include not exceeding one (1) parking space at curb side on the street;

(9) Requires the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.

(b) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

(1) Dressmaking, sewing and tailoring;

(2) Painting, sculpturing or writing;

(3) Telephone answering;

(4) Home crafts, such as, but not limited to, model making, rug weaving and lapidary work;

(5) Tutoring limited to four (4) students at a time;

(6) Computer application including software and not including sale of computers;

(7) Salespersons office or home office of a professional person;

(8) Laundering and ironing;

(9) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;

(10) Barber shops and beauty parlors, limited to one (1) operator; and

(11) Dance studios, limited to four (4) students.

(c) The following are prohibited as home occupations:

(1) Private clubs;

(2) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference;

(3) Restaurants;

(4) Boarding, stables, kennels;

(5) Motor vehicle repair or paint shops; or

(6) Retail sales that require visits of customers to the home.

(d) Any proposed home occupation that is neither specifically permitted by subsection (b) of this section nor specifically prohibited by subsection (c) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in Section 1.1003A) of this ordinance.

(4)(5) Customary accessory uses to the uses set forth above.

5. Section 1.0404(B) is hereby modified to read as follows:

(B) Permitted uses. The following uses are permitted in the R-4 District:

(6) Home Occupations subject to the following:

(a) Home occupations that create any of the following conditions shall not be permitted:

(1) Changes the outside appearance of the dwelling or is visible from the street;

- (2) Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
- (4) Results in outside storage or display of anything other than a sign no larger than 144 square inches in size and in accordance with Section 1.0801;
- (5) Requires the employment of more than 1 person in the home other than the dwelling occupants;
- (6) Requires exterior building alterations to accommodate the occupation;
- (7) Occupies more than twenty-five (25) percent of the floor area of the dwelling, or fifty percent of a detached garage;
- (8) Requires parking for customers that cannot be accommodated on the site. Required parking may include not exceeding one (1) parking space at curb side on the street;
- (9) Requires the delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.
- (b) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
 - (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering;
 - (4) Home crafts, such as, but not limited to, model making, rug weaving and lapidary work;
 - (5) Tutoring limited to four (4) students at a time;
 - (6) Computer application including software and not including sale of computers;
 - (7) Salespersons office or home office of a professional person;
 - (8) Laundering and ironing;
 - (9) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (10) Barber shops and beauty parlors, limited to one (1) operator; and
 - (11) Dance studios, limited to four (4) students.
- (c) The following are prohibited as home occupations:
 - (1) Private clubs;
 - (2) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference;
 - (3) Restaurants;
 - (4) Boarding, stables, kennels;
 - (5) Motor vehicle repair or paint shops; or
 - (6) Retail sales that require visits of customers to the home.
- (d) Any proposed home occupation that is neither specifically permitted by subsection (b) of this section nor specifically prohibited by subsection (c) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in Section 1.1003A) of this ordinance.

(6)(7) Customary accessory uses to the uses set forth above.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Chrisman that this be considered the second reading an approval of an amendment to the Zoning Ordinance pertaining to construction of fences and to provide for an effective date.

**AMENDMENT TO ZONING ORDINANCE
PERTAINING TO CONSTRUCTION OF FENCES**

An Ordinance to amend Article V of the Zoning Ordinance of the City of Sturgis pertaining to the construction of fences and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the construction of fences;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Article V of the Zoning Ordinance is hereby modified as follows, effective as of January 1, 2000.

- (1) Section 1.0507(A)(7) is hereby modified to provide as follows:
- (7) Fence supports, structures or devices must be on the permit holder's side of the fence, with the finished side of the fence facing the adjacent property.
- (2) Section 1.0507(B)(5) is hereby modified to provide as follows:
- (5) Fence supports, structures or devices must be on the permit holder's side of the fence, with the finished side of the fence facing the adjacent property.
- (3) The following EXAMPLE shall be inserted following Section 1.0507.

EXAMPLE

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to consider this the introduction and first reading on a request from Thurston Woods Village for rezoning 307 N. Franks Avenue from "R-1" (Residential) to "R-4" (Residential).

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Tim Carmichael, DDA Chairman, was present to endorse the DDA Director to a full-time position.

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to approve the budget of the DDA and to include the endorsement to change the director position to full-time.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

City Attorney Roger Bird presented an updated report on the Marconi settlement negotiations.

Moved by Comm. Haas and seconded by Comm. Kinsey to reject Marconi's settlement offer and to direct the City Attorney to continue settlement negotiations and to settle for no less than \$200,000, plus the write-off of the \$69,975 invoice cost.

Comm. Lampe requested that the records show that this was a unanimous vote.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Murphy to appoint Charlene Moore to the Housing Commission, term to expire in May, 2001, to fill the unexpired term of Ilda Ecker.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Mayor Hayes appointed Comm. Haas to the Hospital Board to fill the unexpired term of Vicki Chrisman, term to expire in May, 2000.

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$971,946.36 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$306,879.79 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Mayor Hayes recognized Boy Scout Troop #401 who were present to work on earning their Merit Badge.

Moved by Comm. Kinsey and seconded by Comm. Austermann that the minutes from the Organizational Meeting which was held on November 8, 1999, be approved as presented.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Chrisman that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 9:26 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 8, 1999
WIESLOCH RAUM - CITY HALL**

Mayor Hayes called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Austermann, Sunday-Horstman, Lampe, Chrisman, Haas, Murphy, Mayor Hayes.

Commissioners absent: Oster

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, City Clerk

Minutes of the previous regular meeting held on Tuesday, November 23, 1999 were approved as presented.

Gary Gushwa, Sturgis Township Supervisor, and Bill Parker, resident of Sturgis Township, addressed the Commission with concerns regarding a Sturgis Township annexation.

The PMI presentation will be re-scheduled for a future meeting due to an illness.

Dan Fullenkamp, Director of Parks, Recreation and Forestry, presented to the Commission their second annual National Recreation Park Association Fitness City Award.

Comm. Oster present.

Public Hearing on considering issuing an Industrial Facilities Exemption Certificate to Luttmann Precision Mold, Inc. was held.

Moved by Comm. Lampe and seconded by Comm. Murphy that an Industrial Facilities Exemption Certificate not to exceed \$910,000 be awarded to Luttmann Precision Mold, Inc. for a period of twelve (12) years and that the following resolution be adopted:

RESOLUTION

WHEREAS, Luttmann Precision Mold, Inc. in conformity with Act 198 of the Public Acts of 1974, as amended (Act 198) has submitted an application providing all information and requirements necessary for granting of an Industrial Facilities Exemption Certificate by the City of Sturgis, County of St. Joseph, State of Michigan to Luttmann Precision Mold, Inc., and

WHEREAS, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of Luttmann Precision Mold, Inc., and

WHEREAS, the Sturgis City Assessor, and representatives of all affected taxing units were notified by certified mail of the time and place of the hearing on the application, and

WHEREAS, a hearing was held by the Sturgis City Commission providing the Assessor, and representatives of all affected taxing units the opportunity to be heard as required by the statute, and

WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate have been heard and considered, and

WHEREAS, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Luttmann Precision Mold, Inc. for an "Industrial Facilities Exemption Certificate".

Voting yea: Nine

Voting nay: None

THE RESOLUTION WAS ADOPTED

Moved by Comm. Kinsey and seconded by Comm. Austermann to consider this the second reading and approval to amend Section 1.0302(A) of the Sturgis Zoning Ordinance and to provide for an effective date of January 1, 1999.

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO ZONING MAP

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the R-1 Rural Residential to the R-4 Apartment zoning district.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Article III of the Zoning Ordinance is hereby modified as follows, effective as of January 1, 2000.

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described property shall be in the R-4 Apartment district:

Parcel #1 - Parcel Number 75 052 777 055 00 described as follows:

City of Sturgis, St. Joseph County, Michigan described as follows: The West One-half (W ½) of the Northeast Quarter (NE 1/4) lying South of the New York Central Railroad right of way, Section 6, T8S, R9W, except commencing at the center of Section 6, thence North 450 feet, thence East 153.09 feet, thence South 46 degrees 26 minutes 45 seconds East 270.93 feet, thence east 222.45 feet, thence South 260 feet thence west along 1/4 line 571.12 feet to the point of beginning.

Parcel #2 - Parcel Number 75 052 777 055 20 described as follows:

City of Sturgis, St. Joseph County, Michigan described as follows: Commencing at the center of Section 6, T8S, R9W, thence North 450 feet, thence East 153.09 feet, thence South 46 degrees

26 minutes 45 seconds East 270.93 feet thence East 222.45 feet thence South 260 feet thence West along 1/4 line 571.12 feet to the point of beginning.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Chrisman to approve the request from Applebee's of Michigan to transfer ownership of a 1999 Class C License from Burr Oak to Sturgis, and to cancel the existing dance permit.

Voting yea: Seven

Voting nay: None

Abstaining: Kinsey, Haas

MOTION

CARRIED

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Oster to grant approval to the Recreation, Parks and Forestry Department to commit \$120,000 in the 2000-2001 Fiscal Year Budget for local matching funds on Phase II development of Franks Park Project.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Austermann to name RC-Corporation the City's 401(k) Manager and Trustee.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

City Manager Jerome Kisscorni presented an updated report on the Y2K Contingency Plan.

Moved by Comm. Kinsey and seconded by Comm. Chrisman to move the December 22nd City Commission meeting to Tuesday, December 21st, owing to the Christmas Holiday.

Voting yea: Eight

Voting nay: Murphy

MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$394,288.28 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$751,787.06 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Haas that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 8:37 p.m.

Carol F. Rambadt, City Clerk

**RE-SCHEDULED MEETING - STURGIS CITY COMMISSION
TUESDAY, DECEMBER 21, 1999
WIESLOCH RAUM, CITY HALL**

Mayor Hayes called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Murphy, Mayor Hayes

Commissioners absent: Austermann

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Economic and Community Development, City Clerk

Minutes of the previous regular meeting, held on Wednesday, December 8, 1999 were approved as presented.

Brad Donmyer, Auditorium Manager, was introduced by the City Manager. Mr. Donmyer gave the Commission a brief background on himself, and discussed his future goals for the Auditorium.

Raymond Dresser, on behalf of Newell Franks, Sr., presented a memorandum to complete Franks Park.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to accept the presented proposal, subject to approval of the expressed agreement, and to send a letter and certificate of appreciation to Mr. Franks.

Voting yea: Eight Voting nay: None Absent: Austermann MOTION CARRIED

Dan Fullenkamp, Director of the Doyle Community Center, Parks, Recreation and Forestry, requested approval for an exercise equipment lease for the Doyle Community Center.

Moved by Comm. Haas and seconded by Comm. Kinsey to approve a thirty-six (36) month lease with Citizens Bank at a 6.50% interest rate and an annual payment of \$9,088.44.

Voting yea: Eight Voting nay: None Absent: Austermann MOTION CARRIED

Deb Stewart, Library Director, presented an updated report on the odor in the library.

Moved by Comm. Lampe and seconded by Comm. Kinsey to direct the City Attorney to proceed with the alteration of the present Zoning Ordinance to comply with being able to appoint two alternates and to refer the matter to the Planning Board.

Voting yea: Eight Voting nay: None Absent: Austermann MOTION CARRIED

City Manager Jerome Kisscorni presented the 1998-1999 Electric Department Annual Report.

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$1,273,994.41 be paid.

