

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 12, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Mayor Hayes

Commissioners absent: Murphy

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

Jay Lego, 310 S. Monroe, addressed the Commission with his concerns regarding a problem with a dog in his neighborhood. City Manager Jerome Kisscorni assured Mr. Lego that it would be investigated immediately.

Moved by Comm. Lampe and seconded by Comm. Kinsey that the minutes of the previous rescheduled meeting, held on December 21, 1999 be approved as presented.

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

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that the minutes of the Special Meeting, held on January 5, 2000 be approved as presented.

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

City Attorney Roger Bird presented an updated report regarding the Marconi settlement negotiations.

City Attorney Roger Bird discussed the details on purchasing the Sturgis Newport property located at 301 Jacob Street.

Paul Trinko, Director of Information Management Services, presented an informative demonstration on the new City web site. A question and answer session followed.

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

RESOLUTION

WHEREAS, providing for the education of Michigan's school children is a fundamental duty of State government, as enumerated in Article VIII, Section 2 of the State Constitution of 1963; and

WHEREAS, the competitiveness of Michigan's economy, the character of our society and the richness of our culture depend to a great extent on the quality of instruction offered in Michigan's public schools; and

WHEREAS, the advent of the new millenium offers a great opportunity to build new community awareness about the crucial role locally elected school boards play in a representative democracy; and

WHEREAS, more than 4,200 local school board members across Michigan volunteer time to demonstrate their dedication to education through this grass roots example of democracy in action; and

WHEREAS, the service of these committed men and women represents countless hours invested in deliberating difficult decisions about curriculum, budget, personnel, and other matters which affect parents, students, teachers, and citizens throughout Michigan; and

WHEREAS, their decisions set direction to prepare all students to be competitive in a local, state, national and global economy, and ultimately affect 1.7 million Michigan children and \$12 billion in education expenditures; and

WHEREAS, Governor John Engler has declared January 2000 as School Board Member Recognition Month with a goal of providing an opportunity to build stronger relationships between local school boards, their schools, and the community they serve;

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission on behalf of its Citizens recognizes the Sturgis School Board Members for their outstanding leadership and commitment to the education of the youth of our Community.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$514,312.74 be paid.

**Voting yea: Seven Voting nay: Lampe Absent: Murphy MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$917,942.46 be ratified.

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

Moved by Comm. Kinsey and seconded by Comm. Haas that the City spend \$300 on radio advertising to broadcast a public “thank you” to Mr. Newell Franks in appreciation for his gracious gift.

Discussion followed.

Comm. Kinsey amended his motion to include presenting a plaque of appreciation to Mr. Franks. Further discussion followed, which included directing the Parks & Recreation Department to dedicate a plaque to Mr. Franks when the new park is completed.

Comm. Kinsey withdrew his motion.

Further discussion followed.

It was decided to prepare a resolution to be put onto a plaque and presented to Mr. Franks in the near future.

Comm. Oster encouraged the City to dedicate the front page of the next issue of the **Sturgis Wire** to Mr. Franks.

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss labor negotiations.

Voting yea: Austermann, Kinsey, Lampe, Sunday-Horstman, Haas, Chrisman, Oster, Mayor Hayes

Voting nay: None

Absent: Murphy

MOTION

CARRIED

The meeting was recessed at 8:42 p.m.

The meeting reconvened at 9:03 p.m.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to adjourn from closed session.

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

Voting yea: Eight Voting nay: None Absent: Murphy

MOTION

CARRIED

The meeting was adjourned at 9:04 p.m.

Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 26, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Murphy, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Mayor Hayes

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

Minutes of the previous regular meeting held on Wednesday, January 12, 2000 were approved as presented.

John Griffith, Electrical Superintendent, introduced Jim Weeks, General Counsel and Government Liaison with the Michigan Municipal Electric Association, who presented the Commission with an updated report on the status of the Electric Utility Industry Restructuring in the State of Michigan.

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to approve the request from the Department of Public Works to purchase a pick-up truck through the State of Michigan's Extended Purchasing Program at the low bid cost in the amount of \$27,437.45.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Kinsey and seconded by Comm. Austermann that this be considered the first reading and introduction of an ordinance to amend Article XIII of the Zoning Ordinance pertaining to the appointment of members to the Zoning Board of Appeals.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to accept the resignation of Mary Kerchner from the Election Commission and to send her a letter of appreciation.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$1,459,171.13 be paid.

Voting yea: Eight Voting nay: Lampe MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$741,794.93 be ratified.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Murphy and seconded by Comm. Lampe 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, FEBRUARY 9, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Murphy, Sunday-Horstman, Chrisman, Mayor Hayes

Commissioners absent: Lampe, Haas, Oster

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

Minutes of the previous regular meeting held on Wednesday, January 26, 2000 were approved as presented.

Carol Rueckert, President of the Sturgis Senior Center, and Kim Appel, Treasurer of the Sturgis Senior Center, addressed the Commission with a request for a \$15,000 annual donation from the City to help cover the costs of operating the Senior Center, to be paid on a quarterly basis. Per City Manager Jerome Kisscorni, it will be on the budget review.

The bids for the uniform rental will be postponed, as the bids are still being investigated and reviewed.

Moved by Comm. Murphy and seconded by Comm. Kinsey to approve the purchase of two police vehicles through Michigan State Purchasing in the amount of \$41,860.00.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION CARRIED

Discussion was held regarding the appointment of members to the Zoning Board of Appeals. Comments were received from the audience.

Leon Kimball, former member of the Zoning Board of Appeals, expressed his concerns regarding alternate members not being able to visit sites prior to meetings, which may cause problems.

Moved by Comm. Kinsey and seconded by Comm. Chrisman that this be considered the second reading and approval of an ordinance to amend Article XIII of the Zoning Ordinance pertaining to the appointment of members to the Zoning Board of Appeals, with an effective date of March 1, 2000.

**AMENDMENT TO ZONING ORDINANCE
PERTAINING TO ZONING BOARD OF APPEALS MEMBERSHIP**

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 appointment of members to the Zoning Board of Appeals;

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

Article XIII of the Zoning Ordinance is hereby modified as follows, effective as of March 1, 2000.

Section 1.305 (B)(2) is hereby modified to provide as follows:

(2) Membership and appointment. Pursuant to state law, there is hereby created a Zoning Board of Appeals consisting of at least five members, each to be appointed by the City Commission for a term of three years running from the date of appointment, and extending for a further period until a successor shall be appointed. Vacancies shall be filled by appointment for the unexpired term. The Zoning Board of Appeals shall elect its own chairman, vice chairman, and secretary from among its own membership. Members of the Board must be residents of the city; members moving outside the city boundaries may finish their terms but will not be reappointed. In addition to the foregoing, the City Commission may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis by the chairman of the Zoning Board of Appeals or his or her designee, to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for the reason of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Voting yea: Five

Voting nay: Austermann

Absent: Lampe, Haas,

Oster

MOTION

CARRIED

Gerry Mayer, Director of Economic, Housing and Community Development, responded to Mr. Kimball's comments by explaining that the alternates would be receiving the same information as the regular board members, therefore would have the opportunity to visit sites before the meeting.

Pat Horan, of Plante Moran, presented the Hospital Annual Audit.

Mike Wilson, C.P.A. for Norman & Paulsen, presented the City Annual Audit.

Gerry Mayer, Director of Economic, Housing and Community Development and Comm. Sunday-Horstman reported on behalf of the Idle Buildings Committee regarding the property at 103 W. Hatch Street.

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey to grant the request from Ayres Insurance for \$10,000 to renovate the building located at 103 W. Hatch Street.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION

CARRIED

Dan Fullenkamp, Director of the Doyle Center, Parks, Recreation & Forestry, discussed the renovation and expansion of the ball fields located at Wall School. The purpose of the property lease is to meet State requirements to be eligible for Clean Michigan Initiative (C.M.I.) grant funds.

Discussion followed.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to approve a property lease between the Sturgis Public Schools and the City of Sturgis for the purpose of renovating and expanding the ball fields located at Wall School, contingent upon receiving grant funding

and subject to final approval of the lease by the City Attorney's office.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION CARRIED

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

RESOLUTION

TRANSFER OF PROPERTIES FROM FAWN RIVER TOWNSHIP (Agreement #3)

WHEREAS, the City of Sturgis ("City") and the Township of Fawn River ("Township") entered into an Agreement for Conditional Transfer of Property (Agreement #3), with an effective date of March 15, 1999; and

WHEREAS, Agreement #3 provides that initially only limited jurisdiction was transferred to the City for certain parcels located in Area 2, Area 3, and the Term Area as described in the Exhibits to Agreement #3, and that full jurisdiction over parcels in Area 2, Area 3, and the 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 involves the owner of record of the property ceasing to have title to such real property on or after the effective date of Agreement #3; and

WHEREAS, the Township Assessor and the City Assessor have certified that the owner of record of the parcel listed below on the effective date of Agreement #2 no longer has title to the property and, accordingly, full jurisdiction of this parcel has been transferred from the Township to the City effective immediately;

NOW THEREFORE, IT IS RESOLVED THAT full jurisdiction for all purposes of the following parcel of land (identified below by a listing of the respective owner, street address, former Township tax parcel number and new tax parcel number assigned by the City) located in Area 2 as described in Agreement #3 is certified to have been transferred from the Township to the City effective immediately:

<u>Owner</u>	<u>Property Address</u>	<u>Parcel Number (Township)</u>	<u>Parcel Number (City)</u>
Lonnie R. Mieras & Janet Ahn	69889 Lakeview Road	75-005-007-000-009-06	75-052-777-000-320-00

Legal descriptions of parcel:

Commencing at the Southwest Corner of said fractional West Half of the fractional Southwest Quarter of Section 7, Thence North along the West line of said fractional West Half of the fractional Southwest Quarter, also being the centerline of S. Lakeview Avenue, a distance of 568.84 feet to the Point of Beginning; Thence continuing North along said West line a distance of 131.40 feet, Thence East a distance of 183.00 feet; Thence South a distance of 131.40 feet; Thence West a distance of 183.00 feet to the Point of Beginning.

BE IT FURTHER RESOLVED THAT, in accordance with Section 2.1.C of Agreement #3, the City Commission hereby certifies that events have occurred transferring full jurisdiction over said parcel to the City, and the filing of this Resolution and either a similar resolution adopted by the Sherman Township Board or sixty (60) days has passed since this resolution was adopted

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: Six

Voting nay: None

Absent: Lampe, Haas, Oster

THE RESOLUTION WAS

ADOPTED.

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

RESOLUTION

TRANSFER OF PROPERTIES FROM SHERMAN TOWNSHIP (Agreement #2)

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, another of the stated events for the transfer of full jurisdiction over a parcel in Area 2 involves the owner of record of the property within the Transferred Area ceasing to have title to such real property 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 either were not occupied by the owners of record or the owner of record on the effective date of Agreement #2 no longer has title to the property and, accordingly, full jurisdiction of these parcels has been transferred from the Township to the City effective immediately;

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 immediately:

<u>Owner</u>	<u>Property Address</u>	<u>Parcel Number (Township)</u>	<u>Parcel</u>
	<u>Number (City)</u>		

James A. & Roxanne R. Webb	1105 Tracy Drive	75-014-130-000-014-00	75-052- 374-000- 014-00
George D. & Tina M. Stanke	904 N. Nottawa St.	75-014-036-000-066-00	75-052- 777-000- 512-00

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 either a similar resolution adopted by the Sherman Township Board or sixty (60) days has passed since this resolution was adopted 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.

EXHIBIT A

Owner	Property Address	Legal Description of Parcels Parcel Number (Township) Number (City)	Parcel
James A. & Roxanne R. Webb	1105 Tracy Drive	75-014-130-000-014-00	75-052-374-000-014-00

Property Description:

Lot 14, Kay-Bee Manor No. 2, According to the Plat of Record in the Office of the Registrar of Deeds for St. Joseph County, Michigan, In Liber 5 of Plats, Page 16.

Owner	Property Address	Parcel Number (Township) Number (City)	Parcel
George D. & Tina M. Stanke	904 N. Nottawa	75-014-036-000-066-00	75-052-777-000-512-00

Property Description:

A Parcel of Land located in the Southwest Quarter of Section 36, T 7 S, R 10 W, Sherman Township, St. Joseph County, Michigan, more particularly described as follows:
Commencing at a point 240 feet North of the intersection of the north line of W. Lafayette Street and west line of M-66/N. Nottawa Street thence North 60 feet, thence West 132 feet, thence South 60 feet, thence East 132 feet to the Point of Beginning.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster
THE RESOLUTION WAS

ADOPTED.

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman to approve the request from the Trinity Evangelical Lutheran Church to hold their annual Cross Walk on Good Friday, April 21st, at 12:00 noon.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$571,425.23 be paid.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$449,011.39 be ratified.

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION CARRIED

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

Voting yea: Six Voting nay: None Absent: Lampe, Haas, Oster MOTION

CARRIED

The meeting was adjourned at 9:57 p.m.

Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 23, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Murphy, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Mayor Hayes

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, February 9, 2000 were approved as presented.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the request from Tom Franks for exclusive use of Memorial Park from September 5th through September 13th for the "Vietnam Combat Veteran's" moving wall.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to approve the request from the Sturgis Library Board to reinvest the McGue Fund with the Sturgis Foundation as an Endowment Fund.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Austermann that the City make a recommendation to re-zone ten (10) acres of Quirin property on S. Franks Avenue from R-4 Residential to R-1 Residential and to refer it back to the Planning Board.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that this be considered the introduction and first reading of a proposed amendment to the Zoning Ordinance pertaining to the Regulation of signs in Non-Residential Districts, with the following modification: that the time allowed to remove signs from vacant buildings be changed from one year to one hundred twenty (120) days.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Dan Fullenkamp, Director of the Doyle Center, Parks, Recreation and Forestry, presented an updated report regarding the Wall School ball fields site plan, and the necessary steps to receive Clean Michigan Initiative (C.M.I.) grant funds. Andy Chinarian, consultant, explained the plan in greater detail.

Discussion followed.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to approve the Wall School ball fields site plan as presented.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Chrisman to table the appointment of a member to the Election Commission to fill the unexpired term of Mary Kerchner.

Voting yea: Eight

Voting nay: None

Abstaining: Austermann

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Austermann to approve the request from the Sturgis Crop Walk organization to hold their 2000 Crop Walk on Sunday, April 30th from 1:00 p.m. to 4:00 p.m.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Austermann and seconded by Comm. Kinsey to approve the “Clean Michigan Community and Solid Waste Alternatives” Program Agreement.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Murphy to award the bid for Uniform Rental to Aramark Uniform Services, South Bend, Indiana, for a three (3) year contract in the total amount of \$25,278.00.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Chrisman to award the low bid for a 16' Flex Grooming Rotary Mower to Mutton Outdoor Power, Fort Wayne, Indiana, in the amount of \$9,788.38.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman that February 26th, 2000 be proclaimed as “Walk for Warmth Day” in the City of Sturgis.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$1,244,492.25 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$472,589.44 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Kinsey to hold a public hearing on Wednesday, March 22, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall, to consider issuing an Industrial Facilities Exemption Certificate to Vulcan Industries, Inc.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 9:03 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 8, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Murphy, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Mayor Hayes

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, February 23, 2000 were approved as presented.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that this be considered the second reading and approval of a proposed amendment to the Zoning Ordinance pertaining to the regulation of signs in Non-Residential Districts with the provision that buildings that have been vacant for more than 1 (one) year prior to the effective date of this ordinance (effective date: April 15, 2000) shall immediately have all signs removed and building wall left in good repair.

**AMENDMENT TO ZONING ORDINANCE PERTAINING TO THE REGULATION OF
SIGNS IN NON-RESIDENTIAL DISTRICTS**

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 to provide for the further regulation of signs in non-residential districts;

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

Article VIII of the Zoning Ordinance is hereby modified as follows effective as of April 15, 2000.

(1) 1.0803 SIGNS IN B-OS, B-H AND M DISTRICTS

In the B-OS Business Office Service, B-H Business Highway and M Manufacturing Districts, no signs shall be permitted (except as otherwise modified in Section 1.0803-A) which are not accessory to the business conducted on the property, except a permitted billboard as a principal use. The accessory signs may only be erected, painted, or placed providing all of the following requirements are met...

(2) 1.0803-A SIGNS IN THE CENTRAL BUSINESS DISTRICT

In the Central Business District, the boundaries of which are defined in the Sturgis Master Plan, no sign shall be permitted which is not accessory to the business conducted on the property. Accessory signs may only be erected, painted or placed in accordance with the following requirements:

- (A)** No establishment shall have a total of more than two (2) signs facing upon any one street or parking area, provided the total area for all signs permitted shall not exceed ten (10) percent of the area of the front face of the building. An additional sign relating to business open and hours may be provided.

sign drawn	<p>(B) Sign area computation shall include:</p> <p>(1) The total area of the lettering and display background where the background is separated from the building.</p> <p>(2) The total area encompassed by an imaginary line which can be around all the lettering or designs where the lettering or signs are affixed to the wall of a building and the wall constitutes the background.</p>
street from to not bottom	<p>(C) All signs attached to a building, whose wall is located on the property line, shall comply with the following requirements.</p> <p>(1) No sign shall extend further than twenty-four (24) inches over a or public property. Where a sign extends more than three inches the face of the building, the sign shall not be closer than eight feet the ground.</p> <p>(2) The maximum width of any sign attached parallel to a wall shall exceed sixty (60) percent of the width of the wall.</p> <p>(3) No wall sign shall be placed above the first floor or above the window ledge of the second floor windows.</p>
maximum (60) square height if (30) feet be closer	<p>(D) A free-standing or pylon sign is permitted, computed as part of the total area permitted in (A) above. The sign shall not exceed sixty feet in area. The free-standing sign shall not exceed six (6) feet in located on the ground, and no pylon sign shall be higher than thirty or closer to the ground than eight (8) feet. No part of the sign shall than five (5) feet to the front property line.</p>
building, face. Canopy of the shall be above.	<p>(E) Where a building has a canopy constructed as an integral part of the signs may be placed upon the canopy if parallel to the building and awning signs are permitted provided there is no back lighting awning or canopy. The permitted area of awning and canopy signs determined as part of the total area for signs as provided in (A)</p>
period that	<p>(F) Temporary signs, pennants, flags, or banners may be permitted for a of not more than seven (7) days in any thirty (30) day period, provided they are kept in a state of good repair. All such installations on State Highways shall obtain a permit from the Michigan Department of Transportation.</p>
district brass, vintage the which is Office of the City determining if the sign guidelines, subject to review by the Review Committee.	<p>(G) Sign materials shall reflect the historic character of the buildings in the and shall utilize materials as may be appropriate such as wood, painting, etc. in conformity with design guidelines established by Downtown Development Authority dated July 26, 1989, a copy of incorporated herein by reference and which is available in the Clerk. The Building Department shall be responsible for design is in conformity with those design Planning Board or its designated Design</p>
	<p>(H) Sign lighting on the exterior of a building shall not be internally provided within the sign. Lighting from an external source may be provided. No flashing or intermittent lighting shall be permitted. This shall not be</p>

deemed to exclude time and temperature signs or directional signs.

(I) Non-conforming signs shall be permitted to continue provided no business name change is made nor any alteration other than ordinary maintenance is performed. Should a business move or vacate a premises all non-conforming signs shall be removed and building walls shall be left in good repair and properly maintained pursuant to Chapter 31 of the Basic Building Code as adopted by the city within sixty (60) days. Buildings that have been vacant for more than one (1) year prior to the effective date of this ordinance, shall immediately have all signs removed and building wall left in good repair. Upon failure of any person to comply with the provisions of this section the city may effectuate compliance through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the owner of the real estate upon which the building is located and any such cost shall be a lien upon such real estate.

(J) For rent, lease or property for sale signs no larger than sixteen (16) square feet in area advertising the property on which they are located are permitted provided such signs are promptly removed upon rent, lease or sale of such property.

(K) The Building Department may request a review by the Planning Board Design Review Committee where a question may exist as to the application of this section.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to approve the request from the Sturges-Young Auditorium Board to reinvest the Flora Beck Fund with the Sturgis Foundation as an Endowment Fund.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Gerry Mayer reported on Code Enforcement and introduced Terry Koehl, Zoning and Code Enforcement Officer.

Upon the request from Comm. Sunday-Horstman, Mayor Hayes tabled a request to Representative Brown to introduce legislation that would require a social security number before a child could enter and/or attend public schools.

Moved by Comm. Sunday-Horstman and seconded by Comm. Lampe to delay the appointments of members to the Election Commission, Library Board, Planning Board, and Doyle Board until the April 12th City Commission meeting in order to provide the public with greater notice by the publication of the Sturgis Wire.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Kinsey to approve the following resolution to transfer property from Fawn River Township to the City of Sturgis under a P.A. 425 Agreement:

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 or is vacant and not leased to a third party on or after the effective date of Agreement #2; and

WHEREAS, the City Assessor has certified that the parcels listed below were not occupied by the owners of record or are vacant and not leased to a third party on or 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>Parcel Address</u>	<u>Parcel Number (Township)</u>	<u>Parcel Number (City)</u>
Levin, Ralph	28814 US-12	75-005-006-000-002-00	75-052-800-000-120-00
Unknown Owner-Orphan Parcel	None	None	75-052-800-000-127-00

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 of Agreement #2, the City Commission hereby certifies that events have occurred transferring full jurisdiction over said parcel to the City, and the filing of this Resolution and either similar resolution adopted by the Fawn River Township Board or sixty (60) days has passed since this resolution was adopted 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
ADOPTED.**

Voting nay: None

RESOLUTION

Moved by Comm. Murphy and seconded by Comm. Austermann to approve the following proclamation:

CENSUS 2000

WHEREAS, the next Decennial Census will be taken in the year 2000, and political representation to the United States House of Representatives, state legislatures and local governments is determined by the Decennial Census, and the City of Sturgis recognizes the equal importance of each resident in the 2000 Census count; and,

WHEREAS, the data from the 2000 Census count will be used to determine funding from the State and Federal agencies for the next decade; and,

WHEREAS, the City of Sturgis has agreed to be one of 9,000 government entities in partnership with the U.S. Bureau of the Census; and,

WHEREAS, the City of Sturgis understands that its primary role in this partnership is to support a COMPLETE COUNT COMMITTEE that represents a cross section of the community; and,

NOW, THEREFORE, BE IT RESOLVED, that I, John Hayes, Mayor of the City of Sturgis, hereby proclaim full support of and participation in the 2000 Census.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$448,188.55 be paid.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Lampe that the Hospital bills in the amount of \$549,597.15 be ratified.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Kinsey to recess under the Open Meetings Act to discuss labor negotiations.

**Voting yea: Kinsey, Murphy, Lampe, Sunday-Horstman, Haas, Chrisman, Oster, Austermann, Mayor Hayes
CARRIED**

Voting nay: None

MOTION

The meeting was recessed at 8:56 p.m.

The meeting reconvened at 9:25 p.m.

Moved by Comm. Haas and seconded by Comm. Austermann to approve the proposed settlement agreement with the IBEW (International Brotherhood Electrical Workers) Local #1392.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Austermann and seconded by Comm. Oster to approve the non-union employees classification paid plan and benefits along same lines as the IBEW.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann 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, MARCH 22, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Murphy, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Mayor Hayes

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, March 8, 2000 were approved as presented.

Public Hearing on considering issuing an Industrial Facilities Exemption Certificate to Vulcan Industries, Inc. was held.

Moved by Comm. Lampe and seconded by Comm. Austermann that an Industrial Facilities Exemption Certificate not to exceed \$1,116,000.00 be awarded to Vulcan Industries, Inc. for a period of twelve (12) years and that the following resolution be adopted:

RESOLUTION WHEREAS, Vulcan Industries, 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 Vulcan Industries, Inc., and

WHEREAS, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of Vulcan Industries, 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 Vulcan Industries, Inc. for an “Industrial Facilities Exemption Certificate”.

Sheldon Fiebertorn, 106 Wenzel, addressed the Commission with his concerns regarding the records being kept by the City on which industries have received tax breaks in the City.

Public Hearing was closed and a vote was taken on the original motion.

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

Moved by Comm. Kinsey and seconded by Comm. Lampe to approve the City Commission Statement as presented.

The Mission of the City of Sturgis is:

To deliver high-quality public service in a professional, efficient and nondiscriminatory manner to its residents and businesses.

To continue to strengthen the economy and quality of life.

And to ensure the expression of views by citizens are recognized and responded to by the City.

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

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

RESOLUTION

The City of Sturgis, by and through its City Commission commits to the rehabilitation and construction of a youth baseball and softball complex consisting of four baseball/softball fields and one baseball field.

WHEREAS, the Sturgis City Commission supports the rehabilitation and addition of two baseball/softball fields and modification of existing parking lot at Wall School.

WHEREAS, the Sturgis City Commission supports the grant application to the State of Michigan Department of Natural Resources CMI Fund.

WHEREAS, the Sturgis City Commission commits to providing \$120,000 in matching funds from the 2000-2001 fiscal year budget towards the project.

WHEREAS, the Sturgis City Commission encourages public support (financial and voluntary labor) of the Wall Field Baseball/Softball Complex and its construction and maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission in an effort to improve the playing conditions for youth along with providing positive programming alternatives for youth commit \$120,000 in matching funds from the City of Sturgis 2000-2001 fiscal budget year.

Voting yea: Nine Voting nay: None RESOLUTION ADOPTED

The policy draft regarding governing citizens boards and commissions was sent back to the City Manager for further review and editing.

Discussion was held on dealing with the graffiti problem in the city.

Roger Krontz, owner of the building located at 412 W. Congress and the Shear building, spoke to the commission regarding the purchase of a graffiti removal system. He commended Comm. Sunday-Horstman and the Sturgis Journal for the publicity and increased awareness. He suggested an increase in police activity in the problem areas. Mr. Krontz had the opportunity to use a Hydroblaster graffiti removal system and was very satisfied with its ability to remove the graffiti on his buildings. **Moved** by Comm. Lampe and seconded by Comm. Sunday-Horstman to direct the City Attorney to begin to draft an ordinance regarding property owners and City Staff's responsibilities on graffiti and to obtain further information regarding labor costs of clean-up from the City Manager.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Austermann that this be considered the introduction and first reading on rezoning ten (10) acres of property along S. Franks Avenue from R-4 Residential to R-1 Residential.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the request from the Inter-Service Club Council to hold the annual 4th of July Fireworks on July 3rd, 2000 (with a raindate of July 4th) at the Kirsch Municipal Airport, upon receipt of their liability insurance.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$1,442,260.79 be paid.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$566,989.54 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

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

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting adjourned at 9:02 p.m.

Mary M. Stoddard, Deputy City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
THURSDAY, MARCH 30, 2000
CONFERENCE ROOM - CITY HALL**

Vice-Mayor Murphy called the meeting to order at 5:00 p.m. in the Conference Room of City Hall.

Commissioners present: Kinsey, Sunday-Horstman, Chrisman, Haas, Oster, Vice-Mayor Murphy

Commissioners absent: Lampe, Austermann, Mayor Hayes

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

The stated purpose of the meeting was to appoint five (5) members to the City of Sturgis Health Facilities and Hospital Finance Authority.

Moved by Comm. Haas and seconded by Comm. Kinsey to appoint William Boersma to a term expiring December 31, 2002.

**Voting yea: Six Voting nay: None Absent: Lampe, Austermann, Mayor Hayes
MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to appoint Arthur Walker to a term expiring December 31, 2000.

**Voting yea: Six Voting nay: None Absent: Lampe, Austermann, Mayor Hayes
MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Oster to appoint David Herrmann to a term expiring December 31, 2000.

**Voting yea: Six Voting nay: None Absent: Lampe, Austermann, Mayor Hayes
MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Chrisman to appoint Jack Kirsch to a term expiring December 31, 2001.

**Voting yea: Six Voting nay: None Absent: Lampe, Austermann, Mayor Hayes
MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to appoint Lawrence Franks to a term expiring December 31, 2001.

**Voting yea: Six Voting nay: None Absent: Lampe, Austermann, Mayor Hayes
MOTION CARRIED**

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

**Voting yea: Six Voting nay: None Absent: Lampe, Austermann, Mayor Hayes
MOTION CARRIED**

The meeting was adjourned at 5:06 p.m.

Gerry Mayer, Acting Secretary

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 12, 2000
WIESLOCH RAUM - CITY HALL**

The meeting was called to order by Mayor Hayes 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

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman that the minutes of the previous regular meeting held on Wednesday, March 22, 2000 be approved as presented.

Minutes of the Special Meeting held on Thursday, March 30, 2000 were approved as presented.

Jose Garza, Howe, Indiana, addressed the Commission on behalf of the Sturgis Soccer League and requested the use of Free Church Park to sponsor a Cinco de Mayo festival, to be held on Saturday, May 6, 2000. A second request was made to use the City of Sturgis official emblem to put on their soccer uniforms to represent the City of Sturgis.

Moved by Comm. Murphy and seconded by Comm. Kinsey to grant permission to the Sturgis Soccer League to use Free Church Park on Saturday, May 6, 2000.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Further discussion followed.

Francis Losinski, 809 Nottingham, requested an explanation from the Commission regarding the procedures followed by the City in assisting local sports teams. Mr. Losinski also addressed the new "Welcome" signs at the entrances to the City, stating poor visibility. The Mayor assured Mr. Losinski that the City Manager and City staff would look into the situation.

Moved by Comm. Lampe and seconded by Comm. Kinsey to grant permission to the Sturgis Soccer League to use the official City of Sturgis emblem on their soccer uniforms.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Alan Ake, 715 Devonshire, requested City assistance in obtaining a permit through the Michigan Department of Transportation to hang a banner over US-12 the week of the Sturgis Toy Run.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the request from

the Sturgis Toy Run organization to hang a banner over US-12 to promote the Toy Run, upon final approval of the banner wording by the City.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Haas and seconded by Comm. Austermann that the low bid for a 2500 KVA Transformer for the Electric Department be awarded to WESCO, Lansing, Michigan in the amount of \$22,165.00.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Oster and seconded by Comm. Kinsey that the low bid for the Removal, Transportation and Land Application of Biosolids be awarded to Inland Services, Inc., Grand Rapids, Michigan in the amount of \$49,050.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Lampe that this be considered the second reading and approval on rezoning ten (10) acres of property along S. Franks Avenue from R-4 Residential to R-1 Residential.

**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-4 Apartment to the R-1 Rural Residential 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 May 5, 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-1 Rural Residential district:

Property in the City of Sturgis, County of St. Joseph, and State of Michigan known and described as follows to wit: The Northerly 351.29 feet of the following described parcel: The West ½ of the Northeast 1/4 of Section 7, T8S, R9W, excepting therefrom the North 66 feet and the West 80 feet, consisting of approximately ten (10) acres.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that this be considered the introduction and first reading on a proposed ordinance on Graffiti, with the amendment that the City Attorney and the City Engineer discuss the options of waivers and consider including it in the language of the ordinance.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Haas and seconded by Comm. Kinsey to approve up to \$12,000 to be expended on the purchase of the Hydro Blaster Graffiti Removal System and to direct the Engineering Department to put it out to bid.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that this be considered the introduction and first reading on an amendment to the Zoning Ordinance pertaining to the regulation of Child Care organizations, with corrections to #6 on page 14 of the ordinance to remove “group day care home” and “foster family group home” as being required to be at least eight hundred (800) feet from each other.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to adopt the following resolutions:

City of Sturgis
St. Joseph County, Michigan
Resolution for Street Acceptance
for

Meadowlane Subdivision
Merryview Drive

WHEREAS, Meadowlane Subdivision, a plat to the City of Sturgis, was approved on December 28, 1960 by the City of Sturgis and all streets within said plat were dedicated for public use. And whereas it is necessary to furnish certain information to the State of Michigan to place Merryview Drive within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended and,

NOW THEREFORE BE IT RESOLVED:

1. That said streets are located within a City right-of-way and are under the control of the City of Sturgis.
2. That said streets are public streets and are for public street purposes.
3. That said streets are accepted into the City Local Street System.

City of Sturgis
St. Joseph County, Michigan
Resolution for Street Acceptance
for

Merryview Drive & North Clay Street

WHEREAS, the City of Sturgis did on February 29, 1972 and April 26, 1976 acquire title to a property which includes streets known as Merryview Drive and North Clay Street, and whereas it is necessary to furnish certain information to the State of Michigan to place these streets within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED:

1. That the centerline description of each street is attached.
2. That said streets are located within a City right-of-way and are under the control of the City of Sturgis.
3. That said streets are public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.

City of Sturgis
St. Joseph County, Michigan
Resolution for Street Acceptance
for
Bullard Industrial Park
Kitson Avenue

WHEREAS, Bullard Industrial Park, a plat to the City of Sturgis, was approved on September 27, 1995 by the City of Sturgis and all streets within said plat were dedicated for public use. And whereas it is necessary to furnish certain information to the State of Michigan to place Kitson Avenue within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED:

1. That said streets are located within a City right-of-way and are under the control of the City of Sturgis.
2. That said streets are public street and are for public street purposes.
3. That said streets are accepted into the City Local Street System.

City of Sturgis
St. Joseph County, Michigan
Resolution for Street Acceptance
for
Sturgis City Subdivision

North Galyn Street, East Galyn Street, South Merribe Street, & Snow Court

WHEREAS, the City of Sturgis did on September 12, 1997 acquire title to property upon which the Sturgis City Subdivision was platted. And whereas the Sturgis City Subdivision, a plat within the city of Sturgis, was approved on September 22, 1999 by the City of Sturgis and all streets within said plat were dedicated for public use. And whereas it is necessary to furnish certain information to the State of Michigan to place this plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE BE IT RESOLVED:

1. That said streets are located within a City right-of-way and are under the control of the City of Sturgis.
2. That said streets are public streets and are for public street purposes.
3. That said streets are accepted into the City Local Street System.

Voting yea: Nine

Voting nay: None

RESOLUTIONS

ADOPTED

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

NATIONAL CRIME VICTIM'S RIGHTS WEEK

WHEREAS, one violent crime is committed in America every 21 seconds; and
WHEREAS, 31 million Americans are victims of crime each year, and of those, over 8 million are victims of violent crime; and
WHEREAS, crime victims play an indispensable role in bringing offenders to justice; and
WHEREAS, victims of crime deserve respect, resources, restoration, rehabilitation and justice; and
WHEREAS, as we carry crime victims' rights into 2000 and beyond, we must Dare to Dream of a society that acknowledges and respects the victims of crime; and
WHEREAS, despite significant progress in providing rights and services to crime victims over the past two decades, large segments of our population, including crime victims who are elderly, disabled, or living in rural areas, are still underserved; and
WHEREAS, as a nation devoted to liberty and justice for all, America must increase its efforts to protect, restore, and expand crime victims' rights and services; and
WHEREAS, the City of Sturgis, Michigan is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout the City, and county and America to observe National Crime Victims' Rights Week;
THEREFORE, BE IT RESOLVED, that the Sturgis City Commission designates the week of April 9th to 15th, 2000 as Crime Victims' Rights Week in the City of Sturgis; and
BE IT FURTHER RESOLVED, that the Sturgis City Commission reaffirms a commitment to respect and enforce victims' rights and address their needs during Crime Victims' Rights Week in the City of Sturgis and throughout the year; and
BE IT FURTHER RESOLVED, that this official proclamation be presented to the Victim Services Office of the Prosecuting Attorney for St. Joseph County on this, the 12th day of April, 2000.

Voting yea: Nine
CARRIED

Voting nay: None

MOTION

Zoning and Code Enforcement Officer Terry Koehl presented an updated report on Building and Zoning Code Enforcement.

Nominations were accepted to appoint a member to the Sturgis Planning Board to fill the unexpired term of Jerry Quirin, term to expire in May, 2002.

Comm. Kinsey nominated Jodi Cross.

Comm. Oster nominated Michael Caywood.

Comm. Austermann nominated Jon Good.

A vote was taken.

Jodi Cross received two votes.

Michael Caywood received five votes.

Jon Good received two votes.

Moved by Comm. Murpy and seconded by Comm. Oster to appoint Michael Caywood to the Sturgis Planning Board to fill the unexpired term of Jerry Quirin, term to expire in May, 2002.

Voting yea: Seven
CARRIED

Voting nay: Austermann, Chrisman

MOTION

Tim Carmichael, President of the Downtown Development Authority Board, thanked John Hayes for his time and dedication in serving on the Board.

The resignation was accepted of John Hayes from the Downtown Development Authority Board. Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that JoEllen Oster be appointed to the Downtown Development Authority Board to fill the unexpired term of John Hayes, term to expire in May, 2002.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

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

RESOLUTION
IN SUPPORT OF MICHIGAN MUNICIPAL LEAGUE’S
“LET LOCAL VOTES COUNT”
HOME RULE PETITION DRIVE

WHEREAS, the City of Sturgis, like other local governments across Michigan, is empowered to enact and enforce policies, ordinances and contracts to maintain and enhance the health, safety and welfare of local residents; and

WHEREAS, historically, the City of Sturgis and other municipalities throughout Michigan have exercised home rule decision making authority to address the wishes and desires of local residents in a manner that reflects their local values; and

WHEREAS, recent actions by the State Legislature to restrict, preempt or override municipal policies, ordinances and contracts has sharply eroded municipal home rule authority; and

WHEREAS, The Michigan Municipal League has proposed an amendment to the Michigan Constitution to require a 2/3 vote of each chamber of Michigan Legislature on any legislative bill that seeks to restrict or preempt the powers and authorities of cities, villages, townships, countries and municipal authorities under home rule; and

WHEREAS, the MML’s “Let Local Votes Count” campaign is gathering the signatures of at least 302,711 registered Michigan voters to place the proposed Constitutional Amendment on the November 7th statewide election ballot; and

WHEREAS, recent polls indicate a majority of Michigan voters would support a constitutional amendment to limit state intervention in local governance.

NOW, THEREFORE, BE IT RESOLVED that the Sturgis City Commission hereby endorses the “Let Local Votes Count” ballot initiative of the Michigan Municipal League; and

BE IT FURTHER RESOLVED that a true copy of this resolution be transmitted to State Senator Harry Gast, State Representative Cameron Brown, and the State and Federal Affairs Division of the Michigan Municipal League.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Austermann that the following policy governing Citizens Boards and Commissions be approved:

CITY COMMISSION POLICY

Subject: Policy Governing Citizen Boards and Commissions

Purpose: To establish a procedure for appointment/reappointments to citizen boards and

Policy: **Appointments:**

Each individual interested in serving on a City board or commission shall complete the “City of Sturgis Appointed Boards/Commissions Application,” and return it to the City Clerk’s Office. The application will be held on file for one year. All appointments shall be made by resolution.

Reappointments:

Each year during the month of March, all members of commissions or boards whose terms are set to expire will complete a “City of Sturgis Reappointment Application.” The application will confirm the board or commission member’s interest to continue or discontinue service. Reappointments are not automatic. City staff shall advertise all board and commission openings. The City Commission shall review all

Attendance Policy:

Members of citizen boards or commissions are expected to attend meetings on a member with such an attendance record.

Orientation:

Staff shall provide an orientation for all new citizen board or commission members that includes a review of enabling legislation for that board or commission, Robert’s Rules of Order, historical perspectives on work of the board or commission, and any other material appropriate to the work of the particular board or commission such as by-

Training Requirements:

The increasing complexity of municipal operations and the potential for legal challenges The following boards shall be required to attend appropriate training in their particular specialty within one year of appointment:

X Planning Board

X Zoning, Housing & Building Board of Appeals

X Hospital Board

Thereafter, the above boards shall continue to attend a minimum of one workshop, training seminar, etc. per year.

All other boards are strongly encouraged and may be required to attend training that enhances their ability to effectively serve. Continuing education efforts of board or commission members will be a consideration for reappointment.

Expenses Related to Service:

In the Course of receiving training, travel or other expenses related to serving on a City board or commission which are incurred by the member may be reimbursed.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Sturgis Police Chief Eugene Alli presented the Sturgis Police Annual Report. A question and answer session followed.

City Manager Jerome Kisscorni distributed the Fiscal Year 2000-01 Operating Budget. Workshop sessions were set for April 18th at 7:00 p.m. in the Conference Room of City Hall, and

April 25th and May 1st at 7:00 p.m. in the Wiesloch Raum of City Hall.

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$894,961.16 be paid.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$659,057.61 be ratified.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Upon the request of the City Manager, Police Chief Alli displayed to the Commission a sample of weapons which were found within the city limits, including a sword and a machete. Comm. Sunday-Horstman requested that a weapons ordinance be drafted for Commission approval. Further discussion followed. Mayor Hayes requested that Chief Alli obtain some existing examples of ordinances from the Michigan Municipal League that are currently in effect. Comm. Sunday-Horstman, Comm. Lampe, and Comm. Haas were appointed to a sub-committee to review the ordinances and return to the Commission with a recommendation.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that the City Staff and Boards be recommended that whenever economically feasible, that they use both sides of the paper in their communications.

Voting yea: Lampe, Sunday-Horstman, Chrisman, Oster

**Voting nay: Haas, Austermann, Kinsey, Murphy, Mayor Hayes
DEFEATED**

MOTION

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss purchase of property.

**Voting yea: Sunday-Horstman, Haas, Chrisman, Oster, Austermann, Kinsey, Murphy, Lampe, Mayor Hayes
CARRIED**

Voting nay: None

MOTION

The meeting was recessed at 11:14 p.m.

The meeting was reconvened at 11:49 p.m.

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

RESOLUTION

Commitment of Michigan Grant Funds through the Michigan Council of the Arts Capital Improvements Grant Art Center

WHEREAS, the Sturgis City Commission supports the purchase and renovation of a downtown building by the Downtown Development Authority in cooperation with the Open Door Alliance a non profit group dedicated to improving visual arts in the Southwestern Michigan area; and ***WHEREAS***, the Sturgis City Commission supports the grant application to the Michigan

Council of the Arts Capital Improvement Fund; and

WHEREAS, the Sturgis City Commission commits to providing \$100,000 in matching funds from the 2000-2001 fiscal year budget towards the project; and

WHEREAS, the Sturgis City Commission encourages public support (financial and voluntary labor) of the Art Center and has a commitment from the Open Door Alliance group that they will rent the premises for principally, but not limited to, these purposes: displaying and selling juried art, conducting classes for practicing artists and underserved groups in the community, engaging in cooperative ventures to increase awareness of the arts within the city, area schools, and within the Southwest Michigan region, especially adjacent Cass and Branch Counties.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission in an effort to foster greater understanding of the visual arts and encourage artists of all ages and cultures in our region and to accelerate the revitalition efforts in the downtown district commits \$100,000 in matching funds from the City of Sturgis 2000-2001 fiscal year budget.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 11:52 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 26, 2000
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, April 12, 2000 were approved as corrected.

Robert Magness, 1412 Kent Street, addressed the Commission regarding the proposed weapons ordinance. He also had concerns regarding the possibility of the City purchasing some property located at the northwest corner of N. Nottawa and Chicago Road.

Representative Cameron Brown addressed the Commission regarding a resolution which was sent to him on the MML petition drive. He responded by letter to each commissioner regarding the petition drive. Mayor Hayes thanked Rep. Brown for his assistance and support regarding a grant application sent to the Michigan DNR.

Jim Browne, Interim Hospital Administrator, was introduced by City Manager Jerome Kisscorni. Mr. Browne delivered a short report to the Commission regarding his involvement with the Hospital.

Bob Bohney, Doyle Center Fitness Coordinator was introduced by Dan Fullenkamp, Director of the Doyle Community Center.

Moved by Comm. Oster and seconded by Comm. Murphy to award the high bids for the sale of used equipment from the City of Sturgis Department of Public Works to the following bidders:

- X Bid Item 610 - 1990 Ford F800 Dump Truck was awarded to Rick Miller in the amount of \$5,555.00.
- X Bid Item 611 - 1990 Ford F800 Dump Truck was awarded to Wendel Kline in the amount of \$6,100.00.
- X Bid Item 147 - 1987 3-Wheel Cushman was awarded to Bartt Nettleman in the amount of \$980.00.
- X Bid Item 2001SD - 1986 GMC 7000 was awarded to Ron Kauffman in the amount of \$3,400.00.

- X Bid Item 233 - 1990 Eager Beaver Chipper was awarded to Bryant Excavating in the amount of \$5,000.00.
- X Bid Item 640 - 1991 Befco 15' Grooming Mower was awarded to Ron Kauffman in the amount of \$975.00.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to award the bid for a Hydro Blaster Graffiti Removal System to Grand Northern, Grand Rapids, Michigan in the amount of \$11,980.00.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that this be considered the second reading and approval to add Sections 93.60 through 93.64 of the City of Sturgis Nuisances Ordinance found in Chapter 93 of the Ordinances for the City of Sturgis prohibiting graffiti within the City and declaring it to be a public nuisance and to provide for an effective date.

AMENDMENT TO NUISANCES ORDINANCE

An ordinance to add Sections 93.60 through 93.64 of the City of Sturgis Nuisances Ordinance found at Chapter 93 of the Ordinances for the City of Sturgis prohibiting graffiti within the City and declaring it to be a public nuisance and to provide for an effective date of this Ordinance.

The City of Sturgis, St. Joseph County, Michigan, ordains:

Sections 93.60 through 93.64 of the Nuisances Ordinance to be found in Chapter 93 of the Sturgis Code of Ordinances, are hereby added to read as follows effective as of May 26, 2000:

GRAFFITI

§93.60 GRAFFITI DEFINED

"Graffiti" as used in Sections 93.61 through 93.64 shall mean messages, words, numbers, symbols, any type of picture, or other markings painted, inscribed, written, scraped or otherwise affixed upon a house, building, structure or other property of another, including public property, without the express consent of the owner.

§93.61 PUBLIC NUISANCE

(A) The existence of graffiti within the City of Sturgis is expressly declared to be a public nuisance. Graffiti is subject to removal according to the provisions and procedures herein contained and as may otherwise be provided by law.

(B) It is the duty of both the owner of any property upon which graffiti has been applied and any other person who may be in possession or who has the right to possess such property, to at all times keep such property free and clear of graffiti. The owner and possessor of property has a duty to reasonably inspect that property on a periodic basis and to promptly notify the Sturgis Police Department of any application of graffiti.

(C) Whenever the property code enforcement officer for the City of Sturgis, or

his or her designee, finds that graffiti has been applied to any property within the City, an Order may be issued by the City requiring the removal of the graffiti according to the provisions and procedures herein contained and as may otherwise be provided by law.

§93.62 APPLICATION OF GRAFFITI PROHIBITED

(A) No person shall apply graffiti on any public or private property in the City of Sturgis.

(B) Any person applying graffiti within the City of Sturgis shall have the duty to remove or eliminate the graffiti forthwith by such means as in the discretion of the property code enforcement officer, or his or her designee, will best eliminate the graffiti and preserve the original character and/or integrity of the property that has been defaced. Any person applying graffiti shall be responsible for such removal or for the payment thereof. Failure of any such person to remove graffiti or pay for its removal after being directed to do so shall be an additional violation of this section. Where graffiti is applied by an unemancipated minor, the parent(s) or legal guardian(s) shall also be responsible for such removal or the payment thereof pursuant to MCL 600.2913; MSA 27A.2913, and as otherwise provided herein and by law.

§93.63 REMOVAL OF GRAFFITI

(A) It is the responsibility of the owner of any property upon which graffiti has been applied to remove or eliminate the graffiti. Any owner removing or eliminating the graffiti pursuant to this section is entitled to restitution in an amount determined by a court of competent jurisdiction for the cost thereof. Any such restitution is to be paid by any person found responsible under Section 93.62(B) for such graffiti.

(B) The owner of any property upon which graffiti has been applied shall remove or eliminate the graffiti not later than three (3) business days after being notified by the City. The notice issued pursuant to this section shall be addressed to the owner of the property as shown on the latest tax assessment role at the owner's last known address. Notification may be by personal service or by postage paid United States first class mail. Upon request in writing and demonstration of good cause, the property code enforcement officer, or his or her designee, may approve a reasonable extension of time for removal or elimination of the graffiti.

(C) Upon failure, neglect or refusal of any property owner to remove or eliminate graffiti within three (3) business days after receipt of the notice provided for herein, the City and its authorized representatives are hereby empowered to enter upon the property for the purpose of the removal or elimination of the graffiti. The owner by failing to have timely removed or eliminated the graffiti shall be deemed to have consented to removal or elimination of the graffiti by the City and to have released the City and its representatives from any claim for property damages which may occur during the removal or elimination of the graffiti. The owner of the property from which the graffiti has been removed or eliminated by the City shall be liable to the City for the reasonable costs incurred by the City during the removal or the elimination of the graffiti and any such costs shall be a lien upon such real estate. Notwithstanding the foregoing, the owner of any such property shall not be liable to the City for the cost of removal or elimination of the graffiti if the owner or person in charge of the property upon which the graffiti has been applied executes a Release of Liability form provided by the City pertaining to the removal or elimination of the graffiti by the City. The property owner shall remain responsible for full restoration of the property and maintaining the property

under the provisions of the Property Maintenance Code.

§93.64 PENALTIES

Any person who is convicted of violating Section 93.62(A) shall be punished by a fine of Five Hundred and 00/100 (\$500.00) Dollars, or by imprisonment for a term not to exceed ninety (90) days, or by any combination of such fine and imprisonment. In addition to such punishment the Court may, by imposing sentence, order the Defendant to restore the property upon which graffiti was applied. If the graffiti has been previously removed or eliminated by a person other than the Defendant, the Court may, in addition to other punishment, order the Defendant to pay restitution in an amount equal to the cost of removal or elimination. In addition, any person violating Section 93.62(A) is subject to the additional penalties provided for in Section 93.99. A person violating Section 93.63 is not subject to the penalty provisions of Section 93.99.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to consider this the second reading and approval of an Ordinance to amend Articles IV, V, and X of the Zoning Ordinance of the City of Sturgis to provide for the regulation of child care organizations and an effective date of June 1, 2000, and with an amendment to line item one of the footnotes to read “A *copy of* a valid registration...” **AMENDMENT TO ZONING ORDINANCE**

PERTAINING TO THE REGULATION
OF CHILD CARE ORGANIZATIONS

An ordinance to amend Articles IV, V and X of the Zoning Ordinance of the City of Sturgis to provide for the regulation of child care organizations and 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 to provide for the regulation of child care organizations;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains: Articles IV, V and X of the Zoning Ordinance are hereby modified as follows effective as of June 1, 2000.

- (1) Section 1.0401(B) Permitted uses . . .
 - (10) Family Day Care Home.
 - (11) Group Day Care Home.
 - (12) Foster Family Home.
 - (13) Foster Family Group Home.
 - (14) Customary accessory uses to the uses set forth above.
- (2) Section 1.0401(C) Special land uses . . .
 - (6) Child Care Center or Day Care Center.
- (3) Section 1.0402(B) Permitted uses . . .
 - (5) Family Day Care Home.
 - (6) Group Day Care Home.
 - (7) Foster Family Home.
 - (8) Foster Family Group Home.
 - (9) Customary accessory uses to the uses set forth above.
- (4) Section 1.0402(C) Special land uses . . .
 - (6) Child Care Center or Day Care Center.

- (5) Section 1.0403(B) Permitted uses . . .
 - (4) Family Day Care Home.
 - (5) Group Day Care Home.
 - (6) Foster Family Home.
 - (7) Foster Family Group Home.
 - (8) Customary accessory uses to the uses set forth above.
- (6) Section 1.0403(C) Special land uses . . .
 - (6) Child Care Center or Day Care Center.
- (7) Section 1.0404(B) Permitted uses . . .
 - (6) Family Day Care Home.
 - (7) Group Day Care Home.
 - (8) Foster Family Home.
 - (9) Foster Family Group Home.
 - (10) Customary accessory uses to the uses set forth above.
- (8) Section 1.0404(C) Special land uses . . .
 - (13) Child Care Center or Day Care Center.
- (9) Section 1.0405(C) Special land uses . . .
 - (6) Child Care Center or Day Care Center.
- (10) Section 1.0406(C) Special land uses . . .
 - (4) Child Care Center or Day Care Center.
- (11) Section 1.0407(C) Special land uses . . .
 - (9) Child Care Center or Day Care Center.
- (12) Section 1.0408(C) Special land uses . . .
 - (7) Child Care Center or Day Care Center.
- (13) Section 1.0526 will be added to provide as follows:

CHILD CARE ORGANIZATIONS TABLE OF USES

CHILD CARE ORGANIZATION	ZONING DISTRICT							
TYPE OF FACILITY	R-1	R-2	R-3	R-4	B-OS	B-C	B-H	M
(Standards Applicable)								
FAMILY DAY CARE HOME (6 or fewer children for less than 24 hours per day)		P	P	P	P	NA	NA	NA
(1)								
GROUP DAY CARE HOME (7 to 12 children for less than 24 hours per day)		P	P	P	P	NA	NA	NA
(1)								
CHILD CARE CENTER or DAY CARE CENTER (More than 6 children less than 24 hours per day)	SU	SU	SU	SU	SU	SU	SU	SU
(1,2,3,4,5,6)								
FOSTER FAMILY HOME	P	P	P	P	NA	NA	NA	NA

(4 or fewer children 24 hours
per day)

(1)

FOSTER FAMILY GROUP HOME	P	P	P	P	NA	NA	NA	NA
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(5 to 6 children 24 hours
per day)

(1)

P = Permitted by right

SU = Special land use (may be permitted subject to general and specific standards of the ordinance)

NA = Not allowed

Footnotes to table:

1. A copy of a valid registration or license as required by the state shall continually be on file with the City.
 2. The facility shall be brought into compliance with all Building Codes.
 3. The site shall comply with the sign provisions of Article VIII.
 4. Off street parking shall be provided in accordance with Article VII and shall provide a minimum of one (1) parking space for each care provider.
 5. The building shall have an appearance which is non-intrusive and consistent in color materials, roof-line and architecture with the district in which it is located, as determined by the Planning Board.
 6. The lot shall be at least eight hundred (800) feet from another child care center or day care center.
- (14) The following will be added to Section 1.1003 as a special land use:
- (EE) Child Care Center or Day Care Center
- (1) May be permitted as the principal use of a property or may be permitted as an accessory use to an approved use, such as a church, school, office or other place of employment upon review and approval as a special use.
 - (2) An on site drive shall be provided for drop off and loading of children. The drive shall be arranged to allow vehicle maneuvering without affecting traffic flow on public streets.
 - (3) All provisions of Section 1.1002F) shall be complied with.
 - (4) Applicable footnotes of Section 1.0526 shall be complied with.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

ampe and seconded by Comm. Austermann to set a public hearing date of Wednesday May 10, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to approve the bond proposal for Thurston Woods Village, Inc.

Voting nay: None

MOTION CARRIED

ampe and seconded by Comm. Kinsey to appoint Commissioners Chrisman and Oster to the Economic Development Corporation Board of Directors for the Thurston Woods Village, Inc. Bond

Project.

Voting nay: None MOTION CARRIED

pe and seconded by Comm. Austermann to approve the following resolution:

**RESOLUTION CERTIFYING APPROVAL
OF PROJECT AREA DESIGNATION,
ESTABLISHING PROJECT DISTRICT AREA BOUNDARIES,
APPOINTING ADDITIONAL DIRECTORS AND CALLING PUBLIC
HEARING CONCERNING PROJECT PLAN
(Thurston Woods Village, Inc. Project)**

sts in the City of Sturgis, County of St. Joseph, State of Michigan (the "City"), the need for certain programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises in order to strengthen and revitalize the City's economy and to encourage the location and expansion of industrial and commercial enterprises to provide needed services and facilities to the City and its residents; and

m to alleviate the aforesaid conditions and accomplish said purposes through financing of the construction and equipping of an 18 units congregate care facility and an 8 units duplex retirement living facility for use by Thurston Woods Village, Inc., a Michigan nonprofit corporation (the "Project"), has been initiated by The Economic Development Corporation of the City of Sturgis (the "EDC"); and

in conformity with Act No. 338, Public Acts of Michigan, 1974, as amended ("Act No. 338"), has designated the hereinafter described project area for such a program to this City Commission for its approval thereof; and

necessary for this City Commission to establish project district area boundaries; and

necessary for this City Commission to approve the appointment of two additional directors to the Board of Directors of the EDC pursuant to the provisions of Section 4(2) of Act No. 338; and

C in conformity with Act No. 338 and the Internal Revenue Code of 1986, as amended, is in the process of preparing and will submit a project plan (the "Project Plan") involving the Project to be undertaken on behalf of Thurston Woods Village Village, Inc.; and

to Act No. 338 it is necessary to hold a public hearing concerning the Project, the Project Plan and the bonds proposed therein to be issued by the EDC (the "Bonds"), prior to taking legislative action relating to it;

, BE IT RESOLVED THAT:

1. This City Commission does hereby certify its approval of the EDC's designation of the project area described in Exhibit A, as follows:

EXHIBIT A

ty of Sturgis, County of St. Joseph, State of Michigan, described as follows:

est half of the Northeast 1/4 of Section 6, Township 8 South, Range 9 West, City of Sturgis, St. Joseph County, Michigan, described as follows:

ast 1/4 corner of said Section 6 and running thence S 88°35'22" W, along the East-West 1/4 line as previously established, 1322.96 feet to a concrete monument found at the Southeast corner of the West ½ of the Northeast 1/4 of Section 6 which is the point of beginning of this description. The boundary runs thence S 88°35'22" W, along the East-West 1/4 line as previously established, 751.73 feet, thence N 00°56'44" W 260.37 feet, thence S 88°30'59" W 222.33 feet, thence N 47°09'47" W 270.87 feet, thence S 88°56'04" W 153.06 feet, thence N 00°54'41" W along the North-South 1/4

line as previously established, 373.06 feet, thence N 88°35'22" E 56.03 feet, thence N 44°02'31" E 259.67 feet, thence N 88°35'22" E 1085.40 feet, thence S 00°48'02" E along the ½-1/4 line, 1005.26 feet to the point of beginning.

5.433 acres, more or less.

307 N. Franks Avenue, Sturgis, Michigan 49091

2. This City Commission does hereby establish as a project district area the property described in Exhibit B, as follows:

EXHIBIT B

PROJECT DISTRICT AREA

coterminous with Exhibit A, as printed above.

3. This City Commission does hereby certify its approval of the individuals listed on Exhibit C as additional Directors of the EDC to serve in conformity with the provisions of Section 4(2) of Act No. 338.

EXHIBIT C

Additional Directors

Commissioner Chrisman

Commissioner Oster

4. It is hereby determined that the requirements of Section 20 of Act No. 338 have been met and that the formation of a project citizens district council is not required.

5. Pursuant to Act No. 338, the City Commission is required to conduct a public hearing on the EDC's submission of the Project Plan and the issuance by the EDC of the Bonds. The City Commission hereby calls a public hearing on the submission of the Project Plan and the issuance by the EDC of the Bonds for May 10, 2000, at 7:30 o'clock p.m.

6. The City Clerk be and is hereby directed to give notice of such public hearing by (1) publishing a notice thereof in the Sturgis Journal, a newspaper of general circulation in the City; (2) posting in at least ten (10) conspicuous and public places in the project district area; and (3) mailing to the last known owner of each parcel of real property in the project district area at the last known address of the owner as shown by the tax assessment records, which notices shall be published and given at least fourteen (14) full days prior to the date set for said hearing.

7. Said notice shall be in substantially the form as Exhibit D, as follows:

EXHIBIT D

FORM OF PUBLIC HEARING NOTICE

OFFICIAL NOTICE TO THE CITIZENS OF THE CITY OF STURGIS
OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROJECT PLAN
AND THE ISSUANCE OF THE BONDS PROPOSED THEREIN
AS SUBMITTED TO THE CITY COMMISSION OF THE
CITY OF STURGIS BY
THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF STURGIS
FOR THE THURSTON WOODS VILLAGE, INC. PROJECT

PLEASE TAKE NOTICE that pursuant to Act No. 338, Public Acts of Michigan, 1974, as amended, The Economic Development Corporation of the City of Sturgis has submitted a project plan to the City Commission for its approval.

Said project plan deals with the construction and equipping of an 18 units congregate care facility and an 8 units duplex retirement living facility to be owned and used by Thurston Woods Village, Inc., a Michigan nonprofit corporation, to be located at 307 N. Franks Avenue, Sturgis,

Michigan, 49091.

Said project plan details all information required by law relative to said project and its impact on the community. No persons will be displaced from the project area as a result of this project. Said project plan also proposes the issuance of revenue bonds by said Economic Development Corporation in a maximum principal amount not to exceed \$3,200,000 to assist in the financing of said project for the benefit of Thurston Woods Village, Inc.

The City Commission will meet at 7:30 o'clock p.m., Wednesday, the 10th day of May, 2000, at the City Hall located at 130 N. Nottawa Street, Sturgis, Michigan, and will conduct a public hearing.

The public hearing shall consider the advisability of the City Commission approving, modifying or rejecting by resolution said project plan and the issuance of bonds as proposed therein.

THIS NOTICE is given pursuant to the requirements of Sections 10 and 17 of Act No. 338, Public Acts of Michigan, 1974, as amended. The project plan and relevant maps or plats are available for inspection at the City Clerk's office.

All interested citizens are encouraged and will be offered an opportunity at said hearing to address the City Commission concerning said project, said project plan, and the bonds proposed to be issued. Written comments may also be submitted to the City Clerk prior to said hearing.

8. The City Clerk be and is hereby directed to deliver a certified copy of this resolution to the Secretary of the Board of the EDC.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Voting nay: None MOTION CARRIED

as and seconded by Comm. Sunday-Horstman to approve the request from the American Legion Auxiliary for permission to sell poppy's in Sturgis on May 18th, 19th, and 20th.

Voting nay: None MOTION CARRIED

day-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$1,752,386.98 be paid.

Voting nay: None MOTION CARRIED

day-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$536,176.33 be ratified.

Voting nay: None MOTION CARRIED

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

RESOLUTION

gis City Commission at its regular meeting on April 12, 2000 adopted a resolution committing \$100,000 in matching funds from the City of Sturgis 2000-2001 fiscal year budget to foster greater understanding of the visual arts and encourage artists of all ages and cultures in our region and to accelerate the revitalization efforts in the downtown district ("Downtown Project"); and

gis Downtown Development Authority has prepared a grant application for execution and submission to the Michigan Council for Arts and Cultural Affairs by the City pertaining to the Downtown Project ("Grant Application"); and

t Application needs to be executed and submitted by the City no later than May 1, 2000;

, BE IT RESOLVED, that the Mayor of the City of Sturgis is hereby authorized to execute and submit the Grant Application to the Michigan Council for Arts and Cultural Affairs.

Voting nay: None MOTION CARRIED

RESOLUTION

Lampe and seconded by Comm. Oster to recess under the Open Meetings Act to review the City Manager's annual performance evaluation.

Horstman, Oster, Austermann, Kinsey, Murphy, Lampe, Sunday-Horstman, Mayor Hayes

Voting

ended at 8:35 p.m.

convened at 10:05 p.m.

Lampe and seconded by Comm. Oster that the meeting be adjourned.

Voting nay: None MOTION CARRIED

turned at 10:05 pm.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 10, 2000
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, April 26, 2000 were approved as presented.

Dan Dillinger, 2000 Census representative, updated the Commission on the Sturgis area census count. They also expressed their appreciation to those who have given tremendous help, including City employees Barry Cox and Mike Hughes.

Moved by Comm. Kinsey and seconded by Comm. Murphy that the low bid for Street Light Material for the Electric Department be awarded to Graybar Electric, Kalamazoo, Michigan, in the amount of \$16,060.50 for the Ballast Assembly, and \$14,334.00 for the Glass Globes.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Austermann that the bid for 1/O AWG Aluminum Primary Cable for the Electric Department be awarded to Reed City Power Line Supply, Reed City, Michigan, in the amount of \$28,180.80, and that the bid for 500 kmil Aluminum Primary Cable be awarded to Wesco, Lansing, Michigan in the amount of \$26,640.00.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

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

**RESOLUTION APPROVING PROJECT PLAN
AS SUBMITTED BY THE ECONOMIC DEVELOPMENT
CORPORATION OF THE CITY OF STURGIS
(Thurston Woods Village, Inc. Project)**

WHEREAS, there exists in the City of Sturgis, County of St. Joseph, Michigan (the "City") the need for certain programs to alleviate and prevent conditions of unemployment and to revitalize the City's economy, and to assist industrial and commercial enterprises, and to encourage the location, expansion or retention of industrial and commercial enterprises to provide needed services and facilities to the City and its residents; and

WHEREAS, a program to alleviate the aforesaid conditions has been initiated by The Economic

Development Corporation of the City of Sturgis (the "Corporation"); and

WHEREAS, the Corporation in conformity with Act No. 338, Public Acts of Michigan, 1974, as amended ("Act No. 338"), has prepared and submitted a project plan (the "Project Plan"), providing all information and requirements necessary for a project involving the financing of the construction and equipping of an 18 units congregate care facility and an 8 units duplex retirement living facility for use by Thurston Woods Village, Inc., a Michigan nonprofit corporation (the "Project"); and

WHEREAS, the Corporation as approved the Project Plan; and

WHEREAS, in conformity with Act No. 338 and the Internal Revenue Code of 1986, as amended (the "Code"), this legislative body has conducted a public hearing on the Project, the Project Plan, and the bonds in the maximum aggregate principal amount of not to exceed \$3,200,000 proposed therein to be issued by the Corporation to finance all or part of the costs of the Project (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED:

1. The Project Plan, as submitted and approved by the Corporation meets the requirements set forth in Section 8 of Act 338, and is hereby approved.

2. The persons who will be active in the management of the Project for not less than one year after approval of the Project Plan have sufficient ability and experience to manage the plan properly.

3. The proposed methods of financing the Project as outlined in the Project Plan are feasible and the Corporation has the ability to arrange, or cause to be arranged, the financing.

4. The Project as submitted is reasonable and necessary to carry out the purposes of Act No. 338, and is hereby approved.

5. Issuance by the Corporation of the bonds in an amount not to exceed \$3,200,000, in accordance with the terms set forth in the Project Plan, to finance all or part of the costs of the Project as described herein and in the Project Plan, and is hereby approved.

6. Based upon the information submitted and obtained, the Project Plan as submitted and the Project to which it relates serves to alleviate and prevent conditions of unemployment and strengthen and revitalize the City's economy and, therefore, constitutes a vital and necessary public purpose.

7. 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: Nine

Voting nay: None

MOTION

CARRIED

Public hearing on the 2000-2001 Fiscal Year Budget was held.

RESOLUTION

Moved by Comm. Haas and seconded by Comm. Austermann that the proposed annual budget for the year 2000-2001, of the City of Sturgis be approved. After holding a public hearing on May 10, 2000 and receiving public comment on the 2000-2001 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 2000-2001 fiscal year, to be levied in July 2000, is set at 10.82 mills. The City taxes shall be distributed among City funds as detailed below. The City Manager shall make no transfers between funds without the approval of the City Commission.

Fund	Appropriations From City Tax Levy
General	\$1,027,598
Major Street	0
Local Street	265,000
Cemetery	112,000
Library	330,000
Auditorium	220,000
Doyle Community Center	40,000
Parks and Recreation	450,000
Total	2,444,598
Voting yea: Nine	Voting nay: None
CARRIED	MOTION

RESOLUTION

Moved by Comm. Murphy and seconded by Comm. Kinsey that the following Electric Rates go into effect for all usage on and after June 1, 2000, and October 1, 2000.

	Rate Effective October 1, 1999	Rate Proposed June 1, 2000	Rate Proposed October 1,
2000			
<u>Residential (A)</u>			
Monthly Service Charge	\$3.85	\$3.85	\$5.25
First 30 kWh	\$0.0690 per kWh	\$0.0710 per kWh	\$0.0750 per
kWh			
Next 570 kWh	\$0.0630 per kWh	\$0.0650 per kWh	\$0.0650 per kWh
Over 600 kWh	\$0.0590 per kWh	\$0.0610 per kWh	\$0.0610 per kWh
<u>Residential Rural (B)</u>			
Monthly Service Charge	\$4.85	\$4.85	\$6.25
First 30 kWh	\$0.0770 per kWh	\$0.0790 per kWh	\$0.0840 per
kWh			
Next 570 kWh	\$0.0660 per kWh	\$0.0680 per kWh	\$0.0696 per kWh
Over 600 kWh	\$0.0650 per kWh	\$0.0670 per kWh	\$0.0670 per kWh
<u>Commercial & Small Industrial (C)</u>			
Monthly Service Charge	\$9.00	\$9.00	\$10.00
First 400 kWh	\$0.1110 per kWh	\$0.1130 per kWh	\$0.1160 per
kWh			
Next 4,600 kWh	\$0.0900 per kWh	\$0.0920 per kWh	\$0.0952 per
kWh			
Over 5,000 kWh	\$0.0780 per kWh	\$0.0800 per kWh	\$0.0826 per
kWh			
<u>Commercial All Electric (CAE)</u>			
Monthly Service Charge	\$10.00	\$10.00	\$11.00

First 200 kWh	\$0.1160 per kWh	\$0.1180 per kWh	\$0.1180	per
kWh				
Next 4,800 kWh	\$0.0750 per kWh	\$0.0770 per kWh	\$0.0776	per
kWh				
Over 5,000 kWh	\$0.0630 per kWh	\$0.0650 per kWh	\$0.0670	per
kWh				

Small Industrial & Commercial (D)

Monthly Service Charge	\$26.50	\$26.50	\$30.00	
Demand Charge	\$10.95 All kW	\$10.95 All kW	\$11.55 All kW	
Energy Charge	\$0.0430 All kWh	\$0.0450 All kWh	\$0.0450	All
kWh				

Large Industrial (LI)

Monthly Service Charge	\$75.00	\$75.00	\$75.00	
Demand Charge	\$10.00 All kW	\$10.00 All kW	\$10.55 All kW	
Energy Charge	\$0.0350 All kWh	\$0.0350 All kWh	\$0.0355	All
kWh				

Primary Power (PP)

Monthly Service Charge	\$72.50	\$72.50	\$75.00	
Demand Charge	\$ 9.50 All kW	\$ 9.50 All kW	\$10.00 All kW	
Energy Charge	\$0.0346 All kWh	\$0.0346 All kWh	\$0.0342	All
kWh				

**Voting yea: Eight
CARRIED**

Voting nay: Chrisman

MOTION

BOARD APPOINTMENTS

Airport Advisory Committee

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

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Auditorium Board

Moved by Comm. Austermann and seconded by Comm. Kinsey to reappoint Madeline Murphy Parker and appoint Gail Suess-Brandow to three-year terms to the Auditorium Board.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Cemetery Board

Moved by Comm. Kinsey and seconded by Comm. Austermann that R. John Blasius be reappointed to a five-year term to the Cemetery Board.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Construction Board of Appeals

Moved by Comm. Oster and seconded by Comm. Kinsey to reappoint Jon Good to a three-year term to the Construction Board of Appeals.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

D.D.A. Board of Directors

Moved by Comm. Lampe and seconded by Comm. Kinsey that James Fiebig and Charles Baber be reappointed to four-year terms, and to appoint John Davis to a four-year term to the DDA Board of Directors.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Doyle Board of Directors

Moved by Comm. Haas and seconded by Comm. Austermann to appoint John Fisher and Warren Atkins to three-year terms to the Doyle Board of Directors.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Economic Development Corporation

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to reappoint Larry Franks to a six-year term to the Economic Development Corporation.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Elected Officials Compensation Commission

Moved by Comm. Kinsey and seconded by Comm. Haas to reappoint Dwight Alexander to a four-year term to the Elected Officials Compensation Commission.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Election Commission

Moved by Comm. Murphy and seconded by Comm. Austermann to reappoint Marge Brand and Duke Lutz, and to appoint Ken Chrisman to one-year terms to the Election Commission.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Hospital Board of Trustees

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to reappoint Newell Franks II and to appoint Phil Ward to five-year terms to the Hospital Board of Trustees.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Library Board

Moved by Comm. Kinsey and seconded by Comm. Oster to appoint Robert Magness and Karen Good to five-year terms to the Library Board.

Discussion followed regarding another vacancy left by the resignation of Dr. Page Spray.

Comm. Kinsey nominated Edith Irwin.

Edith Irwin was appointed to fill the unexpired term of Dr. Page Spray, term to expire in May, 2003.

The resignation of Dr. Page Spray was accepted and a letter and plaque of appreciation will be sent.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Parks and Recreation Board

Moved by Comm. Austerman and seconded by Comm. Sunday-Horstman to reappoint Adan Perez and Earl Arend to three-year terms to the Parks and Recreation Board.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Planning Board

Moved by Comm. Haas and seconded by Comm. Kinsey to reappoint Don Eaton, Ken Chrisman and Al Kuhlman to three-year terms to the Planning Board.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Sister City Committee

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to reappoint Vera DeFord, Georgiana Austermann, and to appoint Amy Wright, Robert Sisson, John Dobberteen to three-year terms, and Lee Austermann (replacing Comm. Haas) to the Sister City Committee.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Sturgis Housing Commission

Moved by Comm. Murphy and seconded by Comm. Austermann to reappoint LaVenia Stevens to a five-year term to the Sturgis Housing Commission.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Zoning & Building & Housing Board of Appeals

Moved by Comm. Haas and seconded by Comm. Asutermann to reappoint Al Kuhlman, Greg Hackman and Mary Seymour, and to appoint Dennis Wheeler to three-year terms to the Zoning & Building & Housing Board of Appeals.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Oster that the following salaries be approved as presented:

PROPOSED CITY OFFICERS APPOINTMENTS

POSITION	PRESENT SALARY	PROPOSED SALARY
City Manager Jerome R. Kisscorni	\$75,000	\$77,625
City Clerk/Treasurer Carol F. Rambadt	\$41,696	\$43,156
City Attorneys Bird, Svendsen, Brothers, Scheske and Pattison	\$53,200	\$55,000
Library Director Deb Stewart	\$41,224	\$45,986
Voting yea: Nine	Voting nay: None	MOTION
CARRIED		

Moved by Comm. Lampe and seconded by Comm. Kinsey to “approve the city manager’s contract as presented. Also, for the Mayor to have the manager’s evaluation in or before January and appoint a committee to research and negotiate the manager’s contract prior to the city’s budget planning sessions.” Comm. Lampe added further comment, “In light of recent events, I ask my fellow commissioners to join me in a yes vote and show we are united.”

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

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman 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
Century Bank & Trust - Sturgis, Michigan
Key Bank - Sturgis, Michigan
Sturgis Bank & Trust Co., FSB - Sturgis, Michigan

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

Moved by Comm. Kinsey and seconded by Comm. Austermann to set a public hearing date of Wednesday, June 14, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall, to consider issuing

an Industrial Facilities Exemption Certificate to Americraft Carton, Inc.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$606,491.97 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 \$483,816.61 be ratified.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Chrisman to grant the request of the Sturgis Lion's Club to hold their "White Cane Days" in Sturgis from May 20th through May 26th.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey to remove people with poor attendance records from City Boards and advertise those positions as needed for appointments.

Discussion followed.

Comm. Kinsey withdrew his motion.

Mayor Hayes shared a letter sent by Ross Products recognizing Jeff Notestine and Tim Brandys, of the Street Department, for their assistance identifying a problem with water at their company rental home. The letter was closed as follows: "They were both extremely helpful and pleasant to work with and we just wanted to make sure we took a minute to recognize their customer service efforts. They did not go unnoticed and are truly appreciated!"

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss purchase of property.

**Voting yea: Chrisman, Oster, Austermann, Kinsey, Murphy, Lampe, Sunday-Horstman, Haas, Mayor Hayes
CARRIED**

Voting nay: None

MOTION

The meeting was recessed at 8:40 p.m.

The meeting was reconvened at 9:50 p.m.

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

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

The meeting was adjourned at 9:50 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 24, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioner present: Kinsey, Austermann, Sunday-Horstman, Lampe, Chrisman, Haas, Oster, Murphy, Mayor Hayes

Commissioners absent: None

Also present: 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, May 10, 2000 were approved as presented.

Moved by Comm. Kinsey and seconded by Comm. Austermann to approve the Settlement Agreement between the City of Sturgis and American Electric Power (AEP) regarding a refund on fuel cost due to the temporary shutdown of Cook Nuclear Plant in the amount of \$726,186.00.

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 Subdivision Ordinance pertaining to Divisions under the Michigan Land Division Act.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to approve the updating process of the 1996 Sturgis Housing Study, at a cost not to exceed \$7,000.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman to approve the following resolution confirming the Industrial Facilities Exemption Certificate for Luttmann Precision Mold to remain in force and effect for a period of twelve (12) years with an ending date of December 31, 2012.

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 with an ending date of December 31, 2012.

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
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Haas and seconded by Comm. Oster to approve the request from the Sturgis Area Chamber of Commerce for a 24-hour liquor license at the Kirsch Municipal Airport for June 20, 2000.

**Voting yea: Seven Voting nay: Sunday-Horstman Abstaining: Kinsey MOTION
CARRIED**

Moved by Comm. Haas and seconded by Comm. Murphy to approve the request from the Sturgis Kiwanis Eastside Club to sponsor a circus at the Kirsch Municipal Airport on July 5, 2000, contingent on proof of insurance, and to have the City provide services that have been provided in the past.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Oster and seconded by Comm. Haas to accept the resignation of George Abel from the Sturgis Hospital Board of Trustees, and that a letter of appreciation be sent.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Lampe and seconded by Comm. Austermann to proclaim May 26, 2000 as Arbor Day.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Murphy that the City bills in the amount of \$482,640.30 be paid.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$494,652.56 be ratified.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

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

RESOLUTION

WHEREAS, the City of Sturgis is currently involved in a detachment action with the Townships of Burr Oak and Sturgis; and

WHEREAS, the City believes that the issues involved in such an action are such that the Michigan Municipal League Legal Defense Fund may wish to provide supportive aid with respect to this matter; and

WHEREAS, the City desires to receive the assistance of the Michigan Municipal League Legal Defense Fund;

NOW, THEREFORE, BE IT RESOLVED that the City of Sturgis hereby authorizes the appropriate municipal officials to request supportive aid from the Michigan Municipal League Legal Defense Fund in the pending detachment action. It is agreed that acceptance of such support shall constitute an agreement by the requested municipality to abide by any conditions placed upon the aid offered by the Fund.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Lampe to change the Planning Board's operating procedure from missing three consecutive or a total of five meetings per year to missing 25% of the meetings per year. Comm. Sunday-Horstman suggested that they return to the original procedure after the Planning Board returns to their regular meeting schedule. Comm. Kinsey amended his motion to include that the procedure be changed during the time period in which the Planning Board will be holding extra meetings (approximately twelve to eighteen months).

Voting yea: None

Voting nay: Nine

MOTION DEFEATED

Comm. Lampe discussed the existing weed ordinance and the problem with weeds growing on the railroad tracks that are only being mowed twice a year.

The issue will be referred to the Planning Board.

Comm. Haas commended Chief Alli and the Sturgis Police Department for their assistance and cooperation given during the Auto Show held on Tuesday, May 23rd. Comm. Haas also commended Comm. Lampe for being recognized as a "Volunteer of the Year" by the Sturgis Exchange Club.

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

The Commissioners commended the City Staff, Gerry Mayer, Representative Cameron Brown, and Mayor Hayes for their hard work and persistence at trying to change the minds of those involved in the closing of Kirsch Company.

The meeting was adjourned at 8:32 p.m.

Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 14, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Sunday-Horstman, Lampe, Haas, Oster, Murphy, Mayor Hayes

Commissioners absent: Austermann, Chrisman

Also present: City Manager, 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, May 24, 2000 were approved as presented.

Pastor Cal Kolzow and Rob Falkenstein, from Trinity Lutheran Church, addressed the commission with their concerns regarding the lack of facilities and undesirable conditions at Spence Field. They requested help from the city to improve the conditions of the park, and to look into providing a concession stand, and to make it more suitable for families. The issue will be discussed at the next Parks and Recreation Board meeting.

Public hearing on considering issuing an Industrial Facilities Exemption Certificate to Americraft Carton, Inc. was held.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed \$6,500,000 be awarded to Americraft Carton, Inc. for a period of twelve (12) years with an ending date of December 31, 2012, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Americraft Carton, 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 Americraft Carton, Inc., and

WHEREAS, on July 13, 1983 the City Commission established the Industrial Development District for the industrial property of Americraft Carton, 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 with an ending date of December 31, 2012.

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

**Voting yea: Seven
Chrisman**

Voting nay: None

Absent: Austermann,

**THE RESOLUTION WAS
ADOPTED.**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that this be considered the second reading and approval of an amendment to the Subdivision Ordinance pertaining to Divisions under the Michigan Land Division Act.

AMENDMENT TO SUBDIVISION ORDINANCE

PERTAINING TO DIVISIONS UNDER THE MICHIGAN LAND DIVISION ACT

An Ordinance to amend Sections 102.0, 103.0, 108.0, 109.0 and 201.0 of, and add Sections 801.0 through 808.0 to, the Subdivision Ordinance found at Chapter 151 of the ordinances for the City of Sturgis pertaining to divisions under the Michigan Land Division Act that being Act No. 591 of Michigan Public Acts of 1996.

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 Subdivision Ordinance with respect to divisions of unplatted land within the City.

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

Chapter 151 of the Ordinances for the City of Sturgis is hereby modified as follows, effective the 10th day of July, 2000.

(1) Subsection (F) of Section 102.0 of the Subdivision Ordinance found in Chapter 151 of the Sturgis Code of Ordinances, is hereby amended to read as follows:

(F) To promote the proper surveying and monumenting of unplatted land to be divided or subdivided, and conveyed by accurate legal descriptions, and establish procedures for divisions, redivisions, subdivisions and resubdivisions of land, and; to promote continued compliance of severed lots with the applicable size and setback requirements.

(2) Section 103.0 of the Subdivision Ordinance found in Chapter 151 of the Sturgis Code of Ordinances, is hereby amended to read as follows:

§103.0 AUTHORITY

This ordinance is enacted pursuant to the authority granted by the Home Rule City Act of 1909, P.A. 279 of 1909, and the Subdivision Control Act of 1967, P.A. 288 of 1967, as amended by the Land Division Act of 1996, P.A. 591 of 1996.

(3) Section 108.0 of the Subdivision Ordinance found in Chapter 151 of the Sturgis Code of Ordinances, is hereby amended to read as follows:

§108.0 JURISDICTION, DIVISIONS, SUBDIVISIONS, AND SEVERANCES.

This subdivision ordinance shall apply to all divisions and subdivisions of unplatted land and severances of platted lots, all as defined herein, located within the limits of the City of Sturgis.

- (A) No land shall be subdivided within the City of Sturgis until:
- planning (1) The subdivider or its agent has submitted a preliminary plat to the city board;
- (2) The plat has obtained preliminary and final plat approval from the city.
- (3) The approved final plat is filed and recorded by the St. Joseph County Clerk/Register of Deeds.
- (B) No unplatted land shall be divided within the City of Sturgis until:
- assessor (1) An application for land division approval has been filed with the city pursuant to Section 802 of this ordinance; and;
- (2) The application has been approved pursuant to Section 804 or 805 of this ordinance.
- (C) No platted lot shall be severed within the City of Sturgis until:
- city of (1) An application for the severance of the platted lot has been filed with the assessor on the forms provided for such application to insure compliance the resulting parcels with the applicable size and setback requirements, and;
- (2) The application has been approved.

(4) Section 109.0 of the Subdivision Ordinance found in Chapter 151 of the Sturgis Code of Ordinances, is hereby amended to read as follows:

§109.0 JURISDICTION, EXEMPT DIVISIONS, SUBDIVISIONS, AND SEVERANCES.

This subdivision ordinance shall not apply to exempt splits of land defined herein and shall also exclude cemeteries, those divisions or subdivisions required as part of a judicial settlement, and the conveyance of land or interest therein for use as a right-of-way for any public facilities or pipelines which does not involve any new streets.

(5) Section 201.0 of the Subdivision Ordinance found in Chapter 151 of the Sturgis Code of Ordinances, is hereby amended as follows:

- A. The definition of “APPLICANT” is hereby amended to read as follows:
“APPLICANT.” A natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. The definition of “SUBDIVISION OR SUBDIVIDE” is hereby amended to read as follows:
“SUBDIVISION OR SUBDIVIDE.” The partitioning or splitting of an unplatted parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of sections 108 and 109 of the State Land Division Act.
- more building “Subdivide” or “subdivision” does not include a property transfer between 2 or adjacent parcels, if the property taken from 1 parcel shall not be considered a site unless the parcel conforms to the requirements of this ordinance or

other applicable ordinance.
(C) The definitions of “MAJOR SUBDIVISION” and “MINOR SUBDIVISION” shall be deleted.

(D) The following definitions shall be added:
“DIVISION OR DIVIDE.” The partitioning or splitting of an unplatted parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent. “Division” does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this ordinance or other applicable ordinance.

“EXEMPT SPLIT.” The partitioning or splitting of an unplatted parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in 1 or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

“FORTY ACRES OR THE EQUIVALENT.” Means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

“LOT SEVERING OR SEVERANCE.” Means the participating or splitting of a platted lot by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year.

“STATE LAND DIVISION ACT.” Michigan Act 591 of Public Acts of 1996.

(6) The Subdivision Ordinance found in Chapter 151 of the Sturgis Code of Ordinances, is hereby amended by the addition of Sections 800.0 through 808.0 as follows:

800. LAND DIVISION APPLICATION AND APPROVAL

§801.0 PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the City shall not be divided without the prior review and approval of the city assessor, or other official designated by the governing body in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- the
- A. A parcel for subdivision through a recorded plat pursuant to this ordinance and State Land Division Act.
 - B. An exempt split as defined in this ordinance.

§802.0 APPLICATION FOR LAND DIVISION APPROVAL

by the governing body for receiving applications for a proposed land division, before making any division either by deed, land contract, lease for more than one year, or for building development:

- A.** A completed application form on such form as may be provided by the city.
- B.** Proof of fee ownership of the land proposed to be divided.
- C.** A survey map of the land proposed to be divided, prepared pursuant to the survey requirements of 1970 Public Act 132, as amended, (MCL §54.211) by a land map surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s), the location of all existing structures and other land improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads.
- In lieu of such survey map, at the applicant's option, the applicant may waive the statutory requirement for a decision of the application until such survey map and description are filed with the city, and submit a tentative preliminary parcel map to scale of not less than that provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application.
- The governing body of the city or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at times be required.
- D.** Proof that all standards of the State Land Division Act and this ordinance have been met.
- E.** The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.
- F.** Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G.** If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H.** Unless a division creates a parcel which is acknowledged and declared to be "non buildable" under Section 805.0 of this ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- I.** The fee as may from time to time be established by resolution of the governing body of the city for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this ordinance and the State Land Division Act.

§803.0 PROCEDURE FOR REVIEW AND APPROVAL

- A.** Upon receipt of a land division application package, the city clerk or other official designated by the governing body shall forthwith submit the same to the city assessor or other designated official for decision. The city assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for, within 45 days after receipt of the application package conforming to this ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. If the application package does not conform to this ordinance's requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refiling in accordance with this ordinance and the State Land Division Act.
- B.** Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the Zoning Board of Appeals of the city or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C.** A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the city clerk or other designated official accomplishing the approved land division or transfer.
- D.** The city assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

§804.0 STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met:

- A.** All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage, width, minimum road frontage, minimum lot (parcel) coverage and minimum setbacks for existing buildings structures.
- B.** The proposed land division(s) comply with all requirements of the State Land Division Act and this ordinance.
- C.** All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this ordinance. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create 4 or more parcels.
- D.** The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section 805.0 of this ordinance and parcels added to contiguous

parcels that result in all involved parcels complying with said ratio, unless a different ratio is required by the applicable zoning ordinance.

within The permissible depth of a parcel created by a land division shall be measured remote the boundaries of each parcel from the abutting road right-of-way to the most boundary line point of the parcel from the point of commencement of the measurement.

ordinance. The permissible minimum width shall be as defined in the applicable zoning ordinance.

E. All parcels created by a land division shall comply with the minimum standards of the city zoning ordinance.

F. In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:

public **(1)** Where accessibility is to be provided by a proposed newly dedicated road, proof that the city engineer, county road commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.

accessibility **(2)** Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement such shall comply with the following:

from **(a)** Where such private road or easement extends more than 600 feet than a dedicated public road, or is serving or intended to serve more feet one separate parcel, unit or ownership, it shall be not less than 66 at in the right-of-way width, 24 feet in improved roadbed width with adequate least three feet of improved shoulder width on each side and drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six inches of a processed and stabilized gravel base over six inches of granular soil, have a grade of not more than seven percent, and if dead-ended, shall have a cul-de-sac with a radius of not less than 50 feet of improved roadbed for the accomodation of emergency, commercial and other vehicles.

and **(b)** Where the private road or easement is 660 feet or less in length, parcels, is serving or is intended to serve not more than four separate of-way units or ownerships, it shall not be less than 40 feet in right-width, 20 feet in improved roadbed width with at least two feet of improved shoulder width on each side, and adequate drainage ditches on both sides with necessary culverts to accommodate and contain surface waters from the road area. It shall further be improved with processed and stabilized gravel and granular soil, have a grade of not more than seven percent, and a cul-del-sac where dead-ended as specified in subparagraph (2)(a) above. If said private road or easement is serving or is intended to serve more than four separate parcels, units or ownerships, the right-of-way and development standards set forth in (2)(a) above shall apply.

- acceptable
Deeds and
private
removal, the
the right-of-
plus a 25
improvements in the
perform these duties
area.
- (c) If accessibility is by a private road or easement, a document to the city shall be recorded with the County Register of filed with the assessor or designee specifying the method of financing of all maintenance, improvements, and snow apportionment of these costs among those benefited, and way to assess such costs against those properties benefited, percent administrative fee, and to perform such event of a failure of those benefited to privately for the health, safety and general welfare of the
- clear
way
- (d) Any intersection between private and public roads shall contain a vision triangular area of not less than two feet along each right-of-line as measured from the intersecting right-of-way lines.
- from
- (e) No private road or easement shall extend for more than 1,000 feet a public road.
- (f) No private road shall serve more than 25 separate parcels.

§805.0 APPROVAL OF OTHER LAND DIVISIONS

land Notwithstanding disqualification from approval pursuant to this ordinance, a proposed division which does not fully comply with the applicable lot yard accessibility and area requirements of the applicable zoning ordinance or this ordinance may be approved in any of the following circumstances:

- A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the city, designating the parcel as “not buildable”. Any such parcel shall also be designated as “not buildable” in the city records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure exceeding four feet in height.
- B. Where, in circumstances not covered by paragraph A above, the Zoning Board of Appeals has, previous to this ordinance, granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.
- C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this ordinance, any applicable zoning ordinance, or the State Land Division Act.

§806.0 NONCOMPLIANCE

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on any assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section 302.0, 303.0 and 807.0 of this ordinance, and as may otherwise be provided by law.

§807.0 ENFORCEMENT

In addition to the penalties prescribed by Sections 302.0 and 303.0 of this ordinance, any person who violates any of the provisions of this ordinance pertaining to land divisions shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

§808.0 EFFECT OF APPROVAL

Approval of a division is not a determination that the resulting parcels comply with any other ordinances or regulations.

Voting yea: Seven

Voting nay: None

**Absent: Austermann, Chrisman
MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Kinsey to set a public hearing date of July 12, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider creating an Industrial Development District for Michiana Corrugated Products Company at 110 N. Franks Avenue, Sturgis, Michigan.

Voting yea: Seven

Voting nay: None

**Absent: Austermann, Chrisman
MOTION**

CARRIED

Moved by Comm. Murphy and seconded by Comm. Lampe to adopt the following resolution:

RESOLUTION

CITY OF STURGIS

COMMUNITY DEVELOPMENT POLICY RESOLUTION

WHEREAS, since its incorporation the City of Sturgis has, from time to time, expanded its boundaries to facilitate economic growth and development within the general Sturgis Community; and

WHEREAS, state law regarding modification of municipal boundaries encourages confrontational annexation of Township property; and

WHEREAS, the current policy of the City to follow state law with respect to its boundary expansion has fostered distrust and resentment within surrounding Townships; and

WHEREAS, the Sturgis community has recently been advised of the withdrawal of a major employer from the community and the loss of industrial and commercial development opportunities; and

WHEREAS, the City has instituted a review of its Master Development Plan which could best be revised in collaboration with surrounding Townships; and

WHEREAS, the Sturgis Community would best be served by working together on identifying and achieving common goals and objectives, and by avoiding unnecessary fees and costs associated with statutorily implemented boundary modifications;

NOW, THEREFORE, BE IT RESOLVED, that is is hereby declared to be the policy of the City of Sturgis to initiate and provide for open communications and negotiations with surrounding Townships prior to the commencement of any formal action to modify its boundaries and to work collaboratively with representatives from Sturgis and Burr Oak Townships to resolve all pending issues concerning common boundaries and area economic growth and development.

BE IT FURTHER RESOLVED, that a true copy of this resolution be delivered by Mayor John Hayes to Burr Oak Township Supervisor John Hollar and Sturgis Township Supervisor Gary Gushwa, in the hope that detachment initiatives not be pursued.

**Voting yea: Seven
Chrisman**

Voting nay: None

Absent: Austermann,

MOTION CARRIED

Electrical Superintendent John Griffith presented an updated report on the electric deregulation legislation.

Moved by Comm. Lampe and seconded by Comm. Kinsey to accept the resignation of Tom McLaughlin from the Sturgis Hospital Board and that a letter of appreciation be sent.

Voting yea: Seven

Voting nay: None

Absent: Austermann, Chrisman

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas to approve the request to use the Airport for Sturgis Youth & Family's July 3rd Alternative Activity, contingent on proof of insurance.

Voting yea: Seven

Voting nay: None

Absent: Austermann, Chrisman

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$1,347,981.93 be paid.

Voting yea: Seven

Voting nay: None

Absent: Austermann, Chrisman

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$737,524.15 be ratified.

Voting yea: Seven

Voting nay: None

Absent: Austermann, Chrisman

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Kinsey to set a public hearing date of July 12, 2000

at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Se-Kure Domes & Mirrors, Sturgis, Michigan.

Voting yea: Seven

Voting nay: None

Absent: Austermann,

Chrisman

MOTION CARRIED

Moved by Comm. Kinsey and seconded by Comm. Oster to set a public hearing date of July 12, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Sturgis Molded Products Company, Sturgis, Michigan.

Voting yea: Seven

Voting nay: None

Absent: Austermann, Chrisman

MOTION

CARRIED

Comm. Haas announced the appointment of the new Chief Executive Officer (CEO) for the Sturgis Hospital, Robert LeBarge.

Moved by Comm. Lampe and seconded by Comm. Haas that the meeting be adjourned.

Voting yea: Seven

Voting nay: None

Absent: Austermann, Chrisman

MOTION

CARRIED

The meeting was adjourned at 9:10 p.m.

Mary M. Stoddard, Deputy City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
MONDAY, JUNE 19, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Haas, Chrisman, Murphy, Mayor Hayes

Commissioners absent: Kinsey, Lampe, Sunday-Horstman, Oster

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

Mayor Hayes opened the meeting by discussing the resolution that was adopted at the last regular commission meeting, the meeting held last Friday with the township boards, supervisors, and attorneys, and the packet delivered late Monday by the townships' attorney regarding the proposed 425 Agreements and the townships' wish to hold a detachment election in late September, 2000.

Mayor Hayes opened the meeting to discussion.

Comm. Haas agreed with the Mayor, especially considering the decision of Kirsch. He stated that these issues need to be resolved promptly and in a cooperative manner and that the existence, or the threat of a detachment proceedings and/or an annexation proceedings are going to deter anybody from coming into the Sturgis area. He also expressed his concern at having the residents pay for a September election, when it would be more feasible to wait until the November election.

Mayor Hayes suggested that with the agreement of the commission, the City go one step further and appear before the State Boundary Commission and agree to rescind the current annexation procedure.

Further discussion followed.

Comm. Oster present at 6:16 p.m.

Moved by Comm. Austermann and seconded by Comm. Haas that the City enter into a mutual meeting with the Township Boards and the City Commission as a whole, and the Township Boards as a whole, as soon as possible to discuss issues that have been brought forward by the annexation or detachment.

Voting yea: Six Voting nay: None Absent: Kinsey, Lampe, Sunday-Horstman

MOTION

CARRIED

Further discussion followed.

Moved by Comm. Haas and seconded by Comm. Austermann that the City respond to the Townships' proposed agreements by indicating that we wish to have a joint meeting with the full City Commission and both Township Boards with the topic of discussion being all the terms and conditions that are contained in the proposed agreements, understanding that there are a number of factors that need to be considered before a final agreement can be reached; and with the further understanding that, as the elected officials of their respective municipalities, it is the Township Board members and City Commissioners, not the attorneys, who must sit down and negotiate the terms and conditions of these agreements to assure that any such agreements are truly in the best interest of the entire Community. Further, the City respectfully requests that Sturgis Township and Burr Oak Township follow the City's good faith effort, in agreeing to drop their pending annexation, by doing the same in terms of their proposed detachment proceedings.

Voting yea: Six

**Voting nay: None Absent: Kinsey, Lampe, Sunday-Horstman
MOTION**

CARRIED

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

Voting yea: Six

**Voting nay: None Absent: Kinsey, Lampe, Sunday-Horstman
MOTION**

CARRIED

The meeting was adjourned at 6:55 p.m.

Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 28, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Austermann, Chrisman, Oster, Murphy, Mayor Hayes

Commissioners absent: Sunday-Horstman, Lampe, Haas

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

Moved by Comm. Oster and seconded by Comm. Austermann that the minutes of the special meeting held on June 19, 2000 be approved as presented.

**Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION CARRIED**

Minutes of the regular meeting held on Wednesday, June 14, 2000 were approved as presented.

John Mayer, President of the Sturgis Hospital Board of Trustees, recommended Laura Caywood to fill a vacancy on the Hospital Board. Mr. Mayer introduced the new Hospital Administrator, Robert LaBarge.

Wendy Clark and Lisa Fullenkamp, of the Sturgis Dream Builders Committee, addressed the Commission with their plans to construct a community-built playground area at either Oak Lawn Park or Thurston Woods park.

Todd Loetz, 209 W. Electric, addressed the commission regarding holding a benefit dinner on July 29th from 4-7 p.m. at the Free Church Park for his aunt, who is awaiting an organ transplant. Previous approval was given by the Parks and Recreation Department.

Mayor Hayes accepted nominations to appoint a member to fill a vacancy on the Hospital Board of Trustees.

Comm. Austermann nominated Yazdi Amaria.

Comm. Oster nominated Laura Caywood.

Moved by Comm. Kinsey and seconded by Comm. Murphy to close the nominations.

**Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION**

CARRIED

Voting for Laura Caywood: Three

Voting for Yazdi Amaria: Two

Laura Caywood was appointed to the Sturgis Hospital Board of Trustees to fill the unexpired term of George Abel, term to expire in May, 2001.

Moved by Comm. Kinsey and seconded by Comm. Chrisman to approve the request for

matching funds, up to \$5,000, to install a Fire Suppression System over the open areas at the Doyle Center and to purchase portable bleachers.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Oster to designate Mayor Hayes, as an official representative, and Vice-Mayor Murphy, as an alternate, to vote at the Michigan Municipal League annual meeting to be held on Mackinac Island, September 28-30, 2000.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION

CARRIED

Moved by Comm. Austermann and seconded by Comm. Kinsey that the City bills in the amount of \$1,243,563.56 be paid.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION

CARRIED

Moved by Comm. Austermann and seconded by Comm. Kinsey that the Hospital bills in the amount of \$580,690.43 be ratified.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION

CARRIED

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

RESOLUTION

(SUPPORTING THE CITY MANAGER)

WHEREAS, previous commissions of the City of Sturgis made an effort to clarify what is city property and what is not by directing the city manager to pursue a policy of annexation to clean up the boundaries; and

WHEREAS, our city manager did as directed by the commission by following the rules required by the State Boundary Commission; and

WHEREAS, the rules of the State Boundary Commission are adversarial and at times have resulted in creating bitter feelings between cities and townships; and

WHEREAS, the city manager has taken the brunt of criticism and hostile personal attacks directed toward the city manager continue to this day; and

WHEREAS, it is the new policy of the city commission to initiate and provide for open communication and negotiations with surrounding townships prior to the commencement of any formal action to modify its boundaries and to work collaboratively with representatives from the townships to resolve all pending issues concerning boundaries and area economic growth and development; and

WHEREAS, criticism of City policy either in the past or in the present rightly should be directed toward the commissioners who make the policy which the City of Sturgis follows;

NOW, THEREFORE, BE IT RESOLVED, that the city commission supports the city manager for doing what he was asked to do by previous city commissions and for continuing to enact the changed policies of the present commission; and

BE IT FURTHER RESOLVED, that the City Commission expresses its regret to Jerome Kisscorni for the personal attacks directed at him.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION

CARRIED

Comm. Kinsey publicly thanked the City of Farmington Hills for their warm hospitality on Mayor Exchange Day.

RESOLUTION

Moved by Comm. Oster and seconded by Comm. Kinsey that if the detachment effort is successful in order to try and provide a reasonable level of services for City residents, the current mutual aid agreements with the townships be suspended until such time as they could be offered without additional tax burden to City residents.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION CARRIED

RESOLUTION

Moved by Comm. Austermann and seconded by Comm. Murphy that should the detachment pass and we lose a considerable amount of our tax base making it necessary for us to increase our tax rate to the maximum and at such time to recover any other losses, take whatever measures necessary.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION CARRIED

Moved by Comm. Chrisman and seconded by Comm. Oster to approve the selling of candy, canned pop, and other prepackaged foods and drinks during activities at Spence Field to raise funds for the Sturgis Dream Builders Committee.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION

CARRIED

Moved by Comm. Murphy and seconded by Comm. Austermann to set a public hearing date of July 5, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to discuss the proposed Act 425 Conditional Transfer Agreements between the City of Sturgis and Burr Oak and Sturgis Townships.

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION CARRIED

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

Voting yea: Six Voting nay: None Absent: Sunday-Horstman, Lampe, Haas
MOTION

CARRIED

The meeting was adjourned at 9:03 p.m.

Carol F. Rambadt, City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 5, 2000
WIESLOCH RAUM - CITY HALL**

**PUBLIC HEARING TO DISCUSS THE PROPOSED ACT 425 CONDITIONAL
TRANSFER AGREEMENTS BETWEEN THE CITY OF STURGIS AND BURR OAK
AND STURGIS TOWNSHIPS**

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

Commissioners present: Austermann, Kinsey, Sunday-Horstman, Haas, Chrisman, Oster, Mayor Hayes

Commissioners absent: Lampe, Murphy

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

Mayor Hayes opened the meeting by giving a brief history of the 425 Agreements and the actions taken thus far between the City, Township, and County governments.

City Attorney Roger Bird provided a definition of the 425 agreements. The City proposed a seven-point proposal to the townships for consideration and indicated that the City would be willing to adopt contiguous agreements that contained these provisions. The seven items are as follows:

- I. Mutual aid remains as is.
- II. Sewer & Water - Extended to the Township(s) in the same criteria as City
 - X Includes Residents of Township and City where current water and sewer infrastructure exist.
 - X New Commercial, Industrial, and Subdivision Developments handled through mutually acceptable agreements.
- III. Term of 425 (50 years) protects the Township from future Annexation.
- IV. Transferred properties would remain with the City at the end of the agreement.
- V. Litigation/Damages: 30 day notice provision added to agreement, damages reduced to \$500.00/day.
- VI. Geography - Burr Oak Township Sec. 29, 30, 31, 32
Sturgis Township Sec. 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, & 24
- VII. Resolution expressing binding commitment no later than July 15, 2000.

Further discussion followed.

Mayor Hayes opened the meeting to the public.

Scott Harmon, 904 Marian Street, addressed his concerns at being detached from the city, and

after attending a Burr Oak Township meeting was under the impression that he could just sign the 425 Agreement to be annexed back into the city.

Discussion followed.

Mayor Hayes and Attorney Bird explained that it would need to be approved by the city in order for his property to be annexed back into the city and it was much more involved then he was led to believe.

Dennis Raube, 1315 Robin Hood Trail, believed that the map he had with the detachment area shaded in on it was incorrect and stated that he was within the city limits. The map was correct and he was shown a different map on which the area was marked more clearly.

Further discussion followed.

Mr. Raube then asked about the State Boundary Commission and the petitions presented to them and asked if the 425 Agreement would terminate the annexation.

Mayor Hayes and Attorney Bird responded.

Tom Picker, 1415 Rolling Ridge Lane, addressed the Commission regarding the mutual aid agreement and the fire/rescue services.

Mayor Hayes and City Manager Jerome Kisscorni responded.

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

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

The meeting was adjourned at 8:28 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 12, 2000
WIESLOCH RAUM - CITY HALL**

Vice-Mayor Murphy called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Austermann, Sunday-Horstman, Chrisman, Haas, Oster, Vice-Mayor Murphy

Commissioners absent: Lampe, Mayor Hayes

Also present: City Manager, Assistant 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, June 28, 2000 were approved as corrected.

Minutes of the Special Meeting held on Wednesday, July 5, 2000 were approved as presented.

Jay Lego, 310 S. Monroe, member of the Sturgis Signs Committee, addressed the Commission with concerns regarding the growth of weeds in front of the new welcome signs. Vice-Mayor Murphy and City Manager Jerome Kisscorni responded and assured Mr. Lego the situation was being handled accordingly.

City Manager Jerome Kisscorni introduced Bruce Moore, the new fire chief for the city.

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

Moved by Comm. Austermann and seconded by Comm. Kinsey that an Industrial Facilities Exemption Certificate not to exceed \$1,850,000.00 be awarded to Sturgis Molded Products Company for a period of twelve (12) years, with an ending date of December 31, 2012, 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 with an ending date of December 31, 2012.

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: Seven

Voting nay: None

Absent: Lampe, Mayor

Hayes

THE

RESOLUTION

WAS

ADOPTED.

Public hearing on considering issuing an Industrial Facilities Exemption Certificate to Se-Kure Domes and Mirrors was held.

Moved by Comm. Austermann and seconded by Comm. Chrisman that an Industrial Facilities Exemption Certificate not to exceed \$1,600,000.00 be awarded to Se-Kure Domes & Mirrors for a period of twelve (12) years, with an ending date of December 31, 2012, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Se-Kure Domes & Mirrors 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 Se-Kure Domes & Mirrors, and

WHEREAS, on August 25, 1976 the City Commission established the Industrial Development District for the industrial property of Se-Kure Domes & Mirrors, 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 with an ending date of December 31, 2012.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Se-Kure Domes & Mirrors for an "Industrial Facilities Exemption Certificate".

**Voting yea: Seven
Hayes**

Voting nay: None

Absent: Lampe, Mayor

THE RESOLUTION WAS

ADOPTED.

Public hearing on considering establishing an Industrial Development District for Michiana Corrugated Products was held.

Moved by Comm. Austermann and seconded by Comm. Chrisman that following resolution be adopted:

RESOLUTION

WHEREAS, there exists in the City of Sturgis the need for certain programs to alleviate and prevent conditions of unemployment and to assist and retain local industries and commercial enterprises and to encourage the location of industries and commercial enterprises in order to strengthen and revitalize the City's economy, and

WHEREAS, a program to alleviate the aforesaid conditions has been initiated by the Economic Development Corporation of the City of Sturgis, and

WHEREAS, Michiana Corrugated Products Company has filed a request with the City of Sturgis to establish the Industrial Development District for the property so described on the attached, under the provisions of Act 198, P.A. 1974 as amended, and

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

WHEREAS, a Public Notice of the Hearing was published in the Sturgis Journal on June 20, 2000.

WHEREAS, the owner of the property was notified by certified mail of the time and place of the Public Hearing, and

WHEREAS, a Public Hearing was held by the Sturgis City Commission on July 12, 2000 providing the opportunity for all citizens or taxpayers of the City of Sturgis to be heard, and

WHEREAS, the Sturgis City Commission hereby finds and determines that designation of the property, as described on the attached, as the Michiana Corrugated Products Company is reasonable and in compliance with Act No. 198, P.A. 1974, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Sturgis City Commission does hereby establish the Industrial Development District for the property described on the attached legal descriptions and site drawings.

Voting yea: Seven

Voting nay: None

Absent: Lampe, Mayor Hayes

THE RESOLUTION WAS ADOPTED.

Moved by Comm. Austermann and seconded by Comm. Oster to set a public hearing date of Wednesday, August 9, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate for Michiana Corrugated Products Company at 110 N. Franks Avenue, Sturgis, Michigan.

Voting yea: Seven Voting nay: None Absent: Lampe, Mayor Hayes MOTION CARRIED

Dan Fullenkamp, Director of the Doyle Center, Parks, Recreation, & Forestry, presented a report regarding rate adjustments for the Doyle Center.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to approve the Doyle Community Center Rate Adjustment as presented.

Voting yea: Seven Voting nay: None Absent: Lampe, Mayor Hayes MOTION CARRIED

Comm. Haas reviewed the Agreements for the Conditional Transfers of Property with Burr Oak and Sturgis Townships.

Discussion followed.

Vice-Mayor Murphy opened the meeting to the public for comments.

Francis Losinski, 809 Nottingham asked the Commission who was responsible for the annexations that have taken place. Comm. Kinsey responded to Mr. Losinski and stated that the City Manager had acted under the directions of the previous City Commission and had followed the requirements set by the State Boundary Commission. He went on to say that the City Commission fully supports the City Manager and that the City Manager is acting under decisions made by the City Commission.

Further discussion followed.

David Deam, 26201 Bogen Road, addressed the Commission regarding his concerns over the detachment issue.

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

RESOLUTION

WHEREAS, public hearings were conducted on July 5, 2000 by the Sturgis Township Board, Sturgis City Commission and Burr Oak Township Board ("local governing boards") to consider certain agreements for conditional transfer of property pursuant to 1984 PA 425 ("Act 425"); and

WHEREAS, Act 425 provides that the City and the townships may not enter into the agreements until thirty (30) days after the public hearing, which is August 4, 2000; and

WHEREAS, a detachment election is scheduled in the City and the Townships for August 8, 2000, and it is therefore in the best interest of the City and the Townships for each local governing body to now express its binding commitment to enter into the Act 425 Agreements as soon as possible on or after August 4, 2000; and

WHEREAS, it is the intent of the City Commission and the Township Boards that the other local governing boards and the citizenry of the City and the Townships shall be entitled to rely upon such binding commitments.

NOW, THEREFORE, BE IT RESOLVED by the Sturgis Commission as follows:

1. The Sturgis City Commission hereby expresses its binding commitment to enter into the attached Act 425 Agreements as soon as possible on or after August 4, 2000.
2. The Mayor and the City Clerk are hereby authorized and directed to execute the

attached Act 425 Agreements as soon as possible on or after August 4, 2000.

3. The City Clerk is hereby directed to file the attached Act 425 Agreements as soon as possible after their execution with the St. Joseph County Clerk and the Michigan Secretary of State in the manner required by MCL 124.30; MSA 5.4087(30).

4. It is the intention of the Sturgis City Commission that the other local governing boards, as well as the citizenry of the City of Sturgis, Sturgis Township and Burr Oak Township, are entitled to rely upon this binding commitment.

5. All prior resolutions or parts or resolutions inconsistent with the foregoing are hereby rescinded.

Voting yea: Seven

Voting nay: None

**Absent: Lampe, Mayor Hayes
RESOLUTION**

ADOPTED.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the City bills in the amount of \$472,745.72 be paid.

**Voting yea: Seven Voting nay: None Absent: Lampe, Mayor Hayes MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$444,120.26 be ratified.

**Voting yea: Seven Voting nay: None Absent: Lampe, Mayor Hayes MOTION
CARRIED**

Comm. Kinsey wished to publicly state his disappointment and sadness over some of the publicity he's seen lately over the detachment issue. He feels that both sides have fairly and honestly expressed themselves during negotiations. Comm. Kinsey continued by saying that he has the hope that the City and Townships will reach an agreement that is mutually acceptable and will work well for everyone involved, for the growth and betterment of the Sturgis community.

Moved by Comm. Austermann and seconded by Comm. Oster to nominate Yazdi Amaria to the Sturgis Hospital Board of Trustees.

Discussion followed.

Comm. Haas recommended that the Hospital Board review their by-laws and to amend the by-laws to allow non-residents the opportunity to serve on the board.

Vote was taken on the original motion.

**Voting yea: Austermann
Hayes**

Voting nay: Six

Absent: Lampe, Mayor Hayes

MOTION DEFEATED

Moved by Comm. Haas and seconded by Comm. Kinsey that the Commission recommend to the Hospital Board that they review their by-laws and consider an amendment which would allow non-residents to be members of the Sturgis Hospital Board, but limit that representation to guarantee that at least sixty (60) percent of the board members are City residents. Comm. Haas amended his motion so that the definition of "non-resident" would be defined as those individuals living in the service area as defined by the master plan of Sturgis Hospital. Comm. Kinsey seconded the amendment.

Voting yea: Six

Voting nay: Austermann

Absent: Lampe, Mayor Hayes

MOTION

CARRIED

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

**Voting yea: Seven Voting nay: None Absent: Lampe, Mayor Hayes MOTION
CARRIED**

The meeting was adjourned at 9:06 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 26, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Murphy, Sunday-Horstman, Lampe, Chrisman, Haas, Mayor Hayes

Commissioners absent: Oster

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

Minutes of the previous regular meeting held on Wednesday, July 12, 2000 were approved as presented.

Nancy Wojciechowski, owner of the Creative Gymnastics Center located at 900 W. Chicago Rd., requested permission from the City to charge admission for some of their activities which will be held at their Annual National Gymnastics Event at Memorial Park on Saturday, August 12th from 1:00-5:00 p.m., to help defray some of the costs of holding the event.

Moved by Comm. Chrisman and seconded by Comm. Sunday-Horstman to approve the request of Nancy Wojciechowski to hold fund-raising activities on August 12th to help defray some of the costs of holding the event, contingent upon proof of insurance.

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

Don Eaton, Sturgis Planning Board, requested that the City follow through with the sign ordinance and take action to remove a sign on an unoccupied building which has expired.

Sheldon Fieberkorn, 106 Wenzel, requested the status of the equipment purchased to clean graffiti off of buildings, and asked that the City look into the situation regarding the Sturgis Grain building and take action as soon as possible.

Mayor Hayes presented a plaque to Carol Rueckert for her many years serving on the Sturgis Auditorium Board.

Moved by Comm. Kinsey and seconded by Comm. Murphy to award the low bid for power poles for the Electric Department to RESCO, Madison, Wisconsin, in the amount of \$206.45 per pole, plus shipping costs.

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

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to award the recommended bid for pole mounted transformers for the Electric Department as follows:

Awarded to Reed City Power Line Supply, Reed City, Michigan:

Qty 6 - KVA 25 - 120/240 Voltage in the amount of \$3,390.00

Qty 6 - KVA 50 - 120/240 Voltage in the amount of \$4,344.00

Qty 4 - KVA 10 - 120/240 Voltage in the amount of \$1,588.00

Awarded to WESCO, Lansing, Michigan:

Qty 6 - KVA 25 - 277/480 Voltage in the amount of \$3,156.00

Qty 6 - KVA 50 - 277/480 Voltage in the amount of \$4,782.00

Qty 6 - KVA 75 - 120/240 Voltage in the amount of \$6,978.00

Qty 6 - KVA 75 - 277/480 Voltage in the amount of \$7,260.00

Total amount of bid = \$31,498.00

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

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the recommended bid for pad mounted transformers for the Electric Department as follows:

Awarded to WESCO, Lansing, Michigan:

Qty 1 - KVA 500 - 120/208 Voltage in the amount of \$5,611.00

Awarded to RESCO, Madison, Wisconsin:

Qty 1 - KVA 1000 - 277/480 Voltage in the amount of \$13,960.00

Awarded to Reed City Power Line Supply, Reed City, Michigan:

Qty 1 - KVA 150 - 120/208 Voltage in the amount of \$4,117.00

Qty 2 - KVA 300 - 120/208 Voltage in the amount of \$11,074.00

Qty 1 - KVA 500 - 277/480 Voltage in the amount of \$7,194.00

Total amount of bid = \$41,956.00

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

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the recommended bid for underground wire for the Electric Department as follows:

Awarded to WESCO, Lansing, Michigan:

Underground conductor 1/0 - in the amount of \$22,320.00

Awarded to RESCO, Madison, Wisconsin:

Underground conductor 500KCMIL - in the amount of \$17,280.00

Total amount of bid = \$39,600.00

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

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the recommended bid for ACSR/Wire for the Electric Department as follows:

Awarded to RESCO, Madison, Wisconsin:

Qty 17,000 feet (approximate) ACSR conductor 336 - in the amount of \$0.4740 per foot, for an approximate total of \$8,058.00

Qty 6,000 feet (approximate) ACSR conductor 4/0 - in the amount of \$0.3150 per foot, for an approximate total of \$1,890.00

Awarded to All-Phase Electric, Sturgis, Michigan:

Qty 16,875 feet (approximate) ACSR conductor #2 - in the amount of \$0.0750 per foot, for an approximate total of \$1,265.00

Total (approximate) of bid = \$11,213.00

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

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the bid for the sale of three used substation transformers from the Electric Department to T&R Electric, Coleman,

South Dakota, in the amount of \$30,351.00.

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

Comm. Haas reviewed the two (2) 425 Agreements between the City of Sturgis, Burr Oak Township and Sturgis Township.

Mayor Hayes opened the meeting to public discussion.

Tom Picker, 1416 Rolling Ridge Lane; Gary Gushwa, 22005 Klinger Lake Road; Reb Hambright, 23254 U.S. 12; and Ron King, 69945 S. Nottawa Rd. expressed their concerns and opinions to the Commission.

Discussion followed.

Moved by Comm. Haas and seconded by Comm. Kinsey to adopt the following resolution with the understanding that the finalized copy of the agreement include the legal descriptions on Exhibit A, corrected information on the Sturgis Township land, and to add the letter "B" to both agreements where it had inadvertently been omitted.

RESOLUTION

WHEREAS, public hearings were conducted on July 5, 2000 by the Sturgis Township Board, Sturgis City Commission and Burr Oak Township Board ("local governing boards") to consider certain agreements for conditional transfer of property pursuant to 1984 PA 425 ("Act 425"); and **WHEREAS**, Act 425 provides that the City and the townships may not enter into the agreements until thirty (30) days after the public hearing, which is August 4, 2000; and

WHEREAS, a detachment election is scheduled in the City and the Townships for August 8, 2000, and it is therefore in the best interest of the City and the Townships for each local governing board to now express its binding commitment to enter into the Act 425 Agreements as soon as possible on or after August 4, 2000; and

WHEREAS, it is the intent of the City Commission and the Township Boards that the other local governing boards and the citizenry of the City and the Townships shall be entitled to rely upon such binding commitments.

NOW, THEREFORE, BE IT RESOLVED by the Sturgis City Commission as follows:

1. The Sturgis City Commission hereby expresses its binding commitment to enter into the attached Act 425 Agreements as soon as possible on or after August 4, 2000.

2. The Mayor and the City Clerk are hereby authorized and directed to execute the attached Act 425 Agreements as soon as possible on or after August 4, 2000.

3. The City Clerk is hereby directed to file the attached 425 Agreements as soon as possible after their execution with the St. Joseph County Clerk and the Michigan Secretary of State in the manner required by MCL 124.30; MSA 5.4087(30).

4. It is the intention of the Sturgis City Commission that the other local governing boards, as well as the citizenry of the City of Sturgis, Sturgis Township and Burr Oak Township, are entitled to rely upon this binding commitment.

5. All prior resolutions or parts or resolutions inconsistent with the foregoing are hereby rescinded.

Voting yea: Austermann, Kinsey, Murphy, Lampe, Sunday-Horstman, Haas, Chrisman, Mayor Hayes

Voting nay: None

Absent: Oster

RESOLUTION ADOPTED

Moved by Comm. Lampe and seconded by Comm. Chrisman to accept the resignation of Harold Houser from the Sturgis Planning Board and to send a letter of appreciation.

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

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to approve the request from the Downtown Sturgis Association to hold their annual “Dreamfest” celebration on July 28th and 29th.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Lampe to approve the request from the Downtown Sturgis Association to close Pleasant Street and the adjoining east parking lot Friday night, July 28th, and all day Saturday, July 29th; and to close the entrance to North Street off of Chicago Road on Saturday.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$1,418,245.52 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$552,570.51 be ratified.

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

Moved by Comm. Kinsey and seconded by Comm. Murphy to invite the Sturgis Township and Burr Oak Township officials to attend a seminar, along with the City officials, to be held at the Sturges-Young Auditorium on September 15th from 9:00 to 5:00. The seminar is entitled “How to Make ‘Raging Fans’ Happen Everyday in Sturgis” hosted by Bill Shepler and is sponsored by Citizens Bank and the Sturgis Area Chamber of Commerce.

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

Moved by Comm. Lampe and seconded by Comm. Kinsey to approve the request from Sturgis Police Chief Eugene Alli to apply for two grants; the first one is a renewal for a Selective Traffic Enforcement Program for the City of Sturgis Police Department in the amount of \$16,000, and the

second one is for a new multi-agency grant for a new Child Safety Seat Inspection Clinic in the amount \$16,000. This grant involves the Sturgis Police Department, Michigan State Police - White Pigeon Post, and the St. Joseph County Sheriff’s Department.

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

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

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

The meeting was adjourned at 9:03 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 9, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Sunday-Horstman, Lampe, Haas, Oster, Mayor Hayes

Commissioners absent: Murphy, Chrisman

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

Minutes of the previous meeting held on Wednesday, July 26, 2000 were approved as presented.

Marsi Liddell, President of Glen Oaks Community College, addressed the commission regarding a trip being planned to Mexico from March 10-18, 2001 to provide a cultural and educational experience for those interested in participating.

Moved by Comm. Oster and seconded by Comm. Haas to support this trip by donating \$800.00 toward the cost of the trip fees for the interpreter.

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

Mike Stiles, WMSH, thanked Mayor Hayes and Comm. Lampe for their participation during Dreamfest.

Dan Fullenkamp, Director of Doyle Center, Parks, Recreation & Forestry, announced to the commission that the grant was received from the State of Michigan in the amount of \$245,350 to build the fields at Wall School.

Public hearing on considering issuing an Industrial Facilities Exemption Certificate to Michiana Corrugated Products Company was held.

Moved by Comm. Austermann and seconded by Comm. Lampe that an Industrial Facilities Exemption Certificate not to exceed \$252,110.00 be awarded to Michiana Corrugated Products for a period of twelve (12) years, with an ending date of December 31, 2012, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Michiana Corrugated Products 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 Michiana Corrugated Products, and

WHEREAS, on February 28, 1990 the City Commission established the Industrial Facilities Exemption Certificate for the industrial property of Michiana Corrugated Products, 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 with an ending date of December 31, 2012.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Michiana Corrugated Products for an "Industrial Facilities Exemption Certificate".

Voting yea: Seven

Voting nay: None

Absent: Chrisman, Murphy

THE

RESOLUTION

WAS

ADOPTED.

Gerry Mayer, Director of Housing, Economic and Community Development, presented an updated report on graffiti and the action that has been taken thus far.

RESOLUTION

Moved by Comm. Haas and seconded by Comm. Kinsey to accept the recommendation for a fee schedule for lot splits and combinations pertaining to Section 802.0(I) of the Subdivision Ordinance of the City of Sturgis. The fees were approved as follows: Twenty-five dollars (\$25) for splits or combinations involving one (1) lot; Fifteen dollars (\$15) per lot for each additional contiguous lot.

Voting yea: Seven

Voting nay: None

Absent: Chrisman, Murphy

MOTION

CARRIED

Discussion was held to consider the purchase of the former Payless gas station site located at the corner of Grove and Chicago Road. It was determined that the American Legion would be contacted before any action is taken.

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to terminate the Airport Lease with Riley Aviation, Inc.

Voting yea: Six

Voting nay: None

Abstaining: Haas

Absent: Chrisman, Murphy

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster to enter into an Airport Lease Agreement with Sturgis Iron and Metal.

Voting yea: Six Voting nay: None Abstaining: Haas Absent: Chrisman, Murphy
MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Austermann to set a public hearing date of September 13, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall for the purpose of spreading special assessments for improvements to Merryview Drive.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$1,052,606.06 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$408,096.39 be ratified.

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

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to accept the resignation from Phyllis Wolfe of the Planning Board, and to send a letter of appreciation.

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

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the request from the American Legion to sell poppies on the streets of Sturgis from September 8-13, 2000.

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

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

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

The meeting was adjourned at 8:48 p.m.

Carol F. Rambadt, City Clerk

*The following is an unapproved draft of the minutes
taken at the regular meeting held on August 23, 2000:*

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 23, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Sunday-Horstman, Chrisman, Haas, Oster, Murphy, Mayor Hayes

Commissioners absent: Lampe

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 9, 2000 were approved as presented.

Terry Nelson, 109 Wenzel, addressed the commission regarding the removal of a tree to install a driveway at one of his rental properties located at 501 S. Electric Court. The City will assess the situation to see if there is an alternative solution before removing the tree.

Kim Musolff, DDA Director, requested approval to hold a Fall Classic Car Show from 3:00 pm.- 8:00 p.m. on Saturday, October 7, 2000 in the parking lot behind the old J.C. Penney store.

Moved by Comm. Oster and seconded by Comm. Kinsey to approve the request from the DDA to hold a Fall Classic Car Show on Saturday, October 7, 2000 from 3:00 p.m. - 8:00 p.m. in the parking lot behind the old J.C. Penney store.

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

Ursula Schaefer, 67696 Thunderbird Drive, and Joey Wood, 414 Sturgis Avenue, both high school students, requested permission to hold a Homecoming Parade on October 13, 2000, starting around 5:00 p.m., and to use Clay Street, US-12, Michigan Avenue, and Congress Street as a parade route.

Discussion followed.

Mayor Hayes will work out the details with the City and will inform the students of the finalized parade route and time.

Dan Fullenkamp presented the Corporate Cup plaque to the City of Sturgis, who was the winner of the Saturday, August 19th event. Dan was commended for his excellent job on the Corporate Cup and for getting the community involved.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to award the low bid for Police Radio Equipment for the Police Department to TORGS Electronics, Howe, Indiana, in the amount of \$9,884.00.

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

Moved by Comm. Austermann and seconded by Comm. Oster to award the low bid for a Calcium Chloride Tank for the Department of Public Works to Dultmeier Sales, Omaha, Nebraska, in the amount of \$2,822.00.

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

Moved by Comm. Haas and seconded by Comm. Austermann to award the low bid for Substation Maintenance for the Electric Department to Newkirk Electric, Muskegon, Michigan, in the amount of \$18,750.00.

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

Comm. Lampe present.

John Griffith introduced John Fischer of Lawson-Fischer Associates to recommend what repair work needs to be done at the Hydro Dam.

Moved by Comm. Kinsey and seconded by Comm. Murphy to follow the recommendation of Lawson-Fischer on pursuing the repairs to the infrastructure of the Dam, and to postpone steps in erosion control until the next budget hearing.

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

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to approve the Airport Advisory's Committee's recommendation to hire R.W. Armstrong as an airport consultant.

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

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

**RESOLUTION
TO PURCHASE THE FORMER PAYLESS GAS STATION
SITE AT GROVE AND CHICAGO ROAD**

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

WHEREAS, the Sturgis City Commission desires to acquire such land for purposes of continuing its use as green space in the Sturgis Central Business District.

NOW, THEREFORE, BE IT RESOLVED that the Sturgis City Commission 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

BE IT FURTHER RESOLVED that the Sturgis City Commission 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: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Murphy to approve a special assessment policy and procedure for the installation of residential street lights as presented by Electrical Superintendent, John Griffith.

Voting yea: Kinsey, Haas

Voting nay: Austermann, Murphy, Lampe, Sunday-Horstman, Chrisman, Oster, Mayor Hayes

MOTION DEFEATED

Moved by Comm. Lampe and seconded by Comm. Kinsey to approve the special assessment roll for the 2000 Sidewalk Program as presented, and that a public hearing date be set for the second meeting in September at 7:30 p.m. in the Wiesloch Raum of City Hall.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Mayor Hayes accepted nominations to appoint a member to the Hospital Board, to fill the unexpired term of George Abel, term to expire in May, 2001.

Moved by Comm. Haas and seconded by Comm. Murphy to nominate Thomas Rock.

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman to nominate Georgia Austermann.

Moved by Comm. Austermann and seconded by Comm. Oster to nominate Yazdi Amaria.

Moved by Comm. Murphy and seconded by Comm. Haas to close the nominations.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Vote was taken on original motion.

Voting for Thomas Rock: Five

Voting for Georgia Austermann: Two

Voting for Yazdi Amaria: Two

Thomas Rock was appointed to the Hospital Board to fill the unexpired term of George Abel, term to expire in May, 2001.

Mayor Hayes accepted nominations to appoint two members to the Planning Board to fill the unexpired terms of Harold Houser and Phyllis Wolf, terms to expire in May, 2001.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to nominate Dr. Philip Ward.

Moved by Comm. Austermann and seconded by Comm. Haas to nominate Jon Good.

Moved by Comm. Murphy and seconded by Comm. Kinsey to close the nominations and to cast a unanimous ballot for the two positions.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Dr. Philip Ward and Jon Good were appointed to the Planning Board to fill the unexpired terms of Harold Houser and Phyllis Wolf, terms to expire in May, 2001.

Moved by Comm. Oster and seconded by Comm. Chrisman to adopt the City Commission Policy on governing citizen boards and commissions, with additions, as presented.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Police Chief Eugene Alli presented a report and made suggestions on residents parking in City owned lots for extended periods of time.

Discussion followed.

Jane Beamish, 107 W. Chicago Rd., expressed her concerns to the Commission regarding the parking situation. She is a property owner and stated that she has no place to park.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to refer the parking situation to the Downtown Development Authority for further study and recommendation.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Kinsey and seconded by Comm. Lampe to change the regular City Commission meeting date of September 27th to September 25th due to the scheduling conflict with the Municipal League Annual Convention.

**Voting yea: Eight
CARRIED**

Voting nay: Haas

MOTION

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

**RESOLUTION TO FORM AN
INTERGOVERNMENTAL COUNCIL**

WHEREAS, the Sturgis community encompasses residents and businesses of Burr Oak Township, Fawn River Township, Sherman Township and the City of Sturgis; and

WHEREAS, the City's former policy of boundary expansion caused distrust and resentment within surrounding Townships; and

WHEREAS, the City's new policy of open communication and public input in regard to boundary adjustments, as well as recent agreements between Burr Oak Township and Sturgis Township has prompted attention to examining relevant issues on a community basis; and

WHEREAS, certain community issues may be addressed more appropriately on a regional basis, accepting that the Sturgis community cannot be defined by governmental boundaries; and

WHEREAS, during the negotiations of the recent mutual agreements, the idea of an intergovernmental council was discussed and perceived to be a positive step in continuing collaboration between the City and surrounding Townships; and

WHEREAS, in order to expand on the hard work of the City and Township negotiating teams, utilizing that positive momentum, the Sturgis City Commission by this resolution commits to working with representatives of surrounding Townships to provide for open communications and discussion of issues impacting the Sturgis community as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission proposes the formal establishment of an Intergovernmental Council consisting of representatives of the City of Sturgis, Burr Oak Township, Fawn River Township, Sherman Township, and Sturgis Township to meet on a recurring basis examining community issues and how they best might be addressed.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all the above stated Township board members.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

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

RESOLUTION IN SUPPORT OF THE

STURGIS PUBLIC SCHOOLS BOND PROJECT***WHEREAS***, the quality of a community's public education system is vital to local economic strength and stability; and

WHEREAS, in virtually every community that has accepted the challenge to improve its school's physical plant and infrastructure, there has been a ripple effect of benefits for the community, including increasing home sales while property value rise, and the growth of business and industry through expansions and attraction; and

WHEREAS, increasingly, the quality of a community's public education system is a commanding factor as individuals, businesses, and industries choose where to live and raise a family; and

WHEREAS, presently, because of inadequate facilities students of Sturgis Public Schools meet regularly in hallways and custodial closets, and also, children who are ill lay on cots in hallways while waiting for parents to pick them up; and

WHEREAS, dedicated space for science, art, and music classrooms is a necessity for the cultural growth of all students; and

WHEREAS, Sturgis Public Schools seek to build upon its history of academic excellence by improving the physical plant and infrastructure meeting the current and future needs of our students.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis supports the Sturgis Public Schools in its efforts to meet the needs of students in today's technology rich world and to provide an adequate environment so that our Sturgis students continue to be competitive with students from around the world.

BE IT FURTHER RESOLVED, that the Sturgis City Commission supports the Sturgis Public Schools Bond Project and encourages the community to embrace this proposal for the betterment of the Sturgis Community.

**Voting yea: Nine
CARRIED**

Voting nay: None

MOTION

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$1,503,129.50 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 \$726,123.58 be ratified.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Kinsey that Lots 54 and 55 of Sherwood 2 Subdivision, City of Sturgis and Township of Burr Oak, upon the request of the owner, Stephen and Arlene Wooten, be transferred into the jurisdiction of the City of Sturgis per the land transfer agreements (Section 1.1) entered into by the City and Township on August 4, 2000.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to permit the Fire Department to use the building located at 703 St. Joseph Street to use for training, and to put a \$3,000 - \$5,000 lien on the property to cover the costs of clean-up after the building is burned.

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss the purchase of property.

Voting yea: Kinsey, Murphy, Lampe, Sunday-Horstman, Haas, Chrisman, Oster, Austermann, Mayor Hayes

Voting nay: None

MOTION

CARRIED

The meeting recessed at 10:36 p.m.

The meeting reconvened at 11:27 p.m.

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

Voting yea: Nine

Voting nay: None

MOTION

CARRIED

The meeting was adjourned at 11:27 p.m.

Carol F. Rambadt, City Clerk

**SPECIAL MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 6, 2000
WIESLOCH RAUM - CITY HALL**

Vice-Mayor Murphy called the meeting to order at 7:30 p.m.

Commissioners present: Austermann, Lampe, Sunday-Horstman, Haas, Oster, Vice-Mayor Murphy

Commissioners absent: Kinsey, Chrisman, Mayor Hayes

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

Vice-Mayor Murphy stated the purpose of this Special Meeting was to discuss the Director of Industrial Development position.

Comm. Chrisman present.

Vice-Mayor Murphy announced that Mayor Hayes would like to be considered for the position. The Vice-Mayor further stated that this Commission was called for this special meeting to discuss the process and not the actual hiring, as this is done by the City Manager according to the City Charter. The City Manager brought the Commission up to date on filling the position of a full-time Director of Industrial Development.

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that a public hearing be held on Wednesday, September 13, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall for the position of Director of Industrial Development.

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

Moved by Comm. Haas and seconded by Comm. Lampe to hold a public hearing on Monday, September 25, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Grav-I-Flo Corporation, Sturgis, Michigan.

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

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

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

The meeting was adjourned at 7:53 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 13, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Austermann, Lampe, Sunday-Horstman, Haas, Chrisman, Oster, Murphy, Mayor Hayes

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, August 23, 2000 were approved as presented.

Moved by Comm. Haas and seconded by Comm. Kinsey to move items 6 and 7 on the agenda before 5.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mike Sutter, St. Joseph County Road Commissioner, presented the St. Joseph County Road Commission report. He also discussed the work force situation and actions being taken by the Department of Career Development.

State Representative Cameron Brown presented an updated report on the S.A.R.A. legislation. Rep. Brown also commended the City Staff and Commission for their hard work and job well done regarding the detachment issue.

Joe Wood, Student Body Vice-President at Sturgis High School addressed the Commission regarding the Homecoming Parade details.

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Murphy to approve Option 3 as presented, to stop traffic in both directions on Chicago Road for fifteen to twenty minutes to allow a Homecoming Parade on Friday, October, 13, 2000.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Beth Scheske presented a tentative outline of Michigan Week 2001.

Public Hearing to confirm the Special Assessment Roll for the Merryview Drive street paving and lighting improvements was held.

Aaron Krantz, 922 N. Nottawa Street, addressed the commission regarding his concerns with paying special assessments in 1977 and was under the impression that everything was taken care of at that time.

Discussion followed.

The City Staff will meet with Mr. Krantz to resolve the situation.

Public Hearing was closed.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that the following resolution be adopted for the Special Assessment Roll for the Merryview Drive paving and street lighting improvement, except for property No. 75-052-490-118-00 1013 Merryview Drive.

RESOLUTION

RESOLVED, that the Special Assessment Roll for district P-2059 \$42,418.53 and Streetlight District SL-2005 \$7,118.15 as presented by the City Assessor be confirmed, on a per lot basis and that the same be divided into six (6) annual equal installments with the interest at 6% per annum payable to the Treasurer of the City of Sturgis.

FURTHER, that any number of installments may be paid without interest within thirty (30) days of the confirmation of said special assessment roll, or at any time after said thirty (30) days, with interest on the unpaid balance to the date of payment; that said payments are to be placed to the credit of the proper special assessment district as stated above.

Voting yea: Nine Voting nay: None MOTION CARRIED

Mayor Hayes turned the gavel over to Vice-Mayor Murphy and left the room. Vice-Mayor Murphy reviewed the Director of Economic Development position.

Public hearing on the Director of Economic Development Position was held.

The following citizens spoke regarding their opinions and concerns: Mike Sutter, 403 S. Nottawa St.; Tim Christner, 307 N. Clay; Dennis Brew, 707 Market; David Locey, 66181 N. Lakeview Rd.; Raymond Dresser, 215 Haral; Jerome Kisscorni, City Manager, and City Commissioners.

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Haas that the process proposed by the City Manager not to advertise, but to select internally without further interviewing, be supported by the Commission.

Voting yea: Lampe, Haas, Oster, Kinsey, Vice-Mayor Murphy

Voting nay: Sunday-Horstman, Chrisman, Austermann MOTION CARRIED

Mayor Hayes returned to the room and accepted the chair.

Comm. Austermann absent.

Moved by Comm. Haas and seconded by Comm. Chrisman to award the low bid for a Fire Suppression System Extension for the Doyle Community Center to VFP Fire Systems, South Bend, Indiana, in the amount of \$23,939.00.

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

Comm. Austermann present.

Moved by Comm. Kinsey and seconded by Comm. Oster to award the low bid for Lift Station Replacements and Improvements for the Department of Public Works to Balkema Excavating, Inc., Kalamazoo, Michigan, in the amount of \$425,000.00.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Chrisman and seconded by Comm. Austermann to award the low bid for the

Haines Boulevard Extension for the Department of Public Works to Bryant Excavating, Inc., Kalamazoo, Michigan, in the amount of \$91,082.65.

Voting yea: Nine Voting nay: None MOTION CARRIED

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

RESOLUTION

MICHIGAN DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY MAINTENANCE CONTRACT

WHEREAS, the Michigan Department of Transportation has found that contracting with the City of Sturgis for the maintenance of State trunklines within its jurisdiction is in the best public interest; and

WHEREAS, Public Act 17 of 1925 authorizes the Michigan Department of Transportation to contract with municipalities for the construction, improvement or maintenance of State trunkline highways.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal trunkline maintenance contract between the Michigan Department of Transportation and the City of Sturgis for the period October 1, 2000 through September 30, 2004 is hereby approved and Ray McKercher is hereby designated as the Maintenance Superintendent for State trunkline highways within the City of Sturgis.

BE IT FURTHER RESOLVED, that the City Manager be designated as the local official authorized to sign said maintenance contract.

Voting yea: Nine Voting nay: None MOTION CARRIED

Mayor Hayes accepted nominations to appoint two alternate members to the Zoning Board of Appeals, terms to expire 2003.

Moved by Comm. Oster and seconded by Comm. Murphy to nominate Pete Stage.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to nominate Ronald Zimmerman.

Moved by Comm. Lampe and seconded by Comm. Kinsey to nominate Edith Irwin.

Moved by Comm. Austermann and seconded by Comm. Kinsey to close the nominations.

Vote was taken by show of hands, with each Commissioner voting for the two nominees of their choice.

Voting for Peter Stage: Five

Voting for Ron Zimmerman: Eight

Voting for Edith Irwin: Three

Vote was taken to appoint Peter Stage and Ronald Zimmerman as alternate members to the Zoning Board of Appeals, terms to expire 2003.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann to accept the resignation of Dick Messner, Jr. from the Planning Board, and that a letter of appreciation be sent.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the

amount of \$1,225,175.21 be paid.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$573,507.16 be ratified.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

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

APPROVING VACATING A PORTION OF ALLEY BETWEEN SOUTH NOTTAWA STREET AND PLEASANT AVENUE AND SCHEDULING OF PUBLIC HEARING

WHEREAS, the City Commission of the City of Sturgis, County of St. Joseph and State of Michigan, the same being the legislative body of the said City of Sturgis, deems advisable and in the best interests of the City of Sturgis that the following portion of the alley located between South Nottawa Street and Pleasant Avenue now situate and being within the City of Sturgis be vacated, to wit:

From the east side of South Nottawa Street to the west line of the parcel of land located at 100-102 West Chicago Road, commonly known as the "Keyboard Center" store;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing to hear objections thereto shall be held at the regularly scheduled meeting of the Sturgis City Commission on Wednesday, October 25, 2000, commencing at 7:30 p.m. Any objection to such action may be filed with the City Clerk in writing, and if any such objection is filed the portion of the alley shall not be vacated except by a concurring vote of two-thirds (2/3) of the City Commission.

Voting yea: Seven

Voting nay: Chrisman, Lampe

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the request for a one (1) year extension of the final approval of the preliminary plat for the Sturgis Subdivision.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Oster and seconded by Comm. Haas that a public hearing be set for Wednesday, October 11, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider establishing an Industrial Development District for Sutton Tool, Inc.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

A planning meeting for the City Commission was set for October 4, 2000 at 7:30 p.m.

Moved by Comm. Lampe and seconded by Comm. Murphy to pass a resolution or proclamation to thank the V.F.W. and the American Legion for their support with the Veteran's Wall.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

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

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 10:25 p.m.

Carol F. Rambadt, City Clerk

**RE-SCHEDULED MEETING - STURGIS CITY COMMISSION
MONDAY, SEPTEMBER 25, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Austermann, Sunday-Horstman, Lampe, Chrisman, Oster, Murphy, Mayor Hayes

Commissioners absent: Haas

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

Minutes of the previous special meeting held on Wednesday, September 6, 2000 and minutes of the previous regular meeting held on Wednesday, September 13, 2000 were approved as presented.

Warren English presented a report regarding a new Skate Park and requested that City consider making a donation for the initial building costs of the Park.

Discussion followed.

Moved by Comm. Austermann and seconded by Comm. Kinsey that this request be considered at the Planning Session to be held on October 4, 2000.

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

Moved by Comm. Lampe and seconded by Comm. Oster to award the low bid for the 2000 Fall Tree Planting Project for the Parks and Forestry Department to New Creations Landscape Management, Sturgis, Michigan, in the amount of \$8,760.00.

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

Public hearing on considering issuing an Industrial Facilities Exemption Certificate to Grav-I-Flo Corporation was held.

Moved by Comm. Lampe and seconded by Comm. Kinsey that an Industrial Facilities Exemption Certificate not to exceed \$180,000.00 be awarded to Grav-I-Flo Corporation for a period of twelve (12) years, with an ending date of December 31, 2012, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Grav-I-Flo Corporation 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 Grav-I-Flo Corporation, and

WHEREAS, on July 13, 1994 the City Commission established the Industrial Development District for the industrial property of Grav-I-Flo Corporation, 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 Certificate 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 with an ending date of December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Grav-I-Flo Corporation for an “Industrial Facilities Exemption Certificate.”

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

Public hearing on establishing a sidewalk special assessment district on South Lakeview from South Street to Franks Park was held.

Moved by Comm. Oster and seconded by Comm. Murphy to accept the recommendation of the sidewalk committee for the 2000 Sidewalk Program as follows:

X The west side of South Lakeview Avenue from E. South Street to Franks Park.

X The east side of South Lakeview Avenue from Galyn Street to Merribe Street.

X Pedestrian crossing ramps in South Lakeview Avenue will be installed at the south side of Merribe Street.

Moved by Comm. Murphy and seconded by Comm. Lampe to table the motion until the City Commission decides on a public hearing for Lot 31, which is not included in the 2000 Sidewalk Program.

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to instruct city staff to create a special assessment district for the purpose of extending sidewalk from Merribe to the Fawn River Township line on Lot 31, Krueger’s Addition and set a public hearing date.

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman to take from the table the previous motion to approve the recommendation of the sidewalk committee as presented.

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

Vote on the original motion was taken.

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

RESOLUTION

Moved by Comm. Murphy and seconded by Comm. Sunday-Horstman that as long as the property at 1013 Merryview - tax number 75-052-490-118-10 is in the name of Aaron Krontz that if at any time in the future the water is extended across his property the City will assess that at the rate of \$4.00/ft.

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

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Austermann that upon street and lighting improvements in front of the Aaron Krontz property, property number 75-052-490-118-10, that 89.52 feet remain at the 1978 assessment of \$15.00/ft. rather than the current assessment of \$56.30/ft; because of apparent promises made to Mr. Krontz and the affirmation made to him in the past indicating that things had been taken care of at that time.

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

Kim Musolff, Director of the Downtown Development Authority, presented an updated report on the Open Door Art Gallery.

Moved by Comm. Lampe and seconded by Comm. Oster to approve the 1999-2000 City Budget as amended:

ACCOUNT NO.

General Fund

	<u>Original Budget</u>	<u>Increase/(Reduction)</u>	<u>Amended</u>
<u>Budget</u>			
General Government			
101.101.956000 (Commission)	\$38,000	\$20,000	\$58,000
101.172.956000 (City Manager)	68,500	21,500	90,000
101.191.956000 (Elections)	9,000	11,000	20,000
101.209.702000 (Assessor)	73,023	(10,000)	62,023
101.265.956000 (City Attorney)	98,610	(20,000)	79,610

Police Department

101.301.702000 (Wages)	1,130,737	155,000	1,285,737
101.301.775000 (Supplies)	2,500	4,000	6,500
101.301.920000 (Utilities)	13,500	5,000	18,500
101.301.930000 (Repairs & Maint)	15,000	11,000	26,000

Fire Department

101.336.702000 (Wages)	759,200	12,000	771,200
101.336.775000 (Repair Supplies)	3,600	6,000	9,600
101.336.920000 (Utilities)	14,100	3,000	17,100

Housing and Building Inspections

101.338.702000 (Wages)	79,407	(61,600)	17,807
101.338.727000 (Office Exp.)	1,500	(1,500)	-0-
101.338.860000 (Transportation)	5,279	(3,959)	1,320
101.338.956000 (Misc. Exp.)	500	(144)	356

Planning & Zoning

101.400.702000 (Wages)	52,237	(15,000)	37,237
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Airport

101.537.727000 (Office Supplies)	300	(200)	100
101.537.740000 (Operating Supplies)	1,500	(500)	1,000
101.537.775000 (Maint. Supplies)	2,500	(1,500)	1,000
101.537.850000 (Communications)	5,000	(500)	4,500
101.537.930000 (Repairs & Maint.)	15,000	(4,500)	10,500

Parking

101.538.702000 (Wages)	11,500	(1,500)	10,500
101.538.775000 (Repairs & Maint.)	3,000	(2,000)	1,000
101.538.910000 (Insurance & Audit)	1,100	(1,100)	-0-
101.538.920000 (Utilities)	4,500	(1,500)	3,000
101.538.930000 (Repairs)	5,000	(2,000)	3,000

Other Public Services

Animal Shelter & Control

101.430.702000 (Wages)	39,340	(5,000)	34,340
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Sidewalks (Repairs)

101.442.956000 (Misc.)	2,500	(2,000)	500
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Streets (not Act 51)

101.446.956000 (Misc.)	2,500	(2,000)	500
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Engineering

101.447.702000 (Wages)	40,000	(12,000)	28,000
101.447.728000 (Office Exp.)	9,600	(4,600)	5,000
101.447.000801 (Prof. Services)	20,000	(4,500)	15,500

Spring Pick-Up

101.528.956000 (Misc.)	35,000	(5,000)	30,000
2000 Census			
101.532.700000	5,000	(4,000)	1,000
425 Millage Reimbursement			
101.806.700002 (Expense)	4,000	(4,000)	-0-
Forestry			
101.781.956000	134,250	(17,5000)	116,750
Information Technology			
101.850.700004 (Expenditures)	50,000	(8,000)	42,000
Contingencies			
101.890.900000 (Expenditures)	40,000	5,000	45,000

General Fund Budget Adjustments:

Budget Increases \$253,500

Budget Reductions \$128,900

Additional from Fund Balance: \$124,600

DDA Fund

214-000-000-970.000	\$ -0-	55,000	55,000
Total Budget Adjustment	\$ -0-	55,000	55,000

Building Department Fund

249.000.702000 (Wages)	-0-	77,400	77,400
249.000.727000 (Office Supplies)	-0-	1,500	1,500
249.000.860000 (Transportation)	-0-	3,959	3,959
249.000.956000 (Misc. Exp.) -0-		944	944

Park & Recreation Fund

Parks

264.751.970000 (Capital Outlay)	143,000	122,000	265,000
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Recreation

264.752.702000 (Wages)	40,000	10,000	50,000
264.752.801000 (Prof. Services)	24,980	40,020	65,000

Park & Recreational Budget Adjustment 172,020

Fund Balances of Affected Funds After Adjustments

Following are estimated Fund balances (budgeted and after amendment) for those funds affected by the above budget adjustments.

Budgeted 09-30-2000 Fund Balance	Budget Adjustment (+ / -)	Amended 09-30-2000 Fund Balance
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General Fund	\$1,595,435	\$124,600	\$1,470,835
D.D.A. Fund	62,457	55,000	7,457
Building Department Fund	85,000	83,803	1,197
Park & Recreation Fund	241,857	172,020	69,837

Explanation of Proposed Budget Adjustments:

City Commission

Increase to cover unbudgeted Wages for Commissioners per new Elected Official Wages Schedule passed after budget was.

City Manager

Increase to cover expense of Assistant to the City Manager approved and hired prior to planned time table.

Elections

Increase due to additional election workers.

Assessor

Reduction due to going to an outside contractual Assessor.

City Attorney

Reduction due to specialty work such as Detachment, not charged to retainer, but rather to contingencies for tracking purposes.

Police Department

Increase in payroll due to new hires having to work with senior officers for first six months, higher utility costs, and increased maintenance on building and equipment.

Fire Department

Increase in wage cost due to retirement of two firefighters and change in recall policy by Acting Chief Harmon. Also higher utility costs and repair and replacement of uniforms and equipment.

Housing and Building Inspection

Reduction is due to move to separate fund as mandated by the State of Michigan retroactive to January first of 2000. Reduction is false as operations in new fund must be funded by cost and revenue transfers from the General Fund.

Airport

Reduction due to overall lower level of operations.

Parking

Reduction to line up actual expense with budget.

Planning and Zoning

Reduction to align budget with actual expenditure levels.

Animal Shelter

Reduction due to re-defining duties and change of position from full time to part time.

Sidewalks

Reduction to lower level of complaints and repairs.

Streets (not Act 51)

Reduction to lower level of complaints and repairs.

Engineering

Reduction in wages due to re-distribution of salaries. Lower expenditures due to non-replacement of level and not purchasing files and software upgrades.

Spring Pick-Up

Reduction due to lower cost of this year's clean-up.

2000 Census

Reduction due to lower out-of-pocket cost than was anticipated.

425 Millage Reimbursement

Reduction due to reimbursement being taken out of gross taxes rather than after budgeted was funded.

Forestry

Reduction due to lower cost than was originally budgeted.

Information Technology

Reduction due to lower cost than was originally budgeted.

Contingencies

Increase due to unanticipated expense for newsletter and Detachment costs.

DDA Fund

Increase to cover the renovation of Legacy II.

Building Department Fund

New Fund & Budget as mandated by the State of Michigan. Effective 01-01-2000 Building Department Activities must be separated from the General Fund.

Park & Recreation Fund

Increase due to need to appropriate fund for Franks Park and labor necessary to sustain a higher level of programming than was originally budgeted.

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

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

RESOLUTION

**TO COMMEMORATE OUR CITY ELECTRIC DEPARTMENT
AND ITS TRADITION OF SERVICE**

WHEREAS, we, the citizens of Sturgis, place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the Sturgis Electric Department provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Sturgis Electric Department is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the electric utility industry is changing and will continue to change over the next several years; and

WHEREAS, this concept of “customer choice” in generation is a new one that will have a broad impact on and affect all parts of the electric utility industry, including the consumer-utility relationship; and

WHEREAS, as this community’s public power system, the Sturgis Electric Department’s first and only purpose is to work in partnership with its customer-owners to furnish an essential public service and the best customer service to community citizens at lower-cost rates.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis Electric Department will continue to work to ensure that consumers benefit from any changes in the electric utility industry, just as it has since 1896, the year the utility was created to serve all the citizens of Sturgis; and

BE IT FURTHER RESOLVED, that the week of October 1-7, 2000, be designated the 14th annual Public Power Week in order to honor the Sturgis Electric Department for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its overall contributions to their well-being; and

BE IT FURTHER RESOLVED, that our community joins hands with more than 2,000 other public power systems in the United States that through local, community-ownership ensure cost-cutting competition for electricity customers.

Voting yea: Eight

Voting nay:

None Absent: Haas

MOTION

CARRIED

Moved by Comm. Murphy and seconded by Comm. Lampe that the following resolution be adopted:

**RESOLUTION OF
COMMENDATION**

WHEREAS, the concerted efforts of the men and women of the American Legion, Veterans of Foreign Wars and National Guard in Sturgis were responsible for attracting the Vietnam Memorial Wall to Sturgis on September 7-13, 2000, and

WHEREAS, the Vietnam Memorial Wall serves as a reminder to all of us of the brave deeds and heroic sacrifices of the many Americans from throughout our nation during the turbulent days from 1959 to 1975, and

WHEREAS, many thousands visited Sturgis to pay tribute to the more than 58,000 Americans who died while serving our nation in Southeastern Asia during the Vietnam War, and

WHEREAS, the appearance of the Vietnam Memorial Wall provided residents of Sturgis the opportunity to join with others in commemorating the efforts of our servicemen and women.

NOW, THEREFORE, BE IT RESOLVED, in recognition of the countless volunteer hours, spent by members of the American Legion, Veterans of Foreign Wars and National Guard to plan and carry out this worthy community program, the Sturgis City Commission does hereby resolve to applaud the members of these service organizations for their contribution to our City in attracting the Vietnam Memorial Wall to Sturgis, the hospitality shown to the many who visited, and for giving the community the opportunity to reflect upon an important era of our history.

BE IT FURTHER RESOLVED, that Mayor John Hayes personally deliver to each of the above stated organizations a certified copy of this resolution.

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills be paid, after the appropriate check sequencing adjustment has been made from number 50595, in the amount of \$1,379,433.43.

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$815,462.10 be ratified.

Voting yea: Eight

Voting nay: None

Absent: Haas

MOTION

CARRIED

Mayor Hayes announced his resignation as Mayor and 2nd Precinct Commissioner to accept a position with the City of Sturgis as the Director of Economic Development, effective October 1, 2000, at which time the responsibilities of Mayor will be turned over to Vice-Mayor Murphy. Mayor Hayes expressed his sincere appreciation to the commissioners for their support, teamwork and cooperation.

The commission and audience showed their appreciation by giving Mayor Hayes a round of applause.

Moved by Comm. Lampe and seconded by Comm. Kinsey to instruct the City staff to advertise for commissioner applicants for the second precinct and that they should be received by the 5th of October, 5:00 p.m., to be considered by the City Commission at the October 11th regular meeting.

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

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss the purchase of property.

Voting yea: Austermann, Kinsey, Murphy, Lampe, Sunday-Horstman, Chrisman, Oster, Mayor Hayes

Voting nay: None Absent: Haas MOTION CARRIED

The meeting recessed at 9:38 p.m.

The meeting reconvened at 10:34 p.m.

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

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

The meeting was adjourned at 10:35 p.m.

Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 11, 2000
WIESLOCH RAUM - CITY HALL**

Vice-Mayor Murphy called the meeting to order at 7:30 p.m.

Commissioners present: Austermann, Kinsey, Sunday-Horstman, Lampe, Haas, Chrisman, Oster, Vice-Mayor Murphy

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Deputy City Clerk

Minutes from the re-scheduled meeting held on Monday, September 25, 2000 were approved as presented.

City Manager Jerome Kisscorni introduced the new Library Director, Karrie Waaralla.

Jay Lego, 210 S. Monroe, addressed the Commission with his concerns regarding the condition of S. Monroe Street and asked if there were plans to re-pave it in the near future. City Engineer Tom Seymour stated that there were no plans for improvements to S. Monroe. Comm. Haas agreed with Mr. Lego and requested that the City review the situation as soon as possible and add S. Monroe to the list of streets that need to be improved.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the request from the Sturgis Hospital to lease a General Electric Series 9800 C-Arm for the Surgery and Medical Imaging Departments in the amount of \$3,100 per month for the next five years.

Voting yea: Eight

Voting nay: None

**MOTION
CARRIED**

Public Hearing on establishing an Industrial Development District for Sutton Tool Company, Inc. was held.

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

RESOLUTION

WHEREAS, there exists in the City of Sturgis the need for certain programs to alleviate and prevent conditions of unemployment and to assist and retain local industries and commercial enterprises and to encourage the location of industries and commercial enterprises in order to strengthen and revitalize the City's economy, and

WHEREAS, a program to alleviate the aforesaid conditions has been initiated by the Economic Development Corporation of the City of Sturgis, and

WHEREAS, Sutton Tool Company, Inc. has filed a request with the City of Sturgis to establish the Industrial Development District for the property so described on the attached, under the

provisions of Act 198, P.A. 1974 as amended, and

WHEREAS, Sutton Tool Company, Inc. in conformity with Act 198 of the Public Acts of 1974, as amended (Act 198) is preparing to submit an application providing all information and requirements necessary for the granting of an Industrial Facilities Exemption Certificate by the City of Sturgis, County of St. Joseph, State of Michigan, to Sutton Tool Company, Inc., and **WHEREAS**, a Public Notice of the Hearing was published in the Sturgis Journal on Tuesday, September 19, 2000.

WHEREAS, the owner of the property was notified by certified mail of the time and place of the Public Hearing, and

WHEREAS, a Public Hearing was held by the Sturgis City Commission on October 11, 2000 providing the opportunity for all citizens or taxpayers of the City of Sturgis to be heard, and

WHEREAS, the Sturgis City Commission hereby finds and determines that designation of the property, as described on the attached, as the Sutton Tool Company, Inc is reasonable and in compliance with Act No. 198, P.A. 1974, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Sturgis City Commission does hereby establish the Industrial Development District for the property described on the attached legal descriptions and site drawings.

Voting yea: Eight

Voting nay: None

THE RESOLUTION WAS ADOPTED.

Vice-Mayor Murphy accepted nominations to appoint a Commissioner for the 2nd Precinct to fill the unexpired term of John Hayes.

Moved by Comm. Haas and seconded by Comm. Oster to nominate David Ludders.

Moved by Comm. Austermann and seconded by Comm. Chrisman to nominate Mike Sutter.

Moved by Comm. Kinsey and seconded by Comm. Haas to close the nominations.

Voting yea: Eight

Voting nay: None

**MOTION
CARRIED**

Discussion followed.

Jay Lego, 210 S. Monroe, spoke very highly of Mike Sutter and expressed his desire to see Mr. Sutter seated as 2nd Precinct Commissioner.

Voting for David Ludders: Kinsey, Sunday-Horstman, Haas, Oster

Voting for Mike Sutter: Murphy, Lampe, Chrisman, Austermann

TIE VOTE

City Attorney Roger Bird was asked to advise the Commission on how to handle the situation. Attorney Bird began to respond when Mike Sutter requested permission to interrupt the Attorney.

Mr. Sutter presented the brief following speech:

"I would be very privileged to serve in this position. I think I offer this position many, many years of experience. But I think, in this case, that I would, on my own volition, step away and let Mr. Ludders take the job. It's new blood, he's very interested in doing it, and he's a worthy person. It's difficult for me to say this. I wouldn't have done it if I didn't want to and I certainly would like to do it, but this is a real quandary and I don't like to see this board go through it. I'm willing to step away."

Vice-Mayor Murphy thanked Mr. Sutter and the Commissioners and audience showed their appreciation with a round of applause.

Moved by Comm. Lampe and seconded by Comm. Kinsey to appoint David Ludders to 2nd

Precinct Commissioner to fill the unexpired term of John Hayes.

Voting yea: Eight

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the financial contribution to the Sturgis Skate Park and to adopt the following resolution.

RESOLUTION

WHEREAS, the Sturgis City Commission at its regular meeting on September 25, 2000 received a request from the organizers of the City Skate Park seeking financial assistance from the City for the construction of the Skate Park; and

WHEREAS, the Skate Park is being constructed upon property owned by the Sturgis Public Schools, and shall be operated under the general direction of the Sturgis Public Schools; and

WHEREAS, the City Commission has determined that the Skate Park provides recreational opportunities to all residents of the City of Sturgis and will assist in furthering the health and public welfare of the community; and

WHEREAS, the City Commission has expressed support for the development of the Skate Park under the direction of the Sturgis Public Schools;

NOW, THEREFORE, BE IT RESOLVED, that the City Manager of the City of Sturgis is hereby authorized to pay to the Sturgis Public Schools the sum of Twelve Thousand and 00/100 (\$12,000.00) Dollars from the general fund to assist in the construction of the Skate Park.

BE IT FURTHER RESOLVED, that representatives of the Sturgis Public Schools are hereby requested to appear before the City Commission in the fall of 2001 and the fall of 2002 to seek further funding for the Skate Park for the City of Sturgis.

Voting yea: Eight

Voting nay: None

**MOTION
CARRIED**

Deputy City Clerk Shelly Stoddard administered the Oath of Office to David Ludders and he took his seat with the Commissioners.

Moved by Comm. Lampe and seconded by Comm. Murphy to choose the option of amending the City Charter as opposed to revising it.

Discussion followed.

Moved by Comm. Haas and seconded by Comm. Austermann to amend the original motion to appoint a citizen's committee to review the entire charter.

Comm. Lampe and Comm. Murphy agreed to the amendment.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Oster to reaffirm the City's financial support to the D.D.A. Open Door Art Center.

Discussion followed.

Joyce Waltke, 1425 Sunnyfield Rd., expressed her concerns to the Commission and asked about funds being used for other reasons, and the local kids having nothing to do.

Commissioners responding by stating that the committee heading the Skate Park project only requested twelve thousand (\$12,000.00) dollars, which the City granted. They also explained that the Art Gallery would be available to all age groups and not just for certain people. The City

has also contributed well in excess of one hundred thousand (\$100,000.00) dollars for the development of Franks Park, and the improvements at Spence Field, and is not ignoring the young people in the community.

Vote was taken on the original motion.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to adopt the following resolution:

RESOLUTION

TRANSFER OF PROPERTIES FROM FAWN RIVER TOWNSHIP

WHEREAS, the City of Sturgis (“City”) and the Township of Fawn River (“Township”) entered into an Agreement for Conditional Transfer of Property (“Agreement”), with an effective date of September 1, 1995; and

WHEREAS, Agreement 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, 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 is the end of five years after the Effective Date of the Agreement (September 1, 1995); and

WHEREAS, September 1, 2000 was the end of five years after the Effective Date of the Agreement (September 1, 1995) 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 as described in Agreement are certified to have been transferred from the Township to the City effective as of September 1, 2000:

Owner	Property Address	Parcel No. (Twp)	Parcel No. (City)
Rodney E. & Sharon Mayer	501 N. Lakeview Ave	75-005-006-009-00	75-052-800-128-00
Newell A Franks Sr.	Vacant	75-005-006-009-10	75-052-800-129-00
Michael Hahn	28101 Lafayette Rd	75-005-006-011-00	75-052-800-130-00
Lynn PeDue	28117 Lafayette Rd	75-005-006-012-00	75-052-800-131-00
Lyle Thrasher	513 N. Lakeview Ave	75-005-006-013-00	75-052-800-132-00
Jeffrey Colwell	28031 Lafayette Rd	75-005-006-014-00	75-052-800-133-00
Bertha Chapman	519 N. Lakeview Ave	75-005-006-016-00	75-052-800-134-00
Alice & Kenneth Mullins	28015 Lafayette Rd	75-005-006-017-00	75-052-800-136-00
Cathryn Ferguson	413 N. Lakeview Ave	75-005-006-018-00	75-052-800-137-00
Newell A. Franks Sr.	Vacant	75-005-006-019-00	75-052-800-140-00
Michael Snowden	403 N. Lakeview Ave	75-005-006-019-20	75-052-800-139-00
Jason & Elizabeth Wentworth	407 N. Lakeview Ave	75-005-006-021-00	75-052-800-135-00
David Leonard	405 N. Lakeview Ave	75-005-006-022-00	75-052-800-138-00

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, the City Commission hereby certifies that events have occurred transferring full jurisdiction over said parcel to the City, and the filing of this Resolution and either a similar resolution adopted by the

Fawn River Township Board or sixty (60) days has passed since this resolution was adopted 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 office.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Austermann to approve the Airport Lease and Addenda for Bryant Excavating as presented.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$682,875.02 be paid.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$628,040.21 be ratified.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Several commissioners thanked Mike Sutter for his gracious act and welcomed David Ludders.

Moved by Comm. Kinsey and seconded by Comm. Ludders to schedule Dan Burden for December 5, 2000 to give a presentation on walkable communities, and that the City cover the expenses.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

The meeting was adjourned at 9:20 p.m.

Mary M. Stoddard, Deputy Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 25, 2000
WIESLOCH RAUM - CITY HALL**

The meeting was called to order by the City Clerk at 7:30 p.m.

Commissioners present: Austermann, Ludders, Lampe, Sunday-Horstman, Haas, Chrisman, Oster

Commissioners absent: Kinsey, Vice-Mayor Murphy

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, City Clerk

In the absence of the Vice-Mayor, the City Clerk asked the City Commission to appoint an acting Mayor.

Comm. Oster nominated Comm. Haas and Comm. Ludders seconded the nomination.

Comm. Chrisman nominated Comm. Lampe and Comm. Austermann seconded the nomination.

Voting for Comm. Haas: Two

**Voting for Comm. Lampe:
Three**

Absent: Kinsey, Vice-Mayor Murphy

Abstaining: Haas, Lampe

Comm. Lampe was seated as Acting Mayor.

Minutes of the previous regular meeting held on Wednesday, October 11, 2000 were approved as presented.

Moved by Comm. Haas and seconded by Comm. Austermann to award the low bid for a Caterpillar 938G front end loader for the Department of Public Works to Michigan CAT, Kalamazoo, Michigan, (without the preventative maintenance program) in the amount of \$48,106.85.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION CARRIED

Public hearing on vacating a portion of the alley located between South Nottawa Street and Pleasant Avenue, from the west side of South Nottawa Street to the west line of the parcel of land located at 100-102 W. Chicago Rd., commonly known as the "Keyboard Center" store was held.

Don Hoffelder, Director of Finance for the Keyboard Center, addressed the Commission and responded to questions regarding the request to vacate a portion of the alley.

Discussion followed.

Public hearing was closed.

Moved by Comm. Chrisman and seconded by Comm. Sunday-Horstman to deny the request to vacate the alley at this time.

Voting yea: Six

Voting nay: Oster

Absent: Kinsey, Vice-Mayor Murphy

MOTION

CARRIED

Public hearing on the 2000 Sidewalk Program Special Assessment Roll #2 was held.

Moved by Comm. Austermann and seconded by Comm. Oster that the City not install a sidewalk on Lot 31 at this time.

Voting yea: Austermann, Ludders, Haas, Oster

Voting nay: Sunday-Horstman, Chrisman, Acting Mayor Lampe

Absent: Kinsey, Vice-Mayor Murphy

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Oster to adopt the 2000 Sidewalk Program Special Assessment Roll #2, excluding Lot 31.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to approve the "Drug Tip Hotline" as presented.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION CARRIED

Moved by Comm. Chrisman and seconded by Comm. Sunday-Horstman to postpone action on the Electric Department Street Lighting Recommendation until further input is received.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION CARRIED

Acting Mayor Lampe accepted nominations to appoint a member to the Planning Board to fill the unexpired term of Dick Messner, Jr. term to expire in May, 2001.

Comm. Chrisman nominated Jodi Cross.

Comm. Haas nominated Peter Stage.

Comm. Oster nominated Forrest Mark.

Moved by Comm. Austermann and seconded by Comm. Chrisman to close the nominations.

Voting yea: Seven

Voting nay: None

Absent: Kinsey, Vice-Mayor Murphy

MOTION CARRIED

Voting for Stage: Ludders, Haas

Voting for Cross: Sunday-Horstman, Chrisman

Voting for Mark: Oster, Austermann, Acting Mayor Lampe

Absent: Kinsey, Vice-Mayor Murphy

Discussion followed and it was decided that the vote needed to be between two applicants to obtain a 2/3 majority vote.

Second vote was taken to break the tie between Stage and Cross.

Voting for Stage: Haas, Oster, Austermann, Ludders, Acting Mayor Lampe

Voting for Cross: Sunday-Horstman, Chrisman

Absent: Kinsey, Vice-Mayor Murphy

Final vote was taken to appoint a new member.

Voting for Stage: Haas, Chrisman, Ludders, Sunday-Horstman

Voting for Mark: Oster, Austermann, Acting Mayor Lampe

Absent: Kinsey, Vice-Mayor Murphy

Peter Stage was appointed to the Planning Board to fill the unexpired term of Dick Messner, Jr., term to expire in May, 2001.

Moved by Comm. Haas and seconded by Comm. Austermann to approve the transfer of Lot 55 Sherwood #2 from Burr Oak Township to the City of Sturgis.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$1,316,620.98 be paid.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$503,314.39 be ratified.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION

CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to support the Housing, Code Enforcement & Building Department in their jobs.

Voting yea: Seven

Voting nay: None

**Absent: Kinsey, Vice-Mayor
Murphy**

MOTION

CARRIED

Acting Mayor Lampe presented John Hayes with a gavel and a nameplate on which his name was engraved, to commemorate his time served as Mayor.

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

Voting yea: Seven

Voting nay: None

Absent:
Murphy

Kinsey, Vice-Mayor

MOTION

CARRIED

The meeting was adjourned at 9:00 p.m.

Carol F. Rambadt, City Clerk

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 8, 2000
WIESLOCH RAUM - CITY HALL

Vice-Mayor Murphy called the meeting to order at 7:30 p.m.

Commissioners present: Kinsey, Austermann, Ludders, Sunday-Horstman, Lampe, Haas, Chrisman, Oster, Vice-Mayor Murphy

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, Deputy City Clerk

Minutes of the previous regular meeting held on Wednesday, October 25, 2000 were approved as corrected.

Dwight Alexander, Chairperson for the Michigan Week Senior's Dance, requested financial assistance to help cover the cost of the dance.

Moved by Comm. Haas and seconded by Comm Kinsey to wait until after funds are received from the ticket sales before offering a donation.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Ed Brooks, American Electrical Power, presented an updated report on the electrical service and the programs being used for tree trimming to clear the electrical wires.

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the low bid for a 2000 Ford 4x4 3/4 Ton Pickup Truck for the Department of Public Works to Berger Chevrolet, Grand Rapids, Michigan, in the amount of \$25,211.62.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Haas and seconded by Comm. Kinsey to set a public hearing date of Wednesday, December 13, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Mayer Tool and Engineering, Inc.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to set a public hearing

date of Wednesday, December 13, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Parma Tube Corporation.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Gerry Mayer, Director of Housing, presented a report on the Zoning & Property Maintenance Code Enforcement procedures, and requested City Commission support.

Discussion followed.

Moved by Comm. Austermann and seconded by Comm. Kinsey to approve the presented policy as amended.

Further discussion followed.

Comm. Austermann withdrew his motion and Comm. Kinsey withdrew his support.

It was decided that the commissioners would work together with the city staff and offer suggestions to Gerry Mayer to amend the policy further. The amended policy will be reviewed by the commission at a later date.

Moved by Comm. Lampe and seconded by Comm. Ludders to move the November 22nd city commission meeting to Monday, November 20th, owing to the Thanksgiving holiday.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Vice-Mayor Murphy accepted nominations to appoint a member to the Library Board to fill the unexpired term of Thad Juszczak, term to expire in May, 2001.

Comm. Austermann nominated Laurie Briggs and Comm. Ludders seconded the nomination.

Moved by Comm. Kinsey and seconded by Comm. Haas to close the nominations and to appoint Laurie Briggs to the Library Board to fill the unexpired term of Thad Juszczak, term to expire in May, 2001.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$731,525.33 be paid.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the Hospital bills in the amount of \$578,512.17 be ratified.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to set a public hearing date of Wednesday, December 13, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Abbott Manufacturing, Inc.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Kinsey to instruct the City Manager to schedule an MML Instructor to conduct a three-hour seminar to the City Boards on how to run meetings according to Robert's Rules of Order at a cost of \$500.00.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

RESOLUTION

Moved by Comm. Ludders and seconded by Comm. Haas to recess under the Open Meetings Act to discuss purchase of property.

Voting yea: Austermann, Kinsey, Ludders, Lampe, Sunday-Horstman, Haas, Chrisman, Oster, Vice-Mayor Murphy

Voting nay: None

MOTION

CARRIED

The meeting was recessed at 9:00 p.m.

The meeting reconvened at 9:52 p.m.

RESOLUTION

Moved by Comm. Kinsey and seconded by Comm. Ludders to pass a resolution to grant to the Sturgis Improvement Association a lease not to exceed one hundred thousand dollars (\$100,000.00) per year, not to exceed ten (10) years for the acquisition of property for industrial purposes.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Austermann that the meeting be adjourned.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

The meeting was adjourned at 9:56 p.m.

Mary M. Stoddard, Deputy City Clerk

**ORGANIZATIONAL MEETING - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 13, 2000
WIESLOCH RAUM - CITY HALL**

The City Clerk called the meeting to order at 8:00 p.m.

Commissioners present: Austermann, Kinsey, Ludders, Lampe, Haas, Chrisman, Oster, Vice-Mayor Murphy

Commissioners absent: Sunday-Horstman

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

The Clerk asked for nominations for the office of Mayor.

Comm. Kinsey nominated Vice-Mayor Murphy and Comm. Austermann seconded the nomination.

Moved by Comm. Austermann and seconded by Comm. Kinsey that the nominations be closed and a unanimous ballot be cast for Vice-Mayor Murphy as Mayor.

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

Vice-Mayor William Murphy was seated as Mayor of the City of Sturgis.

Mayor Murphy asked for nominations for the office of Vice-Mayor.

Comm. Austermann nominated Comm. Lampe and Comm. Chrisman seconded the nomination.

Comm. Oster nominated Comm. Haas and Comm. Ludders seconded the nomination.

Voting for Comm. Lampe: Commissioners Austermann, Kinsey, Chrisman

Voting for Comm. Haas: Commissioners Oster, Ludders, Haas, Mayor Murphy

Absent: Sunday-Horstman

Abstaining: Comm. Lampe

Comm. Joe Haas was elected Vice-Mayor of the City of Sturgis.

The appointment of a member to the Hospital Finance Authority was postponed to a later date, after the by-laws have been reviewed and possibly amended, as their term expires in December.

Mayor Murphy made the following appointments:

Airport Advisory Committee

William Murphy

Bid Opening Committee

Joe Haas

Vickie Chrisman

David Ludders

Walt Kinsey, Jr.

Cemetery Board

David Ludders

Finance Committee

Lee Austermann

Vickie Chrisman

Cindy Sunday-Horstman

Doyle Board of Directors

David Ludders

**Economic Development Corporation &
Brownfield Redevelopment Authority**

Jo Ellen Oster

Employee's Retirement System

William Murphy

Finance Committee

Lee Austermann

Vickie Chrisman

Cindy Sunday-Horstman

Idle Industrial Buildings Committee

Walt Kinsey, Jr.

Don Lampe

Joe Haas

Cindy Sunday-Horstman

IFEC

Cindy Sunday-Horstman

Vickie Chrisman

Don Lampe

Lee Austermann

Investment Committee

Joe Haas

William Murphy

Drug Tip Hotline

Cindy Sunday-Horstman

Moved by Comm. Lampe and seconded by Comm. Haas to approve the General Rules of Order for the Sturgis City Commission meetings, as amended.

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

CARRIED

The date of January 20, 2001 was set for the Annual Planning meeting.

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

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

CARRIED

The meeting was adjourned at 9:10 p.m.

Carol F. Rambadt, City Clerk

The following is an unapproved draft of the minutes taken at the re-scheduled meeting held on Monday, November 20, 2000:

**RE-SCHEDULED MEETING - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 20, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Ludders, Lampe, Sunday-Horstman, Oster, Haas, Mayor Murphy

Commissioners absent: Chrisman

Also present: City Manager, City Attorney, Assistant to the City Manager, Director of Housing, City Clerk

Minutes of the previous regular meeting held on Wednesday, November 8, 2000, and of the organizational meeting held on Monday, November 13, 2000 were approved as presented.

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

RESOLUTION

**A Resolution Authorizing the Submission of a Renaissance Zone Application
to the Michigan Economic Development Corporation (MEDC)**

WHEREAS, the State of Michigan has adopted legislation authorizing the creation of tax-free Renaissance Zones to stimulate economic development in areas of the State which have not experienced economic growth comparable with the State as a whole; and

WHEREAS, the MEDC is accepting applications for Renaissance Zone designation from all counties and eligible jurisdictions as defined in the Renaissance Zone legislation; and

WHEREAS, each designated Renaissance Zone may contain up to ten (10) sub-zones, of which one or more will be located in the City of Sturgis;

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission hereby authorizes submission of the application for Renaissance Zone designation to the MEDC;

BE IT FURTHER RESOLVED, that in the event the Renaissance Zone designation is granted by the State, all persons and property within those sub-zones located in the City of Sturgis shall be exempt from all local governmental taxes levied by the City of Sturgis and other local taxing authorities, as provided in the Renaissance Zone legislation;

BE IT FURTHER RESOLVED, that the application by the City of Sturgis for Renaissance Zone to the Michigan Economic Development Corporation is hereby endorsed,

BE IT FURTHER RESOLVED, that an estimate of lost revenue for each of the affected taxing authorities during the first year of the Renaissance Zone is provided as required by the MEDC;

BE IT FURTHER RESOLVED, that the Mayor of the City of Sturgis be authorized to sign the application on behalf of the Sturgis City Commission.

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

Moved by Comm. Haas and seconded by Comm. Lampe to adopt the following resolution:

RESOLUTION

TRANSFER OF PROPERTIES FROM SHERMAN TOWNSHIP (Agreement #2)

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 the owner of record of the property within the Transferred Area ceasing to have title to such real property on or after the effective date of Agreement #2; and

WHEREAS, the Township Assessor and the City Assessor have certified the parcels listed below, the owner of record on the effective date of Agreement #2 no longer has title to the property 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 as described in Agreement #2 are certified to have been transferred from the Township to the City effective immediately:

<u>Owner</u>	<u>Property Address</u>	<u>Parcel Number (Township)</u>	<u>Parcel Number</u> <u>(City)</u>
Federal National Mortgage Association	1101 Tracy Drive	75-014-130-000-013-00	75-052-374- 000-013-00
Beverly Draper	902 N. Nottawa St.	75-014-036-000-051-00	75-052-777- 000-513-00

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 either a similar resolution adopted by the Sherman Township Board or sixty (60) days has passed since this resolution was adopted 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: Austermann, Ludders, Sunday-Horstman, Lampe, Haas, Oster, Mayor Murphy

Voting nay: None Abstaining: Kinsey Absent: Chrisman MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Ludders to adopt the “Modern Rules of Order” for use by the City’s various boards and committees.

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

Gerry Mayer, Director of Housing, reported on the Zoning and Property Maintenance Code Enforcement procedures.

Discussion followed.

Henry Schwartz, local landlord, expressed his concerns regarding the enforcement procedures.

Further discussion followed.

Moved by Comm. Lampe and seconded by Comm. Kinsey to approve the Zoning and Property Maintenance Code Enforcement procedures as amended.

Voting yea: Austermann, Kinsey, Ludders, Lampe, Sunday-Horstman, Haas, Oster, Mayor Murphy

Voting nay: None Absent: Chrisman MOTION CARRIED

George Musolff, City Building Official, presented a staff assessment of the Sturgis housing and residential structures.

Kim Musolff, Director of the Downtown Development Authority, presented an updated report regarding the Christmas lighting celebration.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the request from the Downtown Development Authority to close the entrance to Monroe Street off of Chicago Road on Sunday, December 3rd from 1:00 to 6:00 p.m. to hold the Christmas lighting celebration and activities in Free Church Park.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$1,394,500.31 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the Hospital bills in the amount of \$456,275.48 be ratified.

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

Comm. Austermann exited the room.

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

RESOLUTION

Sturgis City Commission

Transfer of Property from Sturgis Township

WHEREAS, on August 4, 2000, the City of Sturgis (“City”) and Sturgis Township (“Township”) entered into an agreement for conditional transfer of property pursuant to 1984 PA 425 (“PA 425 Agreement”); and

WHEREAS, Section 1.1 of the PA 425 Agreement permits a property owner to voluntarily request a transfer of property to the City by filing a notarized copy of the Request for Transfer form with the City Commission and the Township Board; and

WHEREAS, The Veterans of Foreign Wars, Post 1355 presently owns property in the Township, which it desires to combine with property located within the City, and has filed a Request for Transfer form with the City and the Township requesting that the property as described on the attachment to that request be transferred to the City pursuant to Section 1.1 of the PA 425 Agreement; and

WHEREAS, the combined property is intended for sale for the purpose of Commercial Development; and

WHEREAS, the PA 425 Agreement provides for a 30-day approval period and 60-day waiting period, as described in Section 1.1 of the PA 425 Agreement, and the City Commission is agreeable to waiving that approval period and waiting period; and

WHEREAS, Section 2.3 of the PA 425 Agreement provides that the City and the Township may enter into agreements with respect to any commercial developments within District 1, as defined by the PA 425 Agreement, which includes the Veterans of Foreign Wars property,

NOW, THEREFORE, the City Commission of the City of Sturgis, hereby resolves as follows:

1. The City Commission hereby approves the Request for Transfer submitted by Veterans of Foreign Wars, Post 1355.
2. The City Commission respectfully requests that the Township Board waive the 30-day approval period and a 60-day waiting period provided under Section 1.1 of the PA 425 Agreement in respect to VFW’s Request for Transfer, and approve the Request for Transfer.
3. The City Clerk is directed to forthwith transmit a copy of this Resolution to the Sturgis Township Board and to the Veterans of Foreign Wars, Post 1355.
4. All prior resolutions or parts of resolutions inconsistent with the foregoing are hereby rescinded.

Voting yea: Seven Voting nay: None Absent: Chrisman, Austermann MOTION CARRIED

Comm. Austermann present.

Mayor Murphy publicly commended Fire Chief Bruce Moore for the excellent job performed by

several members of the Sturgis Fire Department in their recent Rapid Intervention Training Course taught to the Centreville, White Pigeon, Constantine, and Porter Township Fire Departments. Assistant Chief Mike Houck and Captain Rick Machan, both Sturgis firefighters, are the only two individuals in St. Joseph County who have completed the Instructors course for this class. Assistant Chief Charles Haines of the White Pigeon Fire Department stated, *"I cannot say enough about the professionalism your personnel had on teaching this class and their ability and knowledge in rapid intervention rescue."*

Mayor Murphy also wished to thank Mr. Ralph Levin for his generosity in covering the cost of purchasing two 1800-2000 gallon folding portable water tanks to be used at Sturgis Iron & Metal and other locations that do not have hydrants. Having these tanks on location will expedite firefighting measures when necessary.

The meeting was adjourned at 9:58 p.m.

Carol F. Rambadt, City Clerk

The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, December 13, 2000:

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 13, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Ludders, Sunday-Horstman, Lampe, Chrisman, Oster, Haas, Mayor Murphy

Commissioners absent: None

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

Minutes of the previous re-scheduled meeting held on Monday, November 20, 2000 were approved as presented.

Lois Rosenberg of Pet Haven spoke to the Commission regarding her concerns with diseased and stray cats in the city.

Discussion followed.

It was decided that the situation would be researched and put on the agenda for the January Planning Meeting.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the request from the Sturgis Hospital to purchase computer servers in the amount of \$108,064.47.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to award the low bid for a 2001 Digger Derrick Truck for the Electric Department to Altec Industries, Inc., Indianapolis, Indiana, in the amount of \$138,884.21.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Public hearing on issuing an Industrial Facilities Exemption Certificate to Abbott Manufacturing, Inc. was held.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed \$7,950,000.00 be awarded for a period of twelve (12) years, with an ending date of December 31, 2013, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Abbott Manufacturing, 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 Abbott Manufacturing, Inc., and

WHEREAS, on June 26, 1991 the City Commission established the Industrial Development District for the industrial property of Abbott Manufacturing, 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 Certificate 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 with an ending date of December 31, 2013.

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

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Public hearing on issuing an Industrial Facilities Exemption Certificate to Mayer Tool & Engineering, Inc. was held.

Moved by Comm. Lampe and seconded by Comm. Austermann that an Industrial Facilities Exemption Certificate not to exceed \$100,000.00 be awarded to Mayer Tool & Engineering, Inc. for a period of twelve (12) years, with an ending date of December 31, 2013, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Mayer Tool & Engineering, 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 Mayer Tool & Engineering, Inc., and

WHEREAS, on November 26, 1986 the City Commission established the Industrial Development District for the industrial property of Mayer Tool & Engineering, 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 Certificate 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 twelve (12) years with an ending date of December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Mayer Tool & Engineering, Inc. for an "Industrial Facilities Exemption Certificate."

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Nominations were accepted to appoint an alternate member to the Zoning Board of Appeals to fill the unexpired term of Peter Stage, term to expire in May, 2003.

Moved by Comm. Kinsey and seconded by Comm. Oster to nominate Richard Earl.

Moved by Comm. Haas and seconded by Comm. Lampe to nominate Lisa Miller.

Moved by Comm. Austermann and seconded by Comm. Chrisman to nominate Anthony Falbe.

Voting for Earl: Four

Voting for Miller: Three

Voting for Falbe: Two

A second vote was taken.

Voting for Earl: Six

Voting for Miller: Three

Richard Earl was appointed as an alternate member to the Zoning Board of Appeals to fill the unexpired term of Peter Stage, term to expire in May, 2003.

A letter of resignation was accepted from Debbie Doe, Doyle Board of Directors, and a letter of appreciation will be sent.

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$672,398.58 be paid.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$1,137,306.25 be ratified.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Haas and seconded by Ludders to set a public hearing date of January 10, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to V.C.I. Inc.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

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

RESOLUTION OF INTENT

WHEREAS, on August 4, 2000, the City of Sturgis ("City") and Sturgis Township ("Township") entered into an agreement for conditional transfer of property pursuant to 1984 PA 425 ("PA 425 Agreement"); and

WHEREAS, Section 1.1 of the PA 425 Agreement permits a property owner to voluntarily request a transfer of property to the City by filing a notarized copy of the Request for Transfer form with the Township Board and the City Commission; and

WHEREAS, Wal-Mart Stores, Inc. presently operates a store in the Township, which it desires to expand onto property presently located within the City, and has filed a Request for Transfer form with the City and the Township requesting that the property on which its existing store is located be transferred to the City pursuant to Section 1.1 of the PA 425 Agreement ; and

WHEREAS, the PA 425 Agreement provides for a 30-day rescission period and 60-day approval period, as described in Section 1.1 of the PA 425 Agreement, and the Township Board has waived that rescission period pursuant to a Resolution adopted on December 4, 2000; and

WHEREAS, in mutual consideration for the Township's approval of the transfer of the Wal-Mart property pursuant to Section 1.2 of the PA 425 Agreement, and its waiver of the rescission period and approval period thereunder, the City is agreeable to entering into an interlocal agreement with the Township pursuant to 1995 PA 108, under which the Township would receive annual tax sharing from the City for the entire expanded Wal-Mart project, equal to 1 ½ mills times the taxable value of the real and personal property comprising the expanded Wal-Mart project, for forty (40) years following the date of transfer of the existing Wal-Mart property to the City; and

WHEREAS, the Township has waived, and the City and Wal-Mart are willing to waive, the 45-day waiting period specified by PA 108.

NOW, THEREFORE, the City Commission of the City of Sturgis hereby resolves as follows:

- I. The City Commission hereby approves the Request for Transfer submitted by Wal-Mart Stores, Inc.
- II. The City Commission waives the 30-day rescission period and the 60-day approval period provided under Section 1.1 of the PA 425 Agreement in respect to Wal-Mart's Request for Transfer.
- III. In lieu of the tax sharing provided by Section 2.6 of the PA 425 Agreement, the City Commission agrees to enter into an interlocal agreement with the Township pursuant to PA 108, under which the City will annually share with the Township a portion of the real and personal property taxes collected by the City from the expanded Wal-Mart project, equal to 1 ½ mills times the taxable value of the real and personal property within the expanded Wal-Mart project, for forty (40) years following the date of transfer of the existing Wal-Mart property to the City, and the City agrees to waive the 45-day waiting period required under PA 108.

IV. The City Clerk is directed to forthwith transmit a copy of this Resolution of Intent to the Sturgis Township Board and to Wal-Mart Stores, Inc.

V. All prior resolutions or parts of resolutions inconsistent with the foregoing are hereby rescinded.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Haas to reschedule the public hearing for Parma Tube for Wednesday, December 27, 2000 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate.

Voting yea: Nine

Voting nay: None

**MOTION
CARRIED**

Mayor Murphy commended the Street Department and other City employees for their efforts and job well done removing the snow from the streets after the recent snow storm.

Mayor Murphy adjourned the meeting at 8:53 p.m.

Mary M. Stoddard, Deputy City Clerk

As corrected by the City Commission:

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 27, 2000
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Austermann, Ludders, Lampe, Haas, Chrisman, Mayor Murphy

Commissioners absent: Sunday-Horstman, Oster

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

Minutes of the previous regular meeting held on Wednesday, December 13, 2000 were approved as presented.

The following residents spoke regarding cats and stray animals and the hiring of an animal control officer: Lois Rosenberg, 66960 N. Big Hill Rd.; Judy Harker, 68185 Crooked Creek Rd, White Pigeon; Pat Hagadorn, 20199 Dogwood Trail, White Pigeon; Larry Harker, 68185 Crooked Creek Rd., White Pigeon; Susan Sleeper, 68542 Hill St.; and Mary Hahn, 500 George Street.

John Griffith, Electrical Superintendent, recognized John Ware, who was present, for successfully completing the City's three and one-half year lineman apprenticeship program. Also recognized, but not present, was Jerrold McElroy. Both employees are in the Electric Department's Line Division.

Public hearing on issuing an Industrial Facilities Exemption Certificate to Parma Tube Corp. was held.

Moved by Comm. Lampe and seconded by Comm. Kinsey that an Industrial Facilities Exemption Certificate not to exceed \$390,515.00 be awarded to Parma Tube Corp. for a period of twelve (12) years, with an ending date of December 31, 2013, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Parma Tube Corp. 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 Parma Tube Corp., and

WHEREAS, on October 6, 1980 the City Commission established the Industrial Development District for the industrial property of Parma Tube Corp., 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 Certificate 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 with an ending date of December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Parma Tube Corp. for an "Industrial Facilities Exemption Certificate."

Voting yea: Seven

Voting nay: None

Absent: Oster, Sunday-Horstman

**MOTION
ON
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Chrisman that this be considered the first reading to amend Section 1.052 of the Zoning Ordinance pertaining to junk motor vehicles.

Voting yea: Seven

Voting nay: None

Absent: Oster, Sunday-Horstman

MOTION

CARRIED

Moved by Comm. Haas and seconded by Comm. Ludders to adopt the following resolution:

**AGREEMENT TO TRANSFER PROPERTY AND SHARE PROPERTY
TAX REVENUES PURSUANT TO 1984 PA 425 AND 1995 PA 108**

This Agreement is made this 27th day of December, 2000, between the CITY OF STURGIS, 130 North Nottawa Street, Sturgis, Michigan 49091-1433 ("City"), a Michigan Home Rule City, and STURGIS TOWNSHIP, 110 Broadus, P.O. Box 6, Sturgis, Michigan 49091 ("Township"), a Michigan General Law Township.

WHEREAS, on August 4, 2000, the City and the Township entered into an Agreement for Conditional Transfer of Property Pursuant to 1984 PA 425 ("Act 425 Agreement"); and

WHEREAS, Section 1.1 of the Act 425 Agreement permits a property owner to voluntarily request a transfer of property to District II under that Agreement by filing a notarized copy of the Request for Transfer form with the Township Board and the City Commission; and

WHEREAS, Wal-Mart Stores, Inc. ("Wal-Mart") presently operates a store in the Township, located on the property described in the attached Exhibit A, and Wal-Mart desires to expand that store onto property presently located within the City, which property is described on the attached Exhibit B, and onto additional property presently located within the Township, which property

is described on the attached Exhibit C; and

WHEREAS, the owners of the property described on the attached Exhibits A and C, have filed Request for Transfer forms with the City and the Township requesting that such property be transferred to District II pursuant to Section 1.1 of the Act 425 Agreement; and

WHEREAS, the City Commission and the Township Board have each adopted resolutions approving this Agreement and approving the Requests for Transfer of the property described in the attached Exhibits A and C; and

WHEREAS, the Act 425 Agreement provides for a 30-day revocation period and 60-day approval period, as described in Section 1.1 of the Act 425 Agreement, and the Township Board and City Commission have each agreed to waive that revocation period and approval period, as part of the conditions described in this Agreement; and

WHEREAS, Section 2.3 of the Act 425 Agreement provides that the City and the Township may enter into agreements with respect to any developments within District I under the Act 425 Agreement, which includes the properties described in the attached Exhibits A and C; and

WHEREAS, in mutual consideration for the Township's approval of the transfer of the property described in Exhibits A and C, pursuant to Section 1.2 of the Act 425 Agreement, and its waiver of the revocation period and approval period thereunder, the City hereby agrees to enter into an interlocal agreement with the Township pursuant to 1995 PA 108, under which the Township will receive annual tax sharing from the City with respect to the property described on the attached Exhibit B, equal to one and one-half mills times the taxable value of the real and personal property located on the property described in the attached Exhibit B, beginning with the 2001 tax year, and continuing annually for a period of 40 years; and

WHEREAS, the City confirms that it has acted to further the economic development project proposed on the properties described in the attached Exhibits A, B and C, by (1) conducting a first reading for approval of Wal-Mart's Petition to Rezone and the Veterans of Foreign Wars' Petition to Rezone dated November 14, 2000, (2) approving Wal-Mart's Site Plan Review/Special Land Use Request dated November 14, 2000 subject to land transfer to the City, rezoning and execution of a sidewalk agreement, (3) approving Wal-Mart's Appeal and Requests for Variances dated November 14, 2000 as modified on December 26, 2000, and (4) approving Wal-Mart's Special Land Use Request dated December 12, 2000; and

WHEREAS, in reliance upon the above approvals and agreements, Wal-Mart has also agreed to waive the revocation period and approval period under Section 1.1 of the Act 425 Agreement, as well as the 45 day waiting period specified by Act 108.

NOW, THEREFORE, the City and the Township hereby agree as follows:

1. The property described in the attached Exhibits A and C shall be transferred to District II in accordance with Section 1.1 of the Act 425 Agreement with the Office of the Great Seal and the St. Joseph County Clerk.
2. With respect to the property described in the attached Exhibits A and C, the City will annually share with the Township a portion of the real and personal property taxes collected by the City from such property in the manner and amount provided by Section 2.6 of the Act 425 Agreement.

3. In regard to the property described in the attached Exhibit B, the Township and the City shall enter into an interlocal agreement pursuant to Act 108, under which the City will annually share with the Township a portion of the real and personal property taxes collected by the City from such property, equal to one and one-half mills times the taxable value of the real and personal property within such property, beginning in the 2001 tax year and continuing annually for a period of 40 years. In order to implement and effectuate this Agreement, the City and the Township shall each conduct such procedures required by Act 108 within a reasonable time. **Voting yea: Seven** **Voting nay: None**
Absent: Oster, Sunday-Horstman

MOTION

CARRIED

Moved by Comm. Kinsey and seconded by Comm. Chrisman that this be considered the first reading to approve the request from Wal-Mart to rezone the VFW property located at 1426 South Centerville Rd. from M (Manufacturing) to BH (Business Highway).

Voting yea: Seven **Voting nay: None** **Absent: Oster, Sunday-Horstman**

MOTION

CARRIED

Chuck Leman, Planning Consultant, presented a proposed revised Zoning Ordinance.

Moved by Comm. Austermann and seconded by Comm. Chrisman that the City bills in the amount of \$1,448,447.24 be paid.

Voting yea: Seven **Voting nay: None** **Absent: Oster, Sunday-Horstman**

MOTION

CARRIED

Moved by Comm. Austermann and seconded by Comm. Ludders that the Hospital bills in the amount of \$715,229.29 be ratified.

Voting yea: Seven **Voting nay: None** **Absent: Oster, Sunday-Horstman**

MOTION

CARRIED

Mayor Murphy adjourned the meeting at 9:10 p.m.

Carol F. Rambadt, City Clerk