

*The following is an unapproved draft of the minutes  
taken at the regular meeting held on January 10, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JANUARY 10, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Austermann, Chrisman

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

Minutes of the previous regular meeting held on Wednesday, December 27, 2000 were approved as corrected.

Jane Tallmadge, 1201 Michigan Avenue and Pat Hagadorn, 20199 Dogwood Trl., White Pigeon, addressed the commission regarding animal control.

Public hearing on issuing in Industrial Facilities Exemption Certificate to V.C.I. was held. Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed \$750,000.00 be awarded to V.C.I. 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**, V.C.I. 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 V.C.I. Inc, and

**WHEREAS**, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of V.C.I. 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 V.C.I. Inc. for an "Industrial Facilities Exemption Certificate."

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Austermann,**

**Chrisman**

**MOTION CARRIED**

City Manager Jerome Kisscorni presented the 1999-00 Electric Department Annual Report.

Moved by Comm. Kinsey and seconded by Comm. Ludders that this be considered the second and final reading to amend Section 1.0521 of the Zoning Ordinance.

**Amendment to the Garbage and Rubbish and Screening of Outdoor Storage:**

**Junk Motor Vehicles Provisions of the Zoning Ordinance of the City of Sturgis**

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

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

Article V, Section 1.0521 of the Zoning Ordinance is hereby amended to provide as follows, effective as of February 1, 2001:

**1.0521 GARBAGE AND RUBBISH AND SCREENING OF OUTDOOR STORAGE:**

**JUNK MOTOR VEHICLES**

The outdoor storage, collection, keeping, or placing of garbage or rubbish by a property owner or occupant is prohibited in all public rights-of-way, all yards in any residential zone, and in front and side yards in B-H Business or M Manufacturing zones unless in a covered and approved container for a period not to exceed twenty-four (24) hours; provided, however, on the day of rubbish pick-up only, garbage and rubbish may be stored in a secure paper or plastic bags at an appropriate rubbish pick-up location. An approved container is one which is leakproof with a close-fitting cover for the storage of garbage or rubbish. Outdoor storage of materials and rubbish is permitted in B-H Business or M Manufacturing districts, but only in rear yards, and when any such rear yard abuts residentially zoned or developed areas, it shall be screened from the adjacent residential areas by a solid fence or wall at least six (6) feet in height, or by six (6) foot evergreen planting. Notwithstanding the foregoing, building materials or rubbish in a dumpster may be stored temporarily on a construction site while construction is actually in progress. Other types of materials too large or bulky to be conveniently placed in a container may be temporarily stored in an outdoor location for not more than twenty-four (24) hours while awaiting pickup by a rubbish collector or hauler. Motor vehicles which are inoperable or not currently licensed shall be deemed to be rubbish, and shall not be stored in any residential zone except within the confines of an enclosed building. If garbage or rubbish is stored, collected, kept or placed in a public right-of-way or a required front yard setback area for more than twenty-four (24) hours, the City may, after a five (5) business day written notice to remove the garbage or rubbish to the property owner or occupant, remove the garbage or rubbish and bill the

property owner or occupant. In all other circumstances, if garbage or rubbish is stored, collected or placed in violation of this section, the City may, ten (10) days after issuance of a citation to the property owner or occupant, cause the garbage or rubbish to be removed and bill the property owner or occupant. If any such billing is not paid within ninety (90) days it shall become a lien on the property, properly recorded at the County.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Austermann, Chrisman**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that this be considered the second and final reading to amend the Zoning Ordinance pertaining to the Zoning Map.

**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 M Manufacturing to the B-H Business Highway 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 February 1, 2001.

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 B-H Business Highway district:

Land situate in the City of Sturgis, St. Joseph County, Michigan:

Beginning 7.274 chains North from the Southwest corner of Section 12, Township 8 South, Range 10 West, thence East parallel with the South line of said Section, 19.97 chains to the West line of the right of way of the Goshen and Battle Creek Railway, thence Northeasterly along the West line of said Railway right of way to a point 17.87 chains East and 2.875 chains North from the point of beginning, thence West 17.87 chains to the West line of the Southwest quarter of Section 12, thence South 2.875 chains to the point of beginning.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**  
**Chrisman**

**Austermann,**

**MOTION**

**CARRIED**

Director of Economic Development, John Hayes, and Assistant to the City Manager, Mike Hughes, presented the Economic Development Web Site.

Mayor Murphy accepted nominations to appoint a member to the Sturgis Housing Commission to fill the unexpired term of George Abel, term to expire in May, 2002.

Moved by Comm. Kinsey and seconded by Comm. Ludders to nominate Priscilla Hoopingarner.

Moved by Comm. Lampe and seconded by Mayor Murphy to nominate Meryl Nelson.

Voting for Priscilla Hoopingarner: Five

Voting for Meryl Nelson: Two

**Priscilla Hoopingarner was appointed to the Sturgis Housing Commission to fill the**

unexpired term of George Abel, term to expire in May, 2002.

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to adopt the following resolution:

**RESOLUTION**

**In Support of the Sturgis Automatic External Defibrillator Placement Program**

**WHEREAS**, we, the citizens of Sturgis, understand that heart disease is the leading cause of death in Michigan, and claimed the lives of more than 139,000 Michigan residents between 1994 and 1998; and

**WHEREAS**, Automatic External Defibrillators (AED's) are medical devices that can restore the heart's rhythm to normal when an individual is suffering from sudden cardiac arrest; and

**WHEREAS**, if defibrillation is immediate (within 1 to two minutes), victim survival rates climb to 90%; and

**WHEREAS**, Sturgis Public Schools and the City of Sturgis have entered into a partnership and proposed the *Sturgis AED Placement Program* to place AED units in public facilities that maintain high levels of usage by the public; and

**WHEREAS**, the Sturgis AED Placement Program seeks to decrease response times to sudden cardiac arrest incidents by placing AED units in strategic locations; and

**WHEREAS**, the City of Sturgis is a central service center for St. Joseph and surrounding counties, utilized by the surrounding rural population for a variety of reasons; and

**WHEREAS**, the Sturgis Public School District encompasses the City of Sturgis as well as all of, or portions of, four rural townships with over 3,100 students whose families attend sports events, civic performances and other school related activities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sturgis City Commission supports the collaborative effort between the City of Sturgis and the Sturgis Public Schools to implement the *Sturgis AED Placement Program*.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Austermann, Chrisman  
MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas that the City bills in the amount of \$754,685.22 be paid.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Austermann, Chrisman  
MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$476,529.96 be ratified.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Austermann, Chrisman  
MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Haas to set a public hearing date of Wednesday, January 24, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall for the purpose of discussing the 108 Agreement between the City of Sturgis and Sturgis Township.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Austermann, Chrisman  
MOTION**

**CARRIED**

A meeting has been scheduled for Wednesday, February 7, 2001 to discuss animal control.

Mayor Murphy adjourned the meeting at 8:55 p.m.

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*Sharon A. Hudson, Deputy City Treasurer*

*The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, January 24, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JANUARY 24, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Lampe

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

Minutes of the previous regular meeting held on Wednesday, January 10, 2001 were approved as presented.

Sheldon Fieberkorn, 106 Wenzel, addressed the Commission with his concerns regarding the parking of cars on city streets and the removal of snow on city sidewalks. City staff will look into the situation.

Moved by Comm. Kinsey and seconded by Comm. Austermann to approve the purchase of two (2) 2001 Ford Crown Victoria patrol cars for the police department from Shaheen Ford Mercury, Lansing, Michigan, through the State of Michigan's Extended Purchasing Program in the amount of \$42,124.00.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Lampe**

**MOTION  
CARRIED**

Public hearing on an agreement to share property tax revenues between the City of Sturgis and Sturgis Township pursuant to Public Act 108 of 1995 was held.

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

**RESOLUTION**

**AGREEMENT TO SHARE PROPERTY TAX REVENUES**

**WHEREAS**, on December 27, 2000, the City of Sturgis ("City") and Sturgis Township ("Township") entered into an agreement to Transfer Property and Share Property Tax Revenues Pursuant to 1984 PA 425 and 1995 PA 108 ("Agreement"); and

**WHEREAS**, the City and Township agreed, in order to implement and effectuate the Agreement, to conduct such procedures as are required by Act 108 within a reasonable time; and

**WHEREAS**, the City Commission has conducted a public hearing and otherwise complied with the provisions of 1995 PA 108.

**NOW, THEREFORE**, the City Commission of the City of Sturgis, hereby resolves as follows:

- I. The City shall share property taxes with Sturgis Township pursuant to the provisions of the proposed Agreement to Share Property Tax Revenues Pursuant to 1995 PA 108.
- II. The City Manager is authorized and directed to forthwith transmit a certified copy of this Resolution to Sturgis Township and to file certified copies of this Resolution and the Resolution adopted by Sturgis Township, if any, with the St. Joseph County Clerk and the Office of the Great Seal of the State of Michigan to evidence the tax sharing agreement for the records of each such office.
- III. All prior resolutions of parts of resolutions inconsistent with the foregoing are hereby rescinded.
- IV. The Mayor and the Clerk are authorized to execute the Agreement to Share Property Tax Revenues Pursuant to 1995 PA 108.

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

Moved by Comm. Haas and seconded by Comm. Ludders to adopt a policy to allow the erasing of the recording tapes from city commission meetings once the minutes have been approved.

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

Moved by Comm. Kinsey and seconded by Comm. Austermann to hold a public hearing on Wednesday, February 14, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider the request of MJB Investments for an easement behind 222 W. Chicago Rd. to reconstruct a rear entry stairway.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the City bills in the amount of 1,431,380.37 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$532,019.70 be ratified.

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

Moved by Comm. Kinsey and seconded by Com. Haas to purchase property from the State of Michigan for \$300.00 on tax #75-052-777-062-00, 303 McKee, and to adopt the following resolution:

### **RESOLUTION**

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

**WHEREAS**, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act, parcel number 75-052-777-062-00 with the following legal description: Beg at inter of E ln of W ½ of NW 1/4 with N'y ln of LS & MS RR r/w th N on ½ 1/4 ln to S ln of McKee St th

W'yly alg sd S ln of st to E ln of RR r/w th S'yly al g r/w to N ln of LS & MS r/w th E'yly alg sd N r/w ln to pob, and

**WHEREAS**, the City of Sturgis desires to acquire such lands for purposes of public use.

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

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

**Voting yea: Eight**

**Voting nay: None**

**Absent: Lampe**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to purchase property from the State of Michigan for \$300.00 on tax #75-052-777-503-00, 1190 N. Nottawa and that the following resolution be adopted:

### **RESOLUTION**

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

**WHEREAS**, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act, parcel number 75-014-036-029-01 with the following legal description: Beg N 1934.15 ft & W 88 ft from S 1/4 cor of Sec 36 T7S R10W th E 38 ft th N 50 ft th SW'yly 57 ft m/l to pob .022 ac m/l, and

**WHEREAS**, the City of Sturgis desires to acquire such lands for purposes of public use.

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

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

**Voting yea: Eight**

**Voting nay: None**

**Absent: Lampe**

**MOTION  
CARRIED**

Moved by Comm. Chrisman to transfer property tax #75-052-777-109-00, 500 W. Chicago Rd. (owned by the City) to the American Legion.

**MOTION DIED DUE TO LACK OF SUPPORT**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to hold a public hearing on Wednesday, February 14, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider transferring the property located at 500 W. Chicago Rd. (tax #75-052-777-109-00) from the City of Sturgis to the American Legion.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Lampe**

**MOTION  
CARRIED**



John Griffith, Electric Department Superintendent, introduced Jad Donaldson, president of Titanium Solutions, Ann Arbor, Michigan. Mr. Donaldson discussed preliminary plans to use the city's existing fiber optic cable to develop high-speed data transfer and internet access as an economic development strategy.

The Boy Scouts who were in attendance were welcomed.

Mayor Murphy adjourned the meeting at 8:56 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the minutes taken at the special meeting held on Wednesday, February 7, 2001:*

**SPECIAL MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, FEBRUARY 7, 2001  
WIESLOCH RAUM - CITY HALL**

Mayor Murphy called the meeting to order at 7:00 p.m.

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

Commissioners absent: Lampe, Ludders

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

Mayor Murphy welcomed the visitors and stated the purpose of the meeting as being the need to review the current animal control ordinance, and the situation with the position of the city animal control officer. Mayor Murphy opened the meeting to public discussion.

The following citizens spoke: Lois Rosenberg, 66960 N. Big Hill Rd., Sturgis Animal Care Council - Pet Haven; Susan Sleeper, 68542 Hill St.; Dr. Wilbur Kotcher, 210 Michigan; Tim Christner, 307 N. Clay St.; Jim Barfield, 305 ½ N. Nottawa St.; Vickie Barfield, 305 ½ N. Nottawa St.; Charles Pearson, 307 John Street; Wendy Keller, 204 E. Electric Ct.; Jay Lego, 310 S. Monroe St.; Mary Hahn, 500 George St.; John Pearson, 307 John St.; Carl Holsinger, 108 E. Main St.; Linda Thornburgh, 410 Center; Geoffrey Smith, 103 Mechanic; Deb Layman, 1221 Tulip; Jane Tallmadge, 1201 Michigan; Judy Harker, 68185 Crooked Creek Rd, White Pigeon; Pat Hagadorn, 20199 Dogwood Trail, White Pigeon; Larry Harker, 68185 Crooked Creek Rd, White Pigeon; Diane Capman, 65280 N. M-66; Dave Ives, 705 Devonshire; Alex Drake, 307 John St.; Joseph Bushway, 1056 Cato Lane; and Gary Cookson, 210 S. Nottawa St.

Discussion from the City Commissioners followed.

County Commissioner John Dobberteen spoke regarding the county animal control policies and procedures.

It was decided to hold a joint meeting of the Sturgis City Commission and the St. Joseph County Animal Control Department.

Mayor Murphy adjourned the meeting at 8:46 p.m.

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*Carol F. Rambadt, City Clerk*

*The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, February 14, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, FEBRUARY 14, 2001  
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, Haas, Oster, Mayor Murphy

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

Jay Lego, 310 S. Monroe, asked the Commission when the 200-300 blocks of S. Monroe were going to be repaired. City Manager Jerome Kisscorni responded by explaining that a study of all the streets was being done and when that is completed it will be presented to the City Commission.

City Manager Jerome Kisscorni introduced Doug Smith, the new Director of Recreation, Parks & Forestry.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the purchase of mammography equipment for the Medical Imaging Department for the Sturgis Hospital in the amount of \$62,000.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Haas and seconded by Comm. Austermann to approve the purchase of a Ford Taurus for the Director of Economic Development through the State of Michigan extended purchasing program through Gorno Ford, Woodhaven, Michigan in the amount of \$15,326.00.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Oster to award the bid for an Insulated Bucket Truck for the Department of Public Works from Altec Industries, Inc., Indianapolis, Indiana in the amount of \$116,046.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman that this be considered the first reading on the revised Sturgis Zoning Ordinance.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Public hearing on donating the former Payless Gas Station to the Sturgis American Legion was held.

Moved by Comm. Lampe and seconded by Comm. Ludders that the City donate the former Payless Gas Station to the American Legion.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Oster to approve the request from the American Legion to close down Chicago Road from the Legion Post to Nottawa Street during the annual Memorial Day Parade.

Public hearing on a request from MBJ Investments for an easement behind 222 W. Chicago Road, to reconstruct a rear entry staircase was held.

Discussion followed.

Moved by Comm. Kinsey and seconded by Comm. Oster to grant the request for an easement to reconstruct a rear entry staircase with the changes made regarding the parking proposal as presented by Building Official, George Musolff at 222 W. Chicago Road and more fully described as the parcel of land situated in the City of Sturgis, St. Joseph County, Michigan, described as follows, to wit:

An area of land located in the Southwest Quarter of Section 1, in Town 8 south, Range 10 West, Sturgis Township, St. Joseph County, Michigan more particularly described as follows:

COMMENCING at the Northeast corner of Lot 5 of Block 33 of the Original Plat of Sturgis; THENCE Westerly along the north line of said Lot 5, 58.00 feet to the POINT OF BEGINNING; THENCE Southerly perpendicular to said north line, 4.00 feet; THENCE Westerly parallel with said north line, 8.00 feet; THENCE Northerly perpendicular to said north line, 4.00 feet to a point on said north line; THENCE Easterly on said north line, 8.00 feet to the POINT OF BEGINNING.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

City Controller Mike Vance, and Mike Wilson, C.P.A. of Norman-Paulsen presented the City and Downtown Development audited financial statements.

Pat Moran, C.P.A. of Plante & Moran, presented the Sturgis Hospital audited financial statements for the fiscal year ending September 30, 2000.

Commissioner Austermann reported on the proposal on the design of a new City flag.

Proposed changes to the Sturgis Animal Ordinance were presented.

The following citizens were recognized: Jane Tallmadge, 1201 Michigan; Lois Rosenberg, 66960 N. Big Hill Rd.; and Sue Sleeper, 68542 Hill Street.

Moved by Comm. Lampe and seconded by Comm. Chrisman to consider this the first reading to

approve the amendments to the Sturgis Animal Ordinance.

**Voting yea: Eight**

**Voting nay: Sunday-Horstman**

**MOTION CARRIED**

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

**RESOLUTION**

**WHEREAS**, the Corner Recordation Act (Act 74 of Public Acts of 1970) regulates the establishment of “public land survey corners”; and

**WHEREAS**, Act 34 of Public Acts of 2000 amends Section 10 of the Corner Recordation Act; and

**WHEREAS**, the City of Sturgis has jurisdiction over certain roadways within the City and the authority to establish standards for the placement of corners which are not inconsistent with said Acts.

**NOW, THEREFORE, BE IT RESOLVED**, that all public land survey corners in roadways within the jurisdiction of the City shall be placed in cast iron monument boxes. A monument box placed

in a hard-surfaced roadway shall be placed flush with the roadway surface. A monument box placed in an unsurfaced roadway shall be placed six inches below the roadway surface.

**BE IT FURTHER RESOLVED**, that the surveyor placing a public land survey corner within the jurisdiction of the City shall be responsible for repairing damage to the roadway surface at the surveyor’s expense.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Haas to proclaim February 24, 2001 as the official “Walk for Warmth Day” in the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Haas to proclaim the week of March 23-31, 2001 to be “Celebrate Exchange Week” 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 \$609,343.97 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 \$1,089,484.17 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Mayor Murphy adjourned the meeting at 9:34 p.m.

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*Carol F. Rambadt, City Clerk*

*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, February 28, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, FEBRUARY 28, 2001  
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, Haas, Oster, Mayor Murphy

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, February 14, 2001 were approved as presented.

Julie Bowersox, Sturgis High School student, addressed the Commission with a request to proclaim March as "National Athletic Training Month."

Moved by Mayor Murphy and seconded by Comm. Ludders to proclaim March, 2001 as "National Athletic Training Month" for the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Steve Wilson, 1003 Galyn St., was present to speak on behalf of several citizens, to seek financial reimbursement for automobile damage obtained by hitting a pothole on S. Lakeview Avenue on February 9, 2001.

Discussion followed.

City Manager Jerome Kisscorni and Attorney Roger Bird explained governmental immunity and expressed their sympathy to those who received damages to their vehicles. All claims were denied by the City's insurance carrier, including the damages done to a city police car.

Merrill Friddle, 204 Second Street, requested that a dumpster location for volunteer trash pick-up be established. The City Manager and Staff will look into it.

Moved by Comm. Kinsey and seconded by Comm. Austermann to consider this the second and final reading on the revised Sturgis Zoning Ordinance. A zoning ordinance regulating the development and use of land has been adopted by the City Commission of the City of Sturgis, Michigan, with an effective date of April 1, 2001. A copy of this amended ordinance, in its entirety, may be viewed in the City Clerk's office, located at 130 N. Nottawa Street, Sturgis, Michigan, from Monday through Friday between the hours of 8:30 a.m. to 5:00 p.m.

**SUMMARY OF AMENDED STURGIS ZONING ORDINANCE**

1. **Definitions** - We have reduced the number of definitions from 390 to 235. Primarily eliminated definitions of words not utilized in the ordinance - examples (acre, air right, amenity, exaction, floating zone, muck, north point, potable water, soil, etc.). In addition to elimination of some definitions clarification was made to some and several new definitions were added - examples (accessory use, amusement arcade, major and minor auto repair, guarantee, mechanical amusement device, non-conforming structure, rubbish, etc.). We have added illustrations of a number of definitions and elsewhere throughout the ordinance to clarify ordinance intent.
2. **Districts** - All existing ordinance zones are to remain in the ordinance. We have added three new districts, R-5 Residential, P-Parking and PD Planned Development. Changes and additions to zoning text for each district follows.
  - c. **R-1 Rural Residential** - Have added Child Care Facilities and Home Occupations as permitted uses.  
**Special Uses** - Have added Functional Equivalent Family, Reasonable Accommodation Use and Child Care Center for any number of children. A functional equivalent family is people living together (may not be married) as the equivalent of a domestic family (see definition on page 2-20 and Special Use provisions on page 6-10). A reasonable accommodation use is housing accommodation for handicapped persons in a residential district (see special use provisions on page 6-11).  
**Required Conditions** - Have added Dwelling Unit Review and Site Plan Review. This section deals with standards for review of dwelling to assure compatibility with neighboring properties. This section supplements the section in the current ordinance dealing with movement of buildings (current ord. (Sec. 1.1301 B). The new language provides more specific standards on which judgement can be made and gives the building official the option of requesting Planning Board review. These same dwelling unit review requirements are mandatory in all residential districts.
  - b. **R-2 Subdivision Residential** - Added Child Care Facilities, Home Occupations and Accessory Uses as permitted uses.  
**Special Uses** - Have eliminated Low - Density Apartments and have added Functional Equivalent Family, Reasonable Accommodation Use and Child Care Centers.  
**Required Conditions** - Have added Dwelling Unit Review.
  - b. **R-3 Residential** - Added Country Clubs and Golf Courses, Home Occupations Child Care and Accessory Structures as permitted uses.  
**Special Uses** - Have added Functional Equivalent Family, Reasonable Accommodation Use and Child Care Centers.  
**Required Conditions** - Have added Dwelling Unit Review.
  - b. **R-4 Apartment** - As permitted uses - have added Country Clubs and Golf Courses, Home Occupations, Child Care Centers, and Accessory Structures.

**Special Uses** - Have eliminated Groups Dwellings, Mobile Parks and have added Functional Equivalent Family, Reasonable Accommodation Use, and Child Care Centers.



- Required Conditions - Have added Dwelling Unit Review and Site Plan Review.
- e. R-5 Residential - A new district allowing all of the same uses as the R-3 district as permitted uses.  
Special Uses - Allows Low-Density Apartments, Two-Family Dwellings, Mobile Home Parks, Mobile Home Subdivisions and the other special uses allowed in R-3 Districts. This district addresses Mobile Homes which were formerly addressed as special uses in the R-4 Apartment District.  
Required Conditions - Site Plan Review and Dwelling Unit Review are required.
- e. B-OS Business Office Services - Have eliminated Stores for Retail Sales and Services. Stores for retail sales as a permitted use is extremely broad. The limited size and location of B-OS Districts could put abutting properties (mostly residential dwellings) at a disadvantage should some retail stores locate in B-OS Districts such as fast food restaurants or other high traffic volume stores.  
Special Uses - Have eliminated “Repairs and Processing of Materials”. This terminology could be interpreted to include almost any kind of activity such as manufacturing or repair of automobiles, etc. Uses that currently exist, if repairing or processing of materials, would be considered legal non-conforming uses and can continue to operate or if granted a class “A” non-conforming status could be allowed to expand. As a special uses we have also eliminated “Planned Unit Development” as the new ordinance is providing for Planned Unit Development as a new and separate zoning district. Added to special use are Functional Equivalent Family, Reasonable Accommodation Use and Child Care Centers.  
Required Conditions - Are generally the same as current requirements.
- e. B-C Central Business District - Uses permitted are primarily the same as the current ordinance with the exception that recreation and amusement have been eliminated as they are activities and not a specific land use. The current ordinance does not define the type of amusement or recreation that is intended, leaving this open to very broad interpretation.  
Special Land Use - Includes all of current special uses plus Sidewalk Cafes and Outdoor Sales Areas are addressed.  
Required Conditions - The same conditions are imposed as in the current ordinance with the addition of Design Review Provisions addressed in a new section on page 13-1 of the ordinance.
- e. B-H Highway Business - All uses permitted in B-OS and B-C District are permitted along with all the uses currently permitted in the B-H District. Added as permitted uses are Bowling Alleys and Pool Halls, eliminated are Warehouse, Distribution and Storage of Goods as a principal use. These are best placed in Industrial Districts. This does not preclude a business having these activities as an Accessory Use.  
Special Uses - Have eliminated Mobile Home Parks, Planned Unit Development and Fabrication. Fabrication is an activity that is not specifically defined as to type similar to the terminology repairs and processing which was addressed in f above in the B-OS District. Outdoor Sales Areas and Child Care Centers are added.  
Required Conditions - All required conditions in the current B-H district are included. Screening of trash receptacles has been added.

- i. M-Manufacturing District - Uses permitted are basically the same as the current ordinance however, we have eliminated as separate uses activities that are normally part of Industrial and Manufacturing (these include fabrication, processing, assembly, packaging, printing, reproduction, and transportation). Added as permitted uses are Commercial Kennels, Greenhouse, Trade or Industrial Schools, Airports and other uses of a similar character.
  - b. P-Parking District - This is a new district to permit the establishment of areas to be utilized solely for off-street parking as a use incidental to a principal use. This district will generally be provided by request to serve a use district which has developed without adequate parking.
  - c. PD - Planned Development District - The current ordinance makes provisions for planned unit development as a special use in all districts and provides for mixed use (Single-Family, Apartment Development, Commercial Office and Industry) in any district without rezoning. There are no guidelines that require adherence to the Master Plan for Future Land Use. By setting the PD Development as a separate District more specific control in accord with the objectives of the City's Master Plan can be achieved as indicated in the Intent section of the proposed ordinance (page 4-25). Extensive standards and procedures are spelled out in this section. No area will be designated on the zoning map until a request for this district is made and detailed plan is submitted and approved by the Planning Board and City Commission. At such times as a plan is approved the plan becomes part of the PD District and is so designated on the zoning map.
- 
- Schedule of Regulations - The current ordinance provides an abbreviated appendix section to the ordinance covering most aspects of physical requirements such as lot area building height, setbacks, lot coverage, etc. The proposed ordinance provides a more extensive table (page 5-5) which relates to all of the preceding zoning districts. The new schedule of regulations also provides for lot averaging (page 5-6) and subdivision open space planning (page 5-7) these two provisions allow for more up-to-date innovative subdivision planning (see illustration following page 5-17).
- One-Family Cluster Housing is also addressed in the proposed ordinance. This type of housing allows the attaching of up to 4 single-family dwelling in those instances where a site can qualify due to unusual site conditions as spelled out in the ordinance (page 5-9). This type of housing is usually a condominium development.
- 
- Special Land Uses - Some 32 Special Land Uses and the standards for review of each uses is portrayed in this section. Many of the Special Land Uses in the current ordinance (total of 28) are included and expanded upon. Special Land uses added include Mobile Home Subdivisions, Functional Equivalent Family, Reasonable Accommodation use, Sidewalk Cafes, Outdoor Sales Area, Car Wash, Small Engine Repair and Billboards.
- 
3. General Exceptions - A short new section added to address things not covered by zoning (page 7-1) such as Essential Services, Voting Place, etc. There are also listed conditions where encroachments into required yard setbacks may be allowed such as decks, porches, etc.
  4. Non-Conforming Use and Structures - This section remains the same as the current

- ordinance (page 8-1).
5. **Off-Street Parking and Loading** - Current ordinance parking standards have been updated and expanded (page 9-1 through 9-13). Parking requirements were added to include Elderly Housing, Nursing Homes, Schools, Clubs, Auto Wash, Assembly Halls, Drive-in Restaurants, Drive-through Facilities, Carry-out Facilities, Fast Food Establishments, Mini Storage, Oil Change, etc.
  - I. **Signs** - This section (page 10-1 through 10-10) has been revised to set standards based on districts (i.e. One-Family Apartments, Churches/Schools, etc., Business Office Service, Central Business District, Business Highway and Manufacturing). Different areas of the Community require different sign requirements and standards. No change to recently adopted signs provisions for the B-C Central Business District are proposed. Billboards are proposed to be only allowed in M Districts as a Special Use approved by the Planning Board.
  - II. **General Provisions** - These provisions cover Cellular Towers and Airport Glide Path which remain unchanged from the current ordinance. Additional general provisions include items such as walls and fences, corner clearance, garbage and refuse screening, swimming pools, basement dwellings, abandoned buildings, etc. These requirements are substantially the same as the current ordinance. Repair of vehicles as accessory uses on residential properties is addressed in the proposed ordinance (page 11-26).
  - III. **Site Plan Review** - This section of the new ordinance is the same as the current ordinance.
  - IV. **Design Review - Central Business Area** - This is a proposed new section of the zoning ordinance (page 13-1). The purpose of these provisions is to provide for review of developments in the CBD to assure objectives of compatible design and general enhancement of the area will result from new development and redevelopment in the Central Business Area. A design review Committee of the Planning Board will review development plans in keeping with the City's adopted design guidelines (as already adopted by the D.D.A.). The whole Planning Board reviews the recommendations of the committee as part of the Site Plan Review for each project.
  - V. **Administration and Enforcement** - This section is unchanged as it relates to building permits. Current items including Occupancy Permits, Enforcement, Planning Board, District Changes, Public Nuisance, Rights and Remedies and Penalty remain unchanged. The Zoning Board of Appeals section (page 14-5) remains unchanged except for the addition of Land Use Variance Procedures (page 14-10).

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

City Manager Jerome Kisscorni spoke regarding the changes that would need to be made to the current city dog pens that would make them accessible to hold cats. He also explained a few other possibilities for changing locations of the city pens.

Mayor Murphy opened the meeting to the public.

The following citizens spoke: Lois Rosenberg, 66960 N. Big Hill Rd.; Pat Hagadorn, 20199 Dogwood Trail, White Pigeon; Vicky Hart, 1415 Rolling Ridge; Gary Cookson, 210 S. Nottawa St.; Vicki Cowan, 206 N. Fourth Street; Sue Sleeper, 68542 Hill Street; Mary Hahn, 500 George Street; and Jim Vicalvi, 306 N. Lakeview Ave.

Discussion followed by the Commissioners.

Moved by Comm. Lampe and seconded by Comm. Ludders that this be considered the second

and final reading on proposed changes to the Sturgis Animal Ordinance.

**AMENDMENT TO THE ANIMAL CONTROL PROVISIONS OF  
THE ORDINANCES OF THE CITY OF STURGIS**

An ordinance to amend Chapter 90 of the Ordinances of the City of Sturgis pertaining to the control of animals within the City, and to provide for an effective date of this Ordinance.

**WHEREAS**, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the animal control provisions of the City Ordinances;

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

Chapter 90 of the City Ordinances is hereby amended to provide as follows, effective as of June 1, 2001:

**CHAPTER 90:**

**ANIMALS**

**§90.01 OWNER NOT TO ALLOW DOG OR CAT TO RUN AT LARGE.**

- (A) No person shall own, harbor, or keep a dog or cat which runs at large at any time beyond the limits of the lands owned or possessed by its owner, keeper, or harbinger, or on the public streets, sidewalks, alleys, or on other public property.
- (B) For the purpose of this section, a dog or cat shall not be considered to be running loose or at large whenever it is under control at all times of any person by means of a leash, chain, cord, or rope of not more than six feet in length.

**§90.02 HARBORING OF DOG CONSTITUTING DANGER OR NUISANCE.**

No person, group of persons, association or corporation shall own or harbor a dog which:

- A. At any time has destroyed property, or habitually trespasses in a damaging way, or habitually commits a nuisance on the property of persons other than the owner or the person harboring the dog;
- B. Shows vicious habits or molests passerby who are lawfully on a public street, public park or school grounds, whether or not the dog is on a public street;
- C. At any time has attacked or bitten a person;
- D. Habitually runs or barks at pedestrians or vehicles;
- E. Is kept upon the premises of the owner or person harboring said dog under such unsanitary conditions that the maintenance or keeping of the dog creates vile smells, to the annoyance of the public in the vicinity; or
- F. Causes a serious annoyance to the neighborhood, or to people passing upon the streets, by loud or frequent or habitual barking, yelping or howling.

**§90.03 IMPOUNDING OF STRAY DOGS AND CATS.**

Any dog or cat found running at large may be impounded by any police officer and turned over to the county animal control officer for disposition as prescribed by the statutes of the State of Michigan and policies adopted by the City and County.

**§90.04 OPERATING A DOG KENNEL IN CITY PROHIBITED.**

No person, group of persons, association or corporation shall keep, operate, or maintain a dog kennel within the limits of the city. A dog kennel, as used in this section means any establishment wherein or whereon more than two dogs are owned, kept, or harbored. This section shall not apply to the owning, keeping, or harboring of any dog pups until they attain the age of four months.

**§90.05 NOTICE TO OWNER OF DOG OR CAT VIOLATION.**

The chief of police or his designate may serve, or cause to be served, upon the owner or person harboring any dog or cat in violation of the provisions of this chapter a written notice, setting

forth the time, date, place and circumstances of the violation and directing said owner or person harboring the dog or cat to comply forthwith with the provisions of this chapter.

**§90.06 ORDER TO SHOW CAUSE; HEARING.**

Upon sworn complaint thereof to any court of competent jurisdiction, anyone who shall own, keep or harbor a dog in violation of section 90.02 may be served with a summons, returnable at such time as the court shall direct, ordering him to show cause why such dog should not be destroyed, after a hearing on the merits. The court may order such dog destroyed or may make such other or further orders as the circumstances may require. If the person owning, keeping or harboring such dog shall disobey such order, he shall be liable for the punishment provided in section 90.99.

**§90.07 REMOVAL OF DEFECATION.**

No owner or person having custody of any dog or other animal shall permit such dog or other animal to defecate on any school grounds, public street, alley, sidewalk, terrace, park, other public grounds or private property in the city, other than on the premises of such owner or person, unless such defecation is promptly removed.

**§90.10 CATTLE, HORSES AND OTHER ANIMALS NOT TO RUN AT LARGE.**

No owner or keeper of any cattle, horses, mules, sheep, swine, goats, or any person having any such animals in their possession, shall allow the same to run at large upon any of the public streets, lanes, alleys, parks or highways, within the city.

**§90.11 KEEPING PIG OR MAINTAINING PIG STY RESTRICTED.**

No person or persons shall keep a pig, or maintain a pig sty within the residential portion of the city.

**§90.12 KEEPING OF ANIMALS, FOWL, ETC. RESTRICTED.**

No horse, cow, calf, swine, sheep, goat, chickens, geese, ducks, donkeys, or pigeons shall be kept in any dwelling or part thereof. No such animals or fowl shall under any circumstances be kept on the same lot or premises with a dwelling unless they are maintained in connection with the operation of a bona fide farm. Notwithstanding the foregoing, it shall be permissible to own, keep, or harbor not more than two (2) adult rabbits per household, together with not more than eight (8) young rabbits until they attain the age of four (4) months.

**§90.13 IMPOUNDMENT OF ANIMALS OR FOWL.**

Whenever a person violates sections 90.10, 90.11, or 90.12, his animal or fowl may be impounded by the city health officer.

**§90.99 PENALTY.**

Whoever violates any provisions of this chapter shall, upon a finding of responsibility for a civil infraction, be fined the sum specified in any fine schedules compiled, from time to time, by the city and filed with the court or a city agency of competent jurisdiction.

A failure to pay any fine imposed by a court or city agency of competent jurisdiction within any specified time period or a second violation of the same ordinance within a ninety-day period shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the county jail for a period not to exceed ninety (90) days, or both.

**Voting yea: Eight**

**Voting nay: Sunday-Horstman**

**MOTION  
CARRIED**

Gerry Mayer, Housing Director, John Hayes, Director of Economic Development, and George

Musolff, Building Inspector, presented an updated report on the Newport Building.

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to approve the request from the Sturgis CROP Walk Organization to hold their 2001 CROP Walk on Sunday, April 29<sup>th</sup>.

**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 \$1,224,835.54 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 \$699,783.32 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Chrisman to proclaim March 16, 2001 as a day to honor Ken and Karen Mills for their commitment in the Youth of Christ organization and in helping the young people in our community.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Francis Losinski, 809 Nottingham, asked if S. Nottawa was going to be repaired in the near future. Comm. Lampe responded by explaining there was a lack of funds to do so. Mr. Losinski also expressed his opinion that he felt there was a conflict of interest with a City Commissioner serving on the D.D.A. Board. The City Attorney, Mayor, and Commissioners responded.

Mayor Murphy adjourned the meeting at 9:45 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the regular meeting held on Wednesday, March 14, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MARCH 14, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Kinsey

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

Minutes of the previous regular meeting held on Wednesday, February 28, 2001 were approved as presented.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the request from the Sturgis Hospital to modify the City Commission approval of capital purchases as follows:

1. The Hospital Board of Trustees limits for approval to be increased from \$5,500 for all items to \$10,000 for unbudgeted and \$20,000 for budgeted items.
2. The City Commission limits for approval would not change for unbudgeted items. This would remain at the current limit of \$50,000. For items that are budgeted, the approval limits would change from \$50,000 to \$75,000.
3. We recommend the elimination of the language regarding purchase of supplies and services in an amount not to exceed \$250,000.

**Voting yea: Five**

**Voting nay: Sunday-Horstman, Chrisman**

**Absent: Kinsey**

**MOTION CARRIED**

Due to the absence of Mark Nottley, consultant from the Municipal Consulting Services, the review of the Police Department Study was moved to item 11-A on the agenda.

Gerry Mayer, Housing Director, presented an updated report on the Newport Building.

By consensus, the request from the Trinity Lutheran Church to hold their annual Cross Walk on Good Friday, April 13, 2001 was granted.

By consensus, the resignation of LaVenia Stevens from the Sturgis Housing Commission was accepted, with the understanding that a letter of appreciation will be sent, and that a plaque of appreciation will be presented to her for her many years of service on the Housing Commission.

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$704,467.08 be paid.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Kinsey**

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the Hospital bills in the amount of \$655,424.70 be ratified.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Kinsey**

**MOTION  
CARRIED**

Comm. Ludders commended the Sturgis Police Department for their recent drug arrests. With the cooperation and assistance of the Michigan State Police Methamphetamine Team, Young Environmental Services and the Sturgis Fire Department, a methamphetamine lab in Sturgis was safely dismantled. The Commissioners and visitors showed their appreciation by giving a round of applause.

City Manager Jerome Kisscorni presented the results of the Police Department Study.

The following members of the Sturgis Police Department were present: Chief Eugene Alli, Cpl. Eli Whitney, Patrolman Bill Lentz, Cpl. Dave Northrop, Communications Supervisor Lula Harmon, Patrolman Luis Rosado, Dispatcher Rick Sweitzer, Cpl. Rich Johnson, Youth Services Officer Geoff Smith, Sgt. Dave Ives, Sgt. Phil Campbell, Records Clerk Diana Campbell, and Executive Secretary Tami Wilmot. Other family members were also present to show their support and concern.

Mayor Murphy responded by saying that he liked the report, he was pleased with it, and he believes by the report results, that the job is getting done by a good chief and competent officers. By consensus, it was decided to take no action until all members of the police department were given the results of the report to review, and to meet back with the City Manager, Police Chief, the consultant, and the Commissioners for a question and answer session.

Mayor Murphy adjourned the meeting at 8:26 p.m.

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***Mary M. Stoddard, Deputy City Clerk***



*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, March 28, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MARCH 28, 2001  
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, Haas, Oster, Mayor Murphy

Commissioners absent: None

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

Minutes of the previous regular meeting held one Wednesday, March 14, 2001 were approved as presented.

Scott Jeffries, 1011 Merribe, shared information on a conference to be held in Flint pertaining to enabling families in the community to develop character. He will return to share the results of the conference at a later date.

Moved by Comm. Kinsey and seconded by Comm. Ludders to award the low bid for a primary metering cabinet with switches and fusing for the Electric Department to Champion, Inc., Mt. Pleasant, Michigan in the amount of \$8,485.00.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to award the low bid for a 15,000 volt URD cable for the Electric Department to WESCO, Muncie, Indiana in the amount of \$21,964.80.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Ludders to award the low bid for the Sturgis City Subdivision Phase II sanitary sewer and water main improvements for the Engineering Department to Western Contractors, Inc., White Pigeon, Michigan and Morris Excavating, Inc., White Pigeon, Michigan, as a joint venture, in the amount of \$149,501.50.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Mark Nottley, Municipal Consulting Services, presented the results of the Police Department Study. Mr. Nottley stated that the study found the Sturgis Police Department to be very strong, well administered, and professional, with good people. However, there were areas which could be improved, as is the case with all departments when this study is administered.

Discussion followed.

Chief Alli was present to answer questions for the Commission regarding departmental policies and procedures, including duties of the desk officers in dispatch and transporting prisoners to the St. Joseph County Jail.

Further discussion followed.

The following officers spoke expressing their opinions: Patrolman Bill Lentz, Union Steward for the Sturgis Police Department; and Cpl. Rich Johnson. Asst. Fire Chief Mike Houck also spoke.

The following police and fire personnel were present to show their concern and support: Chief Eugene Alli, Patrolman Bill Lentz, Cpl. Dave Northrop, Cpl. Eli Whitney, Dispatcher Rick Sweitzer, Youth Services Officer Geoff Smith, Records Clerk Diana Campbell, Executive Secretary Tami Wilmot, Communications Supervisor Lula Harmon, Det. Sgt. Jim McNeil, Cpl. Rich Johnson, Asst. Fire Chief Mike Houck, and retired Asst. Fire Chief Scott Harmon.

Mayor Murphy thanked everybody for their opinions and concern, and for attending the meeting. No action was taken at this time.

Moved by Comm. Lampe and seconded by Comm. Haas that this be considered the first reading of an ordinance to amend Title III of the ordinances of the City of Sturgis adding Chapter 37 pertaining to the collection of charges for services rendered by the City.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

John Hayes, Director of Economic Development, presented the Economic Development Report.

Kim Musolff, Director of the Downtown Development Authority, presented an updated report on the DDA Legacy III Project.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the Airport Lease #2 and addendums between the City of Sturgis and Double D.Holdings.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Oster and seconded by Comm. Ludders to approve the Citizen's Sidewalk Committee's proposed Five-Year Sidewalk Construction. By consensus, it was decided to direct the City Engineer to construct a 5-foot sidewalk by the new school at N. Lakeview and E. Lafayette.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the City bills in the amount of \$1,528,797.27 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$594,648.86 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

A joint meeting between the Sturgis School Board and Sturgis City Commission will be held on May 3<sup>rd</sup> at 6:00 p.m.

### **RESOLUTION**

**A vote was taken to recess under the Open Meetings Act to review the City Manager's performance.**

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

**Voting nay: None**

**MOTION  
CARRIED**

**The meeting recessed at 10:15 p.m.**

**The meeting reconvened at 12:13 a.m.**

Mayor Murphy adjourned the meeting at 12:13 a.m.

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***Mary M. Stoddard, Deputy City Clerk***

*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, April 11, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, APRIL 11, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Chrisman, Mayor Murphy

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

Minutes of the previous regular meeting held on Wednesday, March 28, 2001 were approved as corrected.

Earl Arend and Joe Parker were present to share an award they received for Sturgis holding the Crop Walk for the 30<sup>th</sup> consecutive year, which puts them at the top of the list for Michigan cities. This year's Crop Walk will be held on April 29<sup>th</sup>.

Pastor Doug Carr requested permission to hold the annual National Day of Prayer in front of City Hall on May 3<sup>rd</sup>.

Moved by Comm. Kinsey and seconded by Comm. Lampe to grant permission to the Sturgis Ministers Association to hold a one hour prayer in front of City Hall on May 3<sup>rd</sup>, in honor of National Prayer Day, from 12:00 noon until 1:00 p.m.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Chrisman, Mayor**

**MOTION**

**CARRIED**

Jay Lego, 310 S. Monroe Street, was present to request an update on street repairs. City Manager Jerome Kisscorni responded explaining that there were dollars budgeted for major street repairs this coming year and the City is waiting for a study to be completed by an engineering firm before any decisions are made.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the capital expenditure request from the Sturgis Hospital to purchase cardiac monitoring and telemetry equipment in the amount of \$178,696.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Chrisman, Mayor**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Ludders to consider this the second reading and approval of an ordinance to amend Title III of the ordinances of the City of Sturgis adding Chapter

37 pertaining to the collection of charges for services rendered by the City and to set an effective date of May 16, 2001.

**AMENDMENT TO TITLE III  
OF THE ORDINANCES  
OF THE CITY OF STURGIS**

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to create an ordinance providing for the collection of charges for services rendered by the City;

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

**TITLE III, CHAPTER 37: COLLECTION OF CHARGES FOR CITY SERVICES**, is hereby added to the ordinances of the City of Sturgis to provide as follows effective as of May 16, 2001:

**CHAPTER 37: COLLECTION OF CHARGES FOR CITY SERVICES.**

**§36.01. Legislative Findings.**

The City of Sturgis has the authority pursuant to its ordinances to provide benefit to premises within the City for which reimbursement is authorized. The City lacks an effective way to collect those charges. This ordinance is intended to facilitate the collection of those charges by the City.

**§36.02. Definitions.**

Unless the context specifically indicates otherwise, the meaning of the following terms used in this Chapter shall be as follows:

- (1) "Public Improvement" - An improvement to premises within the City as defined in MSA §5.2733(b), as modified from time to time.
- (2) "Service" - The supplying by the City, directly or indirectly, of a benefit to a premise located within the City pursuant to one of the following ordinances of the City:
  - (a) Chapter 50: WATER AND SEWER SYSTEMS.
  - (b) Chapter 52: LIGHTING AND ELECTRIC SERVICE.
  - (c) Chapter 93: NUISANCES.
    - A. Chapter 94: STREETS AND SIDEWALKS.
    - B. Chapter 96: TREES AND SHRUBS
    - C. Chapter 153: PROPERTY MAINTENANCE CODE.
    - D. ZONING ORDINANCE.

**§36.03. Lien and Assessment for Unpaid Service.**

In addition to any other provision of the ordinances of the City of Sturgis, all charges for service shall constitute a lien upon the respective properties served. If any charge remains delinquent for six (6) months or more, it may be certified to the City Assessor by Resolution of the City Commission and assessed against the property on the next City tax roll, in which event such charge shall be collected

and returned in the same manner as other City taxes are collected and returned.

**§36.04. Exemption for Service for Public Improvements.**

Notwithstanding the provisions of Section 36.03 of this Chapter, in a case where a tenant is responsible for the payment of the charge for a service relating to a public improvement, and the City is so notified in writing, such notice to include a true copy of the Lease of the affected premises, if there be one, then the charge for such service shall not become a lien against said premises after the date of the notice and during the period stated in the notice with respect to the obligation of said tenant.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Chrisman, Mayor**

**MOTION**

**CARRIED**

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

**RESOLUTION**

**WHEREAS**, the Sturgis City Commission at its regular meeting on April 11, 2001 adopted an Ordinance providing for the attachment of a lien and assessment for delinquent electric utility bills; and

**WHEREAS**, the Sturgis City Commission adopted an Ordinance on June 11, 1997, effective July 1, 1997, adopting the “Terms and Conditions for Electric Service” dated June 11, 1997; and

**WHEREAS**, the Sturgis City Commission has determined that the “Terms and Conditions for Electric Service” should be modified to incorporate a provision regarding the attachment of a lien and assessment for delinquent electric utility bills, as provided for pursuant to the aforementioned Ordinance;

**NOW, THEREFORE, BE IT RESOLVED** that the following provision be added to the “Terms and Conditions for Electric Service”:

C-11. Lien and Assessment for Delinquent Bills

Delinquent electric utility bills shall constitute a lien upon and be subject to a tax assessment against the premises served pursuant to the provisions of an Ordinance adopted by the City of Sturgis on April 11, 2001.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Chrisman, Mayor**

**MOTION**

**CARRIED**

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the Cat Disposal Agreement between the City of Sturgis and St. Joseph County as presented.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Chrisman, Mayor**

**MOTION**

**CARRIED**

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

**RESOLUTION**

**WHEREAS**, the City of Sturgis has been awarded grant funding through the Michigan Department of Natural Resources CMI grant Program for the upgrade and expansion of Wall School fields; and

**WHEREAS**, the City of Sturgis agrees to appropriate all funds necessary to complete the project during the project period and to provide One Hundred Thirty Nine Thousand Six Hundred Fifty (\$139,650.00) dollars to match the grant authorized by the DEPARTMENT; and

**WHEREAS**, the City of Sturgis agrees to maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times; and

**WHEREAS**, the City of Sturgis agrees to construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement; and

**WHEREAS**, the City of Sturgis agrees to regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms; and

**WHEREAS**, the City of Sturgis agrees to comply with any and all terms of said Agreement including all terms not specifically set forth in the ongoing portions of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Sturgis, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of Sturgis does hereby specifically agree, but not by way of limitation.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Mayor  
Murphy**

**MOTION**

**CARRIED**

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

### **RESOLUTION**

**WHEREAS**, tourism is the second largest industry in the State of Michigan. According to the Travel Industry Association of America, the economic impact of travel in the State of Michigan is \$10,582,000,000 and Michigan is the 13<sup>th</sup> most popular travel destination in the United States; and

**WHEREAS**, US 131 is a major gateway for the tourism industry into the State of Michigan; and

**WHEREAS**, the Michigan Department of Transportation is currently developing a plan for the US 131 corridor from the Indiana Toll Road to the Kalamazoo County Line; and

**WHEREAS**, planned improvements will increase the use of US 131 and the importance of this gateway for the tourism industry in the State of Michigan; and

**WHEREAS**, welcoming tourists into the State of Michigan and dispersing tourism related information is an essential component of continued success for the tourism industry; and

**WHEREAS**, the aesthetic qualities of the US 131 corridor are an important component of tourist's experience in the State of Michigan; and

**WHEREAS**, establishment of a welcome center and roadway enhancement requires the collective efforts of all affected local communities, government, and MDOT to identify, interpret and enhance what is important to the area such as our history, culture and natural beauty.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sturgis City Commission supports the Tourism Council of St. Joseph County requests for a welcome center to be established and enhancement study and implementation take place on US 131 from the Indiana State line to the Kalamazoo County line along the US 131 Corridor in St. Joseph County.



**Chrisman, Mayor**

**MOTION**

**CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to proclaim the week of April 22<sup>nd</sup> through April 28<sup>th</sup>, 2001 as “National Crime Victims’ Rights Week” in the City of Sturgis.

**Chrisman, Mayor**

**MOTION**

**CARRIED**

City Manager Jerome Kisscorni presented the proposed 2001-2002 Fiscal Year Budget.

Moved by Comm. Sunday-Horstman and seconded by Comm. Lampe that the City bills in the amount of \$551,516.96 be paid.

**Chrisman, Mayor**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the amount of \$1,119,271.57 be ratified.

**Chrisman, Mayor**

**MOTION**

**CARRIED**

The dates of Saturday, April 21<sup>st</sup> and Saturday, May 12<sup>th</sup> have been set for the “Adopt a Street” program.

Moved by Comm. Kinsey and seconded by Comm. Austermann to grant the request of the Sturgis Downtown Development Authority to obtain a \$50,000 line of credit from a local financial institution to use only if needed to keep their budget balanced.

**Chrisman, Mayor**

**MOTION**

**CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to refer to the planning board a proposal to change the current five foot (5') setback to a 10 foot (10') or more setback for new construction on empty lots.

**Chrisman, Mayor**

**MOTION**

**CARRIED**

Vice-Mayor Haas adjourned the meeting at 8:34 p.m.

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*Mary M. Stoddard, Deputy City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, APRIL 25, 2001  
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, Assistant City Attorney, Assistant to the City Manager, Director of Economic Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, April 11, 2001 were approved as presented.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to award the low bid for pad mounted transformers for the Electric Department to RESCO, Madison, Wisconsin in the amount of \$43,622.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Oster and seconded by Comm. Kinsey to award the low bid for pole mounted transformers for the Electric Department to Champion, Inc., Mount Pleasant, Michigan in the amount of \$7,620.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the low bid for underground feeder installation for the Industrial Substation for the Electric Department to Balos Engineering and Electric, Constantine, Michigan in the amount of \$52,375.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to award the low bid for a new mausoleum for the Cemetery Department to Granit-Bronz, Cold Springs, Minnesota in the amount of \$120,814.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Haas and seconded by Comm. Austermann to award the purchase of a vehicle

for the Police Department through the State of Michigan Extended Purchasing Program to Gorno Ford, Woodhaven, Michigan in the amount of \$15,326.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Steve Vandenbrink, Fleis & Vandenbrink Engineering, presented the results of the Street Inventory and Condition survey.

Sturgis Police Chief Eugene Alli presented the Police Department Annual Report.

Discussion followed and Chief Alli answered questions asked by the commission.

Mayor Murphy expressed his approval at the annual report, stating that it went along with what the police department study was saying, which is that we have a solid police department. He continued by saying that the police department has the appreciation of the city commission and for Chief Alli to please convey that to his officers.

Director of Economic Development John Hayes presented an updated report on the Newport building.

Moved by Comm. Haas and seconded by Comm. Ludders to consider this the introduction and first reading of an amendment to the Zoning Ordinance pertaining to the regulation of signs in the One-Family Districts and the B-H Highway and M-Manufacturing Districts.

**Voting yea: Eight    Voting nay: None    Abstaining: Kinsey**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Ludders to consider this the introduction and first reading of an amendment to the Zoning Ordinance pertaining to Zoning of annexed areas.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Oster and seconded by Comm. Austermann to consider this the introduction and first reading on an amendment to the Zoning map to change the Zoning designation of certain property from R-1 Rural Residential to M-Manufacturing.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to consider this the introduction and first reading of an amendment to the Zoning Ordinance map to change the Zoning designation of certain property from the R-4 Apartment to R-5 Residential Zoning District.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to grant the request from the March of Dimes to hold its annual "Walk America" on May 6<sup>th</sup> in the City of Sturgis.

**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 \$1,670,773.60 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$660,430.23 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

John Griffith, Electric Department Superintendent, presented an overview of the Metropolitan Area Network (MAN) project.

Jad Donaldson, President of Titanium Solutions, Inc., Ann Arbor, Michigan, was present to answer

questions about Phase I, the Initial Digital Services Offering. Phase I includes dedicated speeds to the Internet for the companies that have committed to the Metropolitan Area Network (MAN) project. Moved by Comm. Oster and seconded by Comm. Ludders to approve Phase I, the Initial Digital Services Offering.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Mayor Murphy adjourned the meeting at 9:28 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the minutes  
taken at the regular meeting held on May 9, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MAY 9, 2001  
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, Haas, Mayor Murphy

Commissioners absent: Oster

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

Minutes of the previous regular meeting held on Wednesday, April 25, 2001 were approved as corrected.

Moved by Comm. Lampe and seconded by Comm. Austermann to award the low bid for an air-handler and the related equipment for the Sturgis Hospital to Trane, Grand Rapids, Michigan in the amount of \$36,919; to award the bid for the installation to Industrial Piping and Maintenance, Sturgis, Michigan in the amount of \$55,100, and to include a contingency fund in the amount of \$7,982, for a total amount not to exceed \$100,000.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

The bid for a headgate replacement and tailrace scour for the Hydro Plant (Electric Department) was postponed to allow a rebid, since only one bid response was received..

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to award the low bid for Spring Tree Planting for the Forestry Department to Arnett's Landscaping & Garden Center, Constantine, Michigan in the amount of \$8,160.00.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Comm. Austermann presented a \$100.00 check to Lois Lampe, winner of the New City Flag Contest.

Public hearing on the 2001-02 Fiscal Year Budget was held.

**RESOLUTION**

Moved by Comm. Kinsey and seconded by Comm. Lampe that the proposed annual budget for the 2001-2002, of the City of Sturgis be approved. After holding a public hearing on May 09, 2001 and receiving public comment on the 2001-2002 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 2001-2002 fiscal year, to be levied in July 2001, is set at 10.82 mills. The City taxes shall be distributed among City funds as detailed below. The City Manager shall make no transfer between funds without the approval of the City Commission.

<u><b>Fund</b></u>	<u><b>Appropriations from City Tax Levy</b></u>
General	\$875,000
Major Street	0
Local Street	595,000
Cemetery	115,000
Building Department Fund	60,000
Library	330,000
Auditorium	230,000
Doyle Community Center	40,000
Parks & Recreation	315,000
<b>Total</b>	<b>2,560,000</b>
<b>Voting yea: Eight</b>	<b>Voting nay: None</b>
	<b>Absent: Oster</b>
	<b>MOTION CARRIED</b>

### **RESOLUTION**

Moved by Comm. Haas and seconded by Comm. Ludders that the following Electric Rates go into effect for all usage on and after September 1, 2001.

	<b>Present Rates</b>	<b>Proposed Bundled Rates</b>	<b>Proposed Revenue (b)</b>	<b>Percent Increase (c)</b>
(a)		(d)		
<b>Residential Service</b>				
Service Charge	\$ 5.25	\$ 6.25		
First 30 kWh	\$ 0.0750	\$ 0.0680		
Next 570 kWh	\$ 0.0650	\$ 0.0680		
Over 600 kWh	\$ 0.0610	\$ 0.0620		
<b>Total</b>			\$ 2,221,227	5.02%
<b>Residential Rural Service</b>				
Service Charge	\$ 6.25	\$ 7.25		
First 250 kWh	\$ 0.0840	\$ 0.0800		
Next 400 kWh	\$ 0.0696	\$ 0.0750		
Over 650 kWh	\$ 0.0670	\$ 0.0680		
<b>Total</b>			\$ 1,353,960	6.00%
<b>Commercial Service</b>				
Service Charge	\$ 10.00	\$ 11.00		
First 400 kWh	\$ 0.1160	\$ 0.1200		
Next 4,600 kWh	\$ 0.0952	\$ 0.0990		

Over 5,000 kWh	\$ 0.0826	\$ 0.0860		
<b>Total</b>			\$ 3,670,089	<b>4.17%</b>
<b>Commercial - All Electric</b>				
Service Charge	\$ 11.00	\$ 12.00		
First 200 kWh	\$ 0.1180	\$ 0.1220		
Next 4,800 kWh	\$ 0.0776	\$ 0.0805		
Over 5,000 kWh	\$ 0.0670	\$ 0.0698		
<b>Total</b>			\$ 184,598	<b>4.10%</b>
<b>Small Industrial</b>				
Service Charge	\$ 30.00	\$ 32.50		
Demand - All kW	\$ 11.55	\$ 12.00		
Energy - All kWh	\$ 0.0450	\$ 0.0468		
<b>Total</b>			\$ 1,989,940	<b>4.00%</b>
<b>Large Industrial Rate</b>				
Service Charge	\$ 75.00			
Demand - All kW	\$ 10.55			
Energy - All kWh	\$ 0.0355			
<b>Large Primary Rate</b>				
Service Charge	\$ 75.00	\$ 75.00		
Demand - All kW	\$ 10.00	\$ 11.25		
Energy - All kWh	\$ 0.0342	\$ 0.0346		
<b>Total</b>			\$ 2,185,018	<b>5.19%</b>
<b>Primary Power</b>				
Service Charge	\$ 75.00	\$ 75.00		
Demand - All kW	\$ 10.00	\$ 11.25		
Energy - All kWh	\$ 0.0342	\$ 0.0348		
<b>Total</b>			\$ 3,889,956	<b>6.16%</b>
<b>Total All</b>			\$ 15,494,788	<b>5.04%</b>
<b>Voting yea: Six</b>	<b>Voting nay: Sunday-Horstman, Chrisman</b>			<b>Absent: Oster</b>
<b>MOTION</b>				

## **CARRIED**

Mayor Murphy proposed the following appointments/reappointments to the following City boards and committees:

### **Airport Advisory Board (one-year term) 2002**

Tom Franks  
James Liston  
Robert Littke  
Stewart Swihart  
Mike McCarthy

### **Auditorium Board (three-year term) 2004**

Ron Roth  
Jessie Schaeffer  
Lynn Brand



**Board of Review (two-year term) 2003**

Valerie Mildenberg

Ken Chrisman

Scott Jeffries

**Cemetery Board (five-year term) 2006**

\*Advertise for position

**Hospital Finance Authority**

David Herrmann

Leonard Eishen

\* Advertise for position

**Construction Board of Appeals (three-year term) 2004**

Eric Jones

**DDA Board of Directors (four-year term) 2005**

Christine Moline

Karen Stimson

Amelia Scantlen

\*Advertise for position

**Doyle Board of Directors (three-year term) 2004**

John Mikulenus

\* Advertise for position

**Economic Development Corp./Brownfield Redevelopment Authority (six-year term) 2007**

David Herrmann

Leonard Eishen

\* Advertise for position

**Elected Officials Compensation Committee**

John Dobberteen

\* Advertise for two positions

**Election Commission (one-year term) 2002**

Ken Chrisman

\* Advertise for two positions

**Employee's Retirement System (three-year term) 2004**

John McKillen

**Hospital Board of Trustees (five-year term) 2006**

Floyd Kunce

Thomas Rock

**Library Board (five-year term)2006**

Laurie Briggs

\* Advertise for position

**Parks & Recreation Advisory Board (three-year term) 2004**

Randy Pahls

John Fair, Jr.

Javier Fortoso

\* Advertise for position

**Planning Board (three-year term) 2004**

Philip Ward

Jon Good

Peter Stage

**Sister City Committee (three-year term) 2004**

Claire Mueller

Carl Holsinger

Elizabeth Datkovic

\* Advertise for position

**Sturgis Housing Commission (five-year term) 2006**

Charlene Moore

Gwen Davis

\* Advertise for position

**Zoning Board of Appeals (three-year term) 2004**

Carl Holsinger

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to defer the appointments to the Hospital Finance Authority, the DDA Board, and the EDC Board until they are advertised again.

Further discussion followed.

The original motion was amended to include the Doyle Board of Directors, Parks & Recreation Advisory Board, and the Sister City Committee.

**Voting yea: Lampe, Sunday-Horstman, Chrisman, Austermann**

**Voting nay: Kinsey, Ludders, Haas, Mayor Murphy      Absent: Oster      TIE VOTE**

Moved by Comm. Haas and seconded by Comm. Ludders to proceed with the appointments and reappointments of all board members as presented by Mayor Murphy.

**Voting yea: Ludders, Haas, Kinsey, Mayor Murphy**

**Voting nay: Lampe, Sunday-Horstman, Chrisman, Austermann**

**Absent: Oster      TIE VOTE**

Moved by Comm. Lampe and seconded by Comm. Kinsey to appoint all board members that are not in controversy.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Comm. Sunday-Horstman announced the resignation of Edith Irwin from the Library Board. Mayor Murphy requested that it be added to the list of board vacancies to be advertised.

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

**PROPOSED CITY OFFICERS  
APPOINTMENTS**

<b><u>POSITION</u></b>	<b><u>PRESENT SALARY</u></b>	<b><u>PROPOSED SALARY</u></b>
City Manager Jerome R. Kisscorni	\$77,625	\$80,000
City Clerk/Treasurer Carol F. Rambadt	\$43,156	\$45,000
City Attorneys Bird, Svendsen, Brothers, Scheske & Pattison	\$55,000	\$58,000
Library Director Karrie Waarala	\$41,200	\$42,500
<b>Voting yea: Eight</b>	<b>Voting nay: None</b>	<b>Absent: Oster</b>
<b>MOTION CARRIED</b>		

Moved by Comm. Kinsey and seconded by Comm. Ludders that the City enter into the City Attorney Client/Retainer agreement as presented.

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

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the city manager's contract as presented.

**Voting yea: Lampe, Haas, Austermann, Kinsey, Ludders, Mayor Murphy**  
**Voting nay: Sunday-Horstman, Chrisman      Absent: Oster      MOTION  
CARRIED**

Mayor Murphy requested that the following statements go on record: "The City Commission is aware of the public interest in the evaluation of the City Manager. This is a legitimate concern and we wish to respond to that interest with as much information as is appropriate. This year the City Commission went through an extensive evaluation process resulting in the City Manager getting specific feedback on his performance in nine distinct areas. Mr. Kisscorni received high marks in the areas of fiscal management, intermediate and long-range planning, program development, commission relations, and personal characteristics. The Commissioners noted the interpersonal relationships between citizens of our area and the City Manager had improved considerably with a demonstrated willingness to listen and respond to the people coming into city hall or calling on the phone. However, it was also determined that organizational

management, employee relations, and dealing effectively with other governmental officials are all areas where improvement should occur. Both the Commission and the City Manager recognize that accountability for meeting the goals and objectives set forth by the Commission is a necessity. An improvement in areas of weakness is expected. In conjunction with the City Manager's evaluation, the Sturgis City Commission looked at all the terms of employment in Mr. Kisscorni's contract. After a comprehensive negotiation process, a new contract was agreed upon. The terms of the one year contract call for the City Manager to get a 3.1% increase in salary. Termination and severance pay was reduced from a twelve month period to a nine month period and an agreement was reached which will decrease the months of payment one month a year until it reaches a six month level, which were the terms in the original contract in 1993. In return the commissioners agreed to increase some benefit plan provisions. The Sturgis City Commission is encouraged by the progress being made toward the establishment of an effective city government operation and we pledge ourselves to continue the efforts that have begun."

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to adopt the following resolution:

### **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: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Austermann to consider this the second reading and approval of an amendment to the Zoning Ordinance pertaining to the regulation of signs in the One-Family Districts and the B-H Business Highway and M-Manufacturing Districts, and to set an effective date.

### **AMENDMENT TO ZONING ORDINANCE**

**PERTAINING TO THE REGULATION**  
**OF SIGNS IN THE ONE-FAMILY DISTRICTS AND**  
**THE B-H BUSINESS HIGHWAY AND M-MANUFACTURING DISTRICTS**

An ordinance to amend Article X of the Zoning Ordinance of the City of Sturgis to provide for the regulation of signs in the One-Family districts and B-H Business Highway and M-Manufacturing districts 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 further regulation of signs in the One-Family districts and B-H Business Highway and M-Manufacturing districts;

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

Article X of the Zoning Ordinance is hereby modified as follows effective as of June 1, 2001.

(1)

1.1002      **SIGNS IN THE ONE-FAMILY DISTRICTS**

- (A) In the R Residential Districts the following signs only shall be permitted.
- (1) One nonilluminated professional or nameplate sign not more than one hundred forty-four (144) square inches in area, and attached to the principal building.
  - (2) One nonilluminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding eight (8) square feet per sign face.
  - (3) Signs which are deemed necessary to the public welfare by the governing body.
  - (4) A sign or signs nonilluminated aggregating not more than twelve (12) square feet in area advertising the name, activities, or condition of use of a permitted nonresidential use, farm, or parking lot pertaining to the premises upon which it is placed.
  - (5) A temporary signs for periods not to exceed an aggregate of thirty (30) days in any one year pertaining to the premises upon which it is placed or pertaining to the sale of residential property located on the same street as the premises upon which it is placed.
- (B) None of the signs permitted in divisions (A) (1), (2), or (4) above shall be erected nearer any street than half the required setback, provided that a nonilluminated nameplate sign not more than seventy-two (72) square inches in area may be placed anywhere within the front yard.

(2)

1.007      **SIGNS IN THE B-H BUSINESS HIGHWAY AND M-MANUFACTURING DISTRICTS**

- (A) In the B Business and M Manufacturing Districts, no sign shall be permitted which is 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.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Ludders to consider this the second reading and approval of an amendment to the Zoning Ordinance pertaining to Zoning of annexed areas, and to set an effective date.

**AMENDMENT TO ZONING ORDINANCE**  
**PERTAINING TO ZONING OF ANNEXED AREAS**

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis to provide for the regulation of zoning in annexed areas and for an effective date of this Ordinance

**WHEREAS**, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance to provide for the further regulation of zoning and annexed areas;

**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 June, 1, 2001.

**Section 1.0304 ZONING OF ANNEXED AREAS**

Except for property transferred into the City pursuant to an agreement executed under the provisions of 1984 PA 425, any area annexed to the City shall, immediately upon such annexation, be automatically classified as a district closest to the district as previously zoned in the Township from which it was annexed until a different zoning district for such area has been adopted by the City Commission. The Planning Board shall recommend appropriate zoning for such area within three months after the matter is referred by the City Commission. Property transferred into the City pursuant to an agreement executed under the provisions of 1984 PA 425 shall be zoned as provided in any such agreement.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Moved by Comm. Haas and seconded by Comm. Kinsey that this be considered the second reading and approval of an amendment to the Zoning Map to change the Zoning designation of certain property from R-1 Rural Residential to M-Manufacturing and to set an effective date.

**AMENDMENT TO ZONING ORDINANCE**  
**PERTAINING TO ZONING MAP**

An ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the R-1 Rural Residential to the M-manufacturing 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 June 1, 2001.

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 M-Manufacturing district:

Land situate in the City of Sturgis, St. Joseph County, Michigan commonly known as the Kirsch Municipal Airport and located in the northwest section of the City.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Kinsey that this be considered the second reading and approval of an amendment to the Zoning Ordinance Map to change the Zoning designation of certain property from the R-4 Apartment to R-5 Residential Zoning District, and set an effective date.

**AMENDMENT TO ZONING ORDINANCE  
PERTAINING TO ZONING MAP**

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City of Sturgis 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-5 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 June 1, 2001.

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-5 Residential district:

Land situate in the City of Sturgis, St. Joseph County, Michigan:

**PARCEL NO. 1:**

One (1) acre of land off the west side of the following described land to-wit: Commencing at a point on the South line of section two (2) town eight (8) south of range ten (10) west, nine and twenty-five hundredths (9.25) chains west of the Southeast corner of section two (2), running thence west along said south line, five and eighty-five one-hundredths (5.85) chains thence north nine and 79/100 chains to the center line of the Chicago Road, thence northeasterly along said center line five and 86/100 chains, thence south ten and 73/100 chains to the place of beginning. Being part of the east half (E1/2) of the southeast quarter (SE1/4) of section number two (2) town eight (8) south of range ten (10) west. ALSO, the East thirty-eight and six

tenths (38.6) feet of that part of the west three hundred eighteen (318) feet of the East half (E1/2) of the Southeast quarter (SE1/4) of Section two (2), Township eight (8) South, Range ten (10) West, lying Southerly of the South line of Chicago Road. ALSO, The East Fifty (50) feet of the South Two hundred Ninety-four (294) feet of the West

Two hundred seventy-nine and four tenths (279.4) feet of the East half (E1/2) of the Southeast quarter (SE1/4) of Section Two (2), Township Eight (8) South, Range Ten (10) West, lying Southerly of the South line of Chicago Road. Said property being intended to go from the South line of Section Two (2) North to the South line of the Township Fire Department which may be Two Hundred ninety-four feet (294') more or less but shall be property between these two monuments.

**PARCEL NO. 2:**

The West 2 acres of the East 5 acres of the following described parcel:

Commencing at a point on the South line of Section 2, Township 8 South, Range 10 West, 9.25 chains West of the Southeast corner of said Section; thence West on Section line 5.85 chains; thence North 9.79 chains to the center of Chicago Road; thence Northeasterly in center of road 5.85 1/3 chains; thence South 10.73 chains to the point of beginning.

**PARCEL NO. 3:**

A strip of land 15 feet wide East and West by 310 feet North and South out of the Southwest corner of the following described parcel:

Three acres of land off the East side of the following parcel: Commencing at a point on the South line of Section 2, Township 8 South, Range 10 West, 9.25 chains West of the Southeast section post; thence West along said South line 5.85 chains; thence North 9.79 chains to centerline of Chicago Road; thence Northeasterly along said centerline 5.8633 chains; thence South 10.73 chains to the place of beginning.

**PARCEL NO. 4:**

That part of the West 3 acres of:

Commencing 9.25 chains West of the Southeast corner of Section 2, Township 8 South, Range 10 West; thence West 5.85 chains; thence North 9.79 chains to Chicago Road; thence Northeasterly along road 5.86 1/3 chains; thence South 10.73 chains to the point of beginning, which lies East of a line described as follows: Commencing 383.38 feet East of the Southwest corner of the E1/2 of the SE 1/4 of said Section 2; thence N 0 °25' W (along the fence line as now established) to Chicago Road, the North end of the property line being 2 feet and 7 inches West of a surveyor's stake set by Robert E. Sayers, County

Surveyor in 1954, Survey No. 1644 and which stake was the North end of the property line between the parties as shown by such Survey.



**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

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

**RESOLUTION**

**TRANSFER OF PROPERTY FROM STURGIS TOWNSHIP TO CITY OF STURGIS**

**WHEREAS**, the City of Sturgis (“City”) and the Township of Sturgis (“Township”) entered into an Agreement for Conditional Transfer of Property pursuant to 1984 P.A. 425 dated August 4, 2000 (“Agreement”); and

**WHEREAS**, the Agreement provides that a property owner within District II, as defined in the Agreement, may voluntarily request a transfer of such property to the City by filing a notarize copy of such a request with the City and Township; and

**WHEREAS**, McDonald’s Corporation is a property owner within District II and has filed a request for a transfer to the City of the property described on Exhibit “A” attached hereto and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED** that the aforementioned property is hereby transferred 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 the aforementioned services with respect to said property has occurred for the records of each such office.

**EXHIBIT A**

*Sturgis Township Parcel Identification Number: 75-015-011-001-30*

**Existing Legal Description on file with St. Joseph County Land Resource Centre**

The West 10 feet of the East 410 feet of the South 140 feet of the North 722 feet of the Northeast Quarter of Section 11, Town 8 South, Range 10 West, Sturgis Township.

**Revised Legal Description**

An area of land located in the Northeast Quarter of Section 11, in Town 8 South, Range 10 West, Sturgis Township, St. Joseph County, Michigan more particularly described as follows:

Commencing at the Northeast Corner of said Section 11, THENCE North 89 Degrees 48 Minutes 38 Seconds West, 50.00 feet to the west Right-of-Way Line of M-66; THENCE South, Parallel with the East Line of Section 11, and along Said West Right-of-Way, 582.00 feet; THENCE North 89 Degrees 48 Minutes 38 Seconds West, 350.00 feet to the POINT OF BEGINNING, THENCE South 0 Degrees 4 Minutes 0 Seconds East, 140.00 feet; THENCE North 89 Degrees 48 Minutes 38 Seconds West, 10.00 feet; THENCE North 0 Degrees 4 Minutes 0 Seconds West, 140.00 feet; THENCE South 89 Degrees 48 Minutes 38 Seconds East, 10.00 feet to the POINT OF BEGINNING.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

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

## **RESOLUTION**

### **TRANSFER OF PROPERTY FROM BURR OAK TOWNSHIP TO CITY OF STURGIS**

**WHEREAS**, the City of Sturgis ("City") and the Township of Burr Oak ("Township") entered into an Agreement for Conditional Transfer of Property pursuant to 1984 P.A. 425 dated August 4, 2000 ("Agreement"); and

**WHEREAS**, the Agreement provides that a property owner within District II, as defined in the Agreement, may voluntarily request a transfer of such property to the City by filing a notarized copy of such a request with the City and Township; and

**WHEREAS**, Sturgis Public School District is a property owner within District II and has filed a request for a transfer to the City of the property described on Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, Sturgis Public School District had requested that the thirty (30) day waiting period contained in the Agreement be waived and the City is willing to waive said waiting period.

**NOW, THEREFORE, BE IT RESOLVED** that the aforementioned property is hereby transferred to the City and that the said thirty (30) day waiting period is hereby waived.

**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 the aforementioned services with respect to said property has occurred for the records of each such office.

### **EXHIBIT A**

A Parcel of Land being located in the fractional Southwest Quarter of Section 31, Town 7 South, Range 9 West, Burr Oak Township, St. Joseph County, Michigan, more particularly described as follows:

Commencing at the Southeast Corner of said fractional Southwest Quarter of Section 31, THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 40.00 feet along the South line of said fractional Southwest Quarter to a point 40.00 feet westerly of the East line of said fractional Southwest Quarter, being the POINT OF BEGINNING; THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 253.00 feet continuing along said South line to a point 293.00 feet westerly of said East line; THENCE North 00 degrees 21 minutes 08 seconds East for a distance of 233.00 feet parallel with said East line; THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 343.50 feet parallel with said South line to a point 636.50 feet West of said East line; THENCE South 00 degrees 21 minutes 08 seconds West for a distance of 233.00 feet parallel with said East line to said South line; THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 176.50 feet along said South line; THENCE North 00 degrees 21 minutes 08 seconds East for a distance of 200.00 feet parallel with said East line; THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 227.50 feet parallel with said South line; THENCE South 00 degrees 21 minutes 08 seconds West for a distance of 200.00 feet parallel with said East line to a point on said South line being 1040.49 feet westerly of said Southeast Corner of the fractional Southwest Quarter of Section 31; THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 551.96 feet along said South line to a point from which the Southwest Corner of said fractional Southwest Quarter is easterly a distance of 1196.80 feet;

THENCE North 00 degrees 19 minutes 51 seconds East for a distance of 203.00 feet

parallel with the West line of the East two-thirds of the West Half of said fractional Southwest Quarter as monumented; THENCE North 89 degrees 32 minutes 41 seconds West for a distance of 267.00 feet parallel with said South line to said West line; THENCE North 00 degrees 19 minutes 51 seconds East for a distance of 462.05 feet along said West line to the Southeast Corner of the Plat of Sherwood No. 2 as recorded in the Office of the St. Joseph County Register of Deeds in Liber 5 of Plats on Pages 4 and 4A; THENCE North 00 degrees 19 minutes 51 seconds East for a distance of 939.90 feet continuing along said West line; THENCE South 89 degrees 32 minutes 41 seconds East for a distance of 810.27 feet parallel with said South line; THENCE South 85 degrees 08 minutes 12 seconds East for a distance of 1012.93 feet to a point 40.00 feet westerly of said East line of the fractional Southwest Quarter; THENCE South 00 degrees 21 minutes 08 seconds West for a distance of 1527.10 feet parallel with said East line to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 62.020 acres more or less.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Moved by Comm. Haas and seconded by Comm. Lampe to adopt the precinct boundaries as recommended by the City Staff to allow for more proportionate populations within each precinct.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Oster**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Austermann to grant the request from the American Legion to hold their annual poppy sales on May 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>, 2001.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the City bills in the amount of \$685,234.87 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$567,656.86 be ratified.

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

Mayor Murphy adjourned the meeting at 8:52 p.m.

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*Carol F. Rambadt, City Clerk*

*The following is an unapproved draft of the minutes  
taken at the regular meeting held on May 23, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MAY 23, 2001  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Kinsey, Ludders, Lampe, Chrisman, Oster, Haas, Mayor Murphy

Commissioners absent: Sunday-Horstman

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

Minutes of the previous regular meeting held on Wednesday, May 9, 2001 were approved as presented.

Moved by Comm. Austermann and seconded by Comm. Haas to adopt the revised Terms and Conditions for Electric Service as presented by John Griffith, Electric Department Superintendent.

**Voting yea: Seven    Voting nay: Lampe    Absent: Sunday-Horstman    MOTION  
CARRIED**

Fire Chief Bruce Moore presented the annual Fire Department report.

By consensus, the commission accepted the resignations of Cathy Gilbert, Parks & Recreation Board; Al Kuhlman, Planning Board; Tim Carmichael, DDA Board; and Gary Malloy, EDC Board.

Moved by Comm. Lampe and seconded by Comm. Oster to send letters of appreciation to the members who resigned.

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

Moved by Comm. Haas and seconded by Comm. Ludders to appoint Trisha Nelson, term to expire in 2003; Amelia Scantlen, term to expire in 2003; and Karen Stephens, term to expire in 2005 and to reappoint Christine Moline, term to expire in 2005; and Karen Stimson, term to expire in 2005 to the Downtown Development Authority.

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

Moved by Comm. Kinsey and seconded by Comm. Ludders to appoint John Mikulenas, term to expire in 2004, to the Doyle Board of Directors.

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

Moved by Comm. Ludders and seconded by Comm. Chrisman to appoint John Wiedlea, term to expire in 2004; and Robert Sisson, term to expire in 2003 to the Economic Development Corporation.

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

Moved by Comm. Kinsey and seconded by Comm. Ludders to appoint JoEllen Oster, term to expire in 2003 to the Hospital Facilities and Hospital Finance Authority.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to appoint Hugh McCullough, term to expire in 2003; and to reappoint Laurie Briggs, term to expire in 2006 to the Library Board.

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

Moved by Comm. Kinsey and seconded by Comm. Oster to appoint Javier Fortoso, term to expire in 2002; Tim Peterson, term to expire in 2004; and to reappoint Randy Pahls, term to expire in 2004; and John Fair, Jr., term to expire in 2004 to the Parks and Recreation Advisory Board.

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

Moved by Comm. Kinsey and seconded by Comm. Ludders to appoint Elizabeth Datkovic, term to expire in 2004; Carl Holsinger, term to expire in 2004; and to reappoint Claire Mueller, term to expire in 2004 to the Sister City Committee.

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

Moved by Comm. Kinsey and seconded by Comm. Oster to appoint Gwen Davis, term to expire in 2005; and reappoint Charlene Moore, term to expire 2006 to the Sturgis Housing Commission.

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

The City will re-advertise for vacancies on the Cemetery Board, Elected Officials Compensation Commission, and the Election Commission.

Moved by Comm. Ludders and seconded by Comm. Haas to proclaim May 22, 2001 as Arbor Day in the City of Sturgis.

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

Moved by Comm. Austermann and seconded by Comm. Chrisman that the City bills in the amount of \$1,335,916.23 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Chrisman that the Hospital bills in the amount of \$1,867,342.80 be ratified.

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

A public hearing will be held on Wednesday, June 13, 2001 in the Wiesloch Raum of City Hall at 7:30 p.m. to consider a request from the Masonic Temple Association, to abandon a parking space directly west of the rear entrance to the Salvation Army Store, which will allow them to proceed with the building restoration.

Mayor Murphy adjourned the meeting at 8:38 p.m.

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***Mary M. Stoddard, Deputy City Clerk***

*The following is an unapproved draft of the minutes  
taken at the regular meeting held on June 13, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JUNE 13, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Austermann

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

Minutes of the previous regular meeting held on Wednesday, May 23, 2001 were approved as corrected.

Public hearing on a request from the Masonic Temple Association to abandon a parking space behind the rear entrance to the Salvation Army Store was held.

Moved by Comm. Ludders and seconded by Comm. Kinsey to approve the request from the Masonic Temple Association to abandon a parking space behind the rear entrance to the Salvation Army Store for a new electric service entrance and transformer.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to assist Sturgis Township and the Michigan Department of Environmental Quality in connecting Township properties with contaminated wells to the City's municipal water system.

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

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to purchase property from the State of Michigan for \$300.00 on tax #75-052-040-101-00, (the Paramount Property) and that the following resolution be adopted:

**RESOLUTION**

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

**WHEREAS**, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act, parcel

number 75-052-040-101-00 with the following legal description: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,



and

11 of Block 9 of the Original Replat of the Village of Sturgis, Michigan as recorded in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 33, Page 164 and together with that vacated portion of the South Half of West Hatch Street that is adjacent to said Lot 1 and the East Half of the vacated portion of North Jefferson Street adjacent to said Block 9, said vacations being record in the Office of the Register of Deeds for St. Joseph County, Michigan in Volume 12 of Misc. Records, Page 164, and Subject to Easements, Rights and Restrictions of Record.

***WHEREAS***, the City of Sturgis desires to acquire such lands for purposes of public use.

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

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

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

Moved by Comm. Kinsey and seconded by Comm. Ludders that this be considered the introduction and first reading of an amendment to the Zoning Ordinance to change the zoning designation of certain property from R-2 Subdivision Residential to B-OS Business Office Service and R-3 Residential.

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

Moved by Comm. Oster and seconded by Comm. Kinsey to appoint Dr. Kirkpatrick to the Planning Board to fill the unexpired term of Al Kuhlman, term to expire in May, 2003.

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

The City Commission discussed the Boards and Commissions appointment and re-appointment process.

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the City bills in the amount of \$853,263.34 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the Hospital bills in the amount of \$749,490.71 be ratified.

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

City Manager Jerome Kisscorni announced the hiring of a new Animal Control Officer, who began work on June 1<sup>st</sup>.

## **RESOLUTION**

**A vote was taken to recess under the Open Meetings Act to discuss the purchase of property.**

**Voting yea: Sunday-Horstman, Haas, Chrisman, Oster, Kinsey, Ludders, Lampe, Mayor Murphy**

**Voting nay: None**

**Absent: Austermann**

**MOTION CARRIED**

**The meeting recessed at 8:32 p.m.**

**The meeting reconvened at 8:46 p.m.**

The meeting was adjourned at 8:47 p.m.

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Carol F. Rambadt, City Clerk

*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, June 27, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JUNE 27, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Ludders

Also present: City Manager, Assistant City Attorney, Director of Economic Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, June 13, 2001 were approved as presented.

Denise Lewis, 301 S. Nottawa Street, introduced the TNR program (Trap-Neuter-Release) by Alley Cat Allies which offers suggestions for nonlethal control methods for stray and feral cats. Lois Rosenberg, Sturgis Animal Care Council, asked if the City had the funds to pay the veterinarians for neutering the stray cats and to test them for diseases.

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Kinsey to take no further action for a period of six months to allow enough time for the Animal Control officer to work with the amended Animal Control Ordinance. Monitoring of the situation will take place and at the end of six months the situation will be reviewed.

**Voting yea: Eight    Voting nay: None    Absent: Ludders**

**MOTION  
CARRIED**

Shelia Robinette, 511 S. Jefferson, addressed the Commission regarding the zoning ordinance and the parking of semi tractor trailers in residential neighborhoods.

The Mayor and Commissioners responded by explaining the reasoning behind the existing ordinance.

Moved by Comm. Kinsey and seconded by Comm. Oster to award the low bid for the Thurston Woods Park Well #2 for the DPW Department to GH Ross Contractors, L.L.C., Williamston, Michigan in the amount of \$334,000.

**Voting yea: Eight    Voting nay: None    Absent: Ludders**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to award the low bid for the Division "B" Powerhouse "A" Headgate Replacement for the Electric Department (Hydro

Plant) to H & K Construction Company, Inc., Allegan, Michigan in the amount of \$81,450.00.

**Voting yea: Eight    Voting nay: None    Absent: Ludders**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Haas to award the sale of two 1995 Chevrolet Caprice Police Cars to Government Cars Dist. Center, Ft. Lauderdale, Florida in the amount of \$2,222.00 each, for a total of \$4,444.00.

**Voting yea: Eight    Voting nay: None    Absent: Ludders**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Haas to approve the purchase of updated utility software for the City of Sturgis Utility Billing from Sanderson CMI, Englewood, Ohio as presented.

**Voting yea: Eight    Voting nay: None    Absent: Ludders**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to consider this the second and final reading to adopt an amendment to the Zoning Ordinance to change the zoning designation of certain property from R-2 Subdivision Residential to B-OS Business Office Service and R-3 Residential and set an effective date of August 1, 2001.

**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 R-2 Subdivision Residential to the B-OS Business Office Service and R-3 Residential zoning districts.

**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 August 1, 2001.

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described parcels of property, shall be in the following districts:

**Parcel (1) - B-OS Business Office Service**

(Legal description – 1.24 acres)

**Parcel (2) - R-3 Residential**

(Legal description – 4 acres)

**Parcel (3) - B-OS Business Office Service**

(Legal description - Lot 5 Kay Bee Manor)

**Voting yea: Eight    Voting nay: None    Absent: Ludders**

**MOTION  
CARRIED**

Commissioner Sunday-Horstman absent.

Moved by Comm. Oster and seconded by Comm. Lampe that this be considered the first reading on an amendment to the City of Sturgis Traffic Regulations Ordinance regulating parking of motor vehicles during snow emergencies.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Sunday-Horstman  
MOTION**

**CARRIED**

Commissioner Chrisman absent.

Commissioner Sunday-Horstman present.

City Engineer Tom Seymour presented the proposed 2001-2002 Street Improvements.

Nominations were accepted to fill the two (2) current vacancies on the Election Commission.

Comm. Kinsey nominated Rachel Sutton.

Comm. Oster nominated Trisha Nelson.

Moved by Comm. Lampe and seconded by Comm. Kinsey to appoint Rachel Sutton and Trisha Nelson to the Election Commission to fill current vacancies, terms to expire in May, 2002.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Chrisman  
MOTION**

**CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to grant the request from the Inter-Service Club Council to utilize the Kirsch Municipal Airport for the annual July 4<sup>th</sup> fireworks on July 3<sup>rd</sup>, with a rain date of July 4<sup>th</sup>.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Chrisman  
MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to grant the request from the Downtown Sturgis Association to close the entrances to Pleasant Street and North Street on July 27<sup>th</sup> and 28<sup>th</sup> to accommodate the 5<sup>th</sup> Annual Dreamfest.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Chrisman  
MOTION CARRIED**

By consensus, Mayor Murphy accepted the following proclamation:

**NATIONAL RECREATION AND PARKS MONTH**

**JULY 2001**

*Whereas*, parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

*Whereas*, parks and recreation creates lifelines and continued life experiences for older members of our community, and

*Whereas*, park and recreation agencies provide outlets for physical activities, socializations, and stress reducing experiences, and

*Whereas*, parks, playgrounds, nature trails, open spaces, community and cultural centers, and historic sites make communities attractive and desirable places to live, work, play, and visit, in a manner that contributes to our ongoing economic vitality , and

*Whereas*, parks greenways, and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment, and

*Whereas*, parks and recreation agencies touch the lives of individuals, families, groups, and the

entire community, which positively impacts upon the social, economic, health and environmental quality of our community.

**Now, therefore**, I, William Murphy, the Mayor of Sturgis, do hereby proclaim July as Recreation and Parks Month, and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and parks activities.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the City bills in the amount of \$1,433,050.75 be paid.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Chrisman**

**MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the Hospital bills in the amount of \$892,884.82 be ratified.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Chrisman**

**MOTION CARRIED**

A special meeting will be held on Wednesday, July 18, 2001 at 7:00 p.m. in the Wiesloch Raum of City Hall with Titanium Solutions, Ann Arbor, Michigan, to discuss the internet project for the city.

City Manager Jerome Kisscorni announced that the City received a FEMA grant that will cover approximately seventy-five percent (75%) of the costs to help remedy the flooding situation at the intersection of US-12 and Centerville Road.

Vice-Mayor Haas commended the Knights of Columbus and the City Staff for a job well done on Saturday, June 23<sup>rd</sup> during the large-item trash pick-up on the north side of town.

Moved by Comm. Haas and seconded by Comm. Kinsey that the City pay three thousand dollars (\$3,000) for travel and performance expenses to allow Deborah Mayer to sing in Wiesloch, Germany at their 1200 Year Festival on September 27<sup>th</sup> and 28<sup>th</sup>.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Ludders, Chrisman**

**MOTION CARRIED**

Mayor Murphy adjourned the meeting at 9:43 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the minutes  
taken at the regular meeting held on July 11, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY - JULY 11, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Mayor Murphy

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

Minutes of the previous regular meeting held on Wednesday, June 27, 2001 were approved as corrected.

Ray Dresser, President of the Economic Development Corporation, presented an updated report on the E.D.C. activities.

Moved by Comm. Lampe and seconded by Comm. Kinsey that this be considered the second reading and adoption of an amendment to the City of Sturgis Traffic Regulations Ordinance regulating parking of motor vehicles during snow emergencies and to provide for an effective date of October 1, 2001.

**AMENDMENT TO TRAFFIC REGULATIONS**

An ordinance to add Sections 78.01 through 78.06 of the City of Sturgis Traffic Regulations Ordinance found at Chapter 78 of the Ordinances for the City of Sturgis regulating parking of motor vehicles during snow emergencies and to provide for an effective date of this Ordinance.

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

Sections 78.01 through 78.06 of the Traffic Ordinances to be found in Chapter 78 of the Sturgis Code of Ordinances, are hereby added to read as follows effective as of October 1, 2001:

**EMERGENCY SNOW ORDINANCE:**

**§78.01 DEFINITIONS:**

The following definitions shall apply to this chapter:

1. "Coordinator" - The City Manager or designee.
2. "Second Priority Street" - A street not designated as a Snow Emergency Route.
3. "Snow Emergency Route" - A street listed below or designated by a Traffic Control Order as a Snow Emergency Route.

The Snow Emergency Routes are as follows and as shown on the Snow Emergency Route map available in the City Clerk's office, and incorporated herein by reference.

<b><u>Street Name</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
W. Lafayette (new)	N. Centerville	N. Clay

N. Clay	W. Lafayette (new)	W. Lafayette (old)
W. Lafayette (old)	N. Clay	N. Nottawa
E. Lafayette	N. Nottawa	N. Lakeview
W. West	N. Centerville	N. Nottawa
E. West	N. Nottawa	N. Lakeview
N. Centerville	W. Chicago	North City Limit
N. Nottawa	W. Chicago	North City Limit
N. Lakeview	W. Chicago	North City Limit
W. Chicago	Elaine	Nottawa
E. Chicago	Nottawa	Franks
Ivanhoe	S. Lakeview	S. Franks
W. Congress	S. Centerville	S. Nottawa
E. Congress	S. Nottawa	Sturgis High School
W. South	S. Centerville	S. Nottawa
E. South	S. Nottawa	S. Lakeview
S. Nottawa	Chicago	Hawthorne
S. Lakeview	Chicago	South City Limit

If parking is normally permitted on any such street, it shall be clearly marked by signs indicating that it is a Snow Emergency Route.

**§78.02 PARKING PROHIBITED ON SNOW EMERGENCY ROUTES:**

1. The parking of a motor vehicle on a Snow Emergency Route is prohibited under one or more of the following conditions:
  - a. Snow or ice has accumulated to a depth of four (4) inches or more.
  - b. Whenever the Coordinator finds it necessary to prohibit parking based on snow or other weather conditions or a weather forecast.
2. During the period of time that a parking prohibition is in effect, a motor vehicle shall not be parked or remain parked on a Snow Emergency Route.
3. The parking prohibition shall remain in effect until one or more of the following events occur:
  - a. Termination of the Snow Emergency by the Coordinator with a public announcement.
  - b. A street has been cleared of snow between two successive street intersections from curb to curb or from shoulder to shoulder.

**§78.03 PARKING PROHIBITED ON SECOND PRIORITY STREETS:**

1. The parking of a motor vehicle on a Second Priority Street is prohibited under one or more of the following conditions:
  - a. Snow or ice has accumulated to a depth of four (4) inches or more.
  - b. Whenever the Coordinator finds it necessary to prohibit parking based upon snow or other weather conditions or a weather forecast.
2. During the period of time that a parking prohibition is in effect, a motor vehicle shall not be parked or remain parked on the following described portions of a Second Priority Street:
  - a. On days having even dates, motor vehicles are prohibited from parking on the side of the street having even address numbers.



- b. On days having uneven dates, motor vehicles are prohibited from parking on the side of the street having uneven address numbers.
  - c. When parking has been prohibited as provided above, and the entire opposite side of the street between two successive intersections is posted for “no parking”, such “no parking” provisions shall be lifted.
- 3. The prohibition against the parking of motor vehicles shall remain in effect until one or more of the following occurs:
  - a. Termination by the Coordinator with a public announcement.
  - b. A street has been cleared between two successive street intersections from curb to curb or from shoulder to shoulder.

**§78.04 ABANDONING DISABLED VEHICLES:**

- 1. The owner or operator of a motor vehicle disabled during a parking prohibition shall take immediate action to have the motor vehicle removed from a Snow Emergency Route or Second Priority Street.
- 2. No person shall abandon a motor vehicle on a Snow Emergency Route longer than the time needed to get assistance to remove the motor vehicle from the Snow Emergency Route.

**§78.05 PUBLIC ANNOUNCEMENTS OF DECLARATIONS PURSUANT TO THE SNOW EMERGENCY ORDINANCE:**

- I. All announcements required by the Coordinator pursuant to the Snow Emergency Ordinance shall be broadcasted on a local radio station and published in a newspaper of general circulation whenever reasonably feasible.
- II. Each such notice shall contain the following information:
  - A. A description of the action taken or to be taken.
  - B. The effective time with respect to any such action.
  - C. The street or streets affected by any such action.
- III. The Coordinator shall record the action taken pursuant to this provision and the time of any such announcements.

**§78.06 PENALTY:**

Whoever violates any provision of this chapter shall, upon a finding of responsibility for a civil infraction, be fined the sum specified in any fine schedules compiled, from time to time, by the city and filed with the court or a city agency of competent jurisdiction.

A failure to pay any fine imposed by a court or city agency of competent jurisdiction within any specified time period or a second violation of the same ordinance within a ninety-day period shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the county jail for a period not to exceed ninety (90) days, or both.

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

Moved by Comm. Kinsey and seconded by Comm. Ludders to consider this the introduction and first reading of an amendment to Title III of the Ordinances for the City of Sturgis to add Chapter 37 pertaining to the regulation of municipal civil infractions and establishment of a municipal civil infractions bureau.

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

**CARRIED**

Moved by Comm. Oster and seconded by Comm. Kinsey to consider this the introduction and first reading of an amendment to Title I of the Ordinances for the City of Sturgis to add Chapter 4 pertaining to the provision of general penalties for violations of the City Code and City Ordinances.

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

Moved by Comm. Lampe and seconded by Comm. Chrisman to grant the request from the VFW Post #1355 to transfer property from Sturgis Township to the City of Sturgis pursuant to a 425 Agreement for Conditional Transfer of Property dated August 4, 2000, and to adopt the following resolution:

**RESOLUTION**

**TRANSFER OF PROPERTY FROM STURGIS TOWNSHIP TO CITY OF STURGIS**

**WHEREAS**, the City of Sturgis ("City") and the Township of Sturgis ("Township") entered into an Agreement for Conditional Transfer of Property pursuant to 1984 P.A. 425 dated August 4, 2000 ("Agreement"); and

**WHEREAS**, the Agreement provides that a property owner within District II, as defined in the Agreement, may voluntarily request a transfer of such property to the City by filing a notarized copy of such a request with the City and Township; and

**WHEREAS**, VFW Post No. 1355 is a property owner within District II and has filed a request for a transfer to the City of the property described below and incorporated herein by reference.

The land referred to in this Commitment is described as follows:

Land situate in the Township of Sturgis, St. Joseph County, Michigan.

Five (5) acres of land lying in the Northeast corner of the Northeast quarter of the Northwest quarter of Section 13, Township 8 South, Range 10 West, and bounded as follows:

Commencing at the Quarter Post and running thence West to the line of the G.R. & I.R. Ry., now Penna, system right of way; thence Southerly on the East line of such right of way far enough to make 5 acres of land; thence East to the highway; and hence North on the West line of the highway to the place of beginning.

**NOW, THEREFORE, BE IT RESOLVED**, that the aforementioned property is hereby transferred 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 the aforementioned services with respect to said property has occurred for the records of each such office.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$507,382.04 be paid.

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

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the Hospital bills in the amount of \$565,307.71 be ratified.

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

The meeting was adjourned at 8:22 p.m.

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*Carol F. Rambadt, City Clerk*

*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, July 25, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JULY 25, 2001  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Ludders, Lampe, Chrisman, Oster, Vice-Mayor Haas

Commissioners absent: Kinsey, Sunday-Horstman, Mayor Murphy

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

Minutes of the previous regular meeting held on Wednesday, July 11, 2001 were approved as presented.

Moved by Comm. Lampe and seconded by Comm. Ludders to award the low bid for Pole and Pad Mount Transformers for the Electric Department to Reed City Power Line Supply, Reed City, Michigan in the amount of \$25,316.00.

**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**  
**MOTION**

**CARRIED**

Moved by Comm. Ludders and seconded by Comm. Austermann to award the bid for an Underground Pneumatic Piercing Tool for the Department of Public Works to Vermeer Sales and Services, Jackson, Michigan in the amount of \$3,890.00.

**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**  
**MOTION**

**CARRIED**

Moved by Comm. Lampe and seconded by Comm. Ludders to grant the recommendation from the EDC to loan Grav-I-Flo Corporation \$110,000 from the City CDBG Economic Development Revolving Loan Fund for the purpose of purchasing a business located in Kalamazoo, expansion of machine fabrication plant in Sturgis, and move the operation from Kalamazoo to Sturgis.

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Ludders to amend the motion to specify that the loan be secured by all assets.

**Voting yea: Five    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**

**Abstaining: Vice-Mayor Haas**

**MOTION  
CARRIED**

John Griffith, Electric Department Superintendent, discussed the Electric Power Cost Adjustment Factor and Large Industrial Rate. Glenn Wrightson, Utility Consulting Group, Atlanta, Georgia, was also present to discuss the rates and to answer questions.

Moved by Comm. Lampe and seconded by Comm. Austermann that this be considered the second reading and adoption of an amendment to Title III of the Ordinances for the City of Sturgis to add Chapter 37 pertaining to the regulation of municipal civil infractions and establishment of a municipal civil infractions bureau and to provide for an effective date of October 1, 2001.

**AMENDMENT TO TITLE III OF THE ORDINANCES OF THE CITY OF STURGIS TO ADD CHAPTER 37 PERTAINING TO THE REGULATION OF MUNICIPAL CIVIL INFRACTIONS, ESTABLISHMENT OF A MUNICIPAL CIVIL INFRACTION BUREAU AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to regulate the issuance of municipal civil infraction violations and provide for the collection of fines related to the same;

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

**TITLE III, CHAPTER 37: MUNICIPAL CIVIL INFRACTIONS** is hereby added to the Ordinances of the City of Sturgis to provide as follows effective as of October 1, 2001:

**CHAPTER 37: MUNICIPAL CIVIL INFRACTIONS**

**§ 37.01 Definitions**

As used in this Chapter:

"*Act*" means Act No. 236 of the Public Acts of 1961, as amended.

"*Authorized city official*" means a police officer or other personnel of the city authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

"*Bureau*" means the City of Sturgis Municipal Ordinance Violations Bureau as established by this Chapter.

"*Municipal civil infraction action*" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"*Municipal civil infraction citation*" means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"*Municipal civil infraction violation notice*" means a written notice prepared by an authorized city official, directing a person to appear at the City of Sturgis Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the City, as authorized under Sections 8396 and 8707(6) of the Act.

**§ 37.02 Municipal civil infraction action; commencement.**

A municipal civil infraction action may be commenced upon the issuance by an authorized city official of (1) a municipal civil infraction citation directing the alleged violator to appear in court;

or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the City of Sturgis Municipal Ordinance Violations Bureau.

**§ 37.03      Municipal civil infraction citations; issuance and service.**

Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

(a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(b) The place for appearance specified in a citation shall be the district court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. the original citation shall be filed with the district court. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by Section 8705 of the Act.

(d) A citation for a municipal civil infraction signed by an authorized city official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: *"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."*

(e) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(f) An authorized city official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or city attorney approves in writing the issuance of the citation.

(g) Municipal civil infraction citations shall be served by an authorized city official as follows:

(1) Except as provided by Section 37.02(g) (2), an authorized city official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

**§ 37.04      Municipal civil infraction citations; contents.**

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he or she may do one of the

following:

(1) Admit responsibility for the municipal infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(A) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city.

(B) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the City.

(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

#### **§ 37.05 Municipal ordinance violations bureau.**

(a) **Bureau established.** The city hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under Section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

(b) **Location; supervision; employees; rules and regulations.** The Bureau shall be located at Sturgis City Hall, and shall be under the supervision and control of the City Treasurer. The City Treasurer, subject to the approval of the City Commission, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified city employees to administer the Bureau.

(c) **Disposition of violations.** The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction

violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Chapter shall prevent or restrict the City from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

(d) **Bureau limited to accepting admissions of responsibility.** The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(e) **Municipal civil infraction violation notices.** Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in Sections 37.03(f) and (g) of this Chapter. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

(f) **Appearance; payment of fines and costs.** An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

(g) **Procedure where admission of responsibility not made or fine not paid.** If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

#### **§ 37.06 Schedule of civil fines established.**

(a) A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices shall be compiled from time to time and filed with the court or city agency of competent jurisdiction.

(b) A copy of the schedule, as amended from time to time, shall be available at the Bureau.

#### **§37.07. Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.



**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**  
**MOTION**

**CARRIED**

Moved by Comm. Oster and seconded by Comm. Austermann that this be considered the second reading and adoption of an amendment to Title I of the Ordinances for the City of Sturgis to add Chapter 4 pertaining to the provision of general penalties for violations of the City Code and City Ordinances and to provide for an effective date of October 1, 2001.

**AMENDMENT TO TITLE I OF THE ORDINANCES OF THE CITY OF STURGIS TO ADD CHAPTER 4 PERTAINING TO THE PROVISION OF GENERAL PENALTIES FOR VIOLATIONS OF THE CITY CODE AND CITY ORDINANCES; MUNICIPAL CIVIL INFRACTION DEFINED; DESIGNATION OF AUTHORIZED CITY OFFICIAL, AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

*WHEREAS*, the City Commission has determined that it is in the best interest of the residents of the City to provide penalties that generally apply to violations of the City Code and City Ordinances;

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

**TITLE I, CHAPTER 4: GENERAL PENALTIES AND SANCTIONS FOR VIOLATIONS OF CITY CODE AND CITY ORDINANCES; CONTINUING VIOLATIONS; INJUNCTIVE RELIEF** is hereby added to the Ordinances of the City of Sturgis to provide as follows effective as of October 1, 2001:

**CHAPTER 4: GENERAL PENALTIES AND SANCTIONS FOR VIOLATIONS OF CITY CODE AND CITY ORDINANCES; CONTINUING VIOLATIONS; INJUNCTIVE RELIEF.**

**§4.01**

Unless a violation of this Code or any ordinance of the City is specifically designated in the Code or Ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor unless otherwise prohibited by law.

**§4.02**

The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this Code or any Ordinance. Various misdemeanor violations provide, either specifically or by reference, for imprisonment not exceeding 93 days.

**§4.03**

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any Ordinance or schedule of fines, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

(1) Unless otherwise specifically provided for in this Code, any Ordinance or a schedule of fines, the civil fine for a municipal civil infraction violation of this Code or any Ordinance shall

be not less than \$50.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any Ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 6 month period (unless some other period is specifically provided by this Code or any Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(A) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs.

#### **§4.04**

A violation includes any act which is prohibited or declared to be unlawful or an offense by this Code or any Ordinance; and any omission or failure to act where the act is required by this Code or any Ordinance.

#### **§4.05**

*Municipal Civil Infraction.* The words "municipal civil infraction" mean an act or omission that is prohibited by this Code or any Ordinance of the City, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Code or other Ordinance that is a criminal offense.

*Designation of Authorized City Official.* Police officers, animal control officers, building/zoning/housing code enforcement officials are hereby designated as authorized city officials to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Sturgis Municipal Ordinance Violations Bureau) as provided by this Code.

#### **§4.06**

Each day on which any violation of this Code or any Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

#### **§4.07**

In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any City Ordinance.

#### **§4.08**

*Repeal of Prior Penalty Designations.* The penalty sections as set forth below from each

respective chapter is hereby repealed:

- Chapter 31. Boards and Commissions.
- Section 31.56 Failure to Return Loaned Material.
- Chapter 50. Water and Sewer Systems.
- Section 50.99
- Chapter 90. Animals.
- Section 90.99
- Chapter 91 Civic Beautification; Litter Restrictions.
- Section 91.99
- Chapter 92 Garbage Regulations.
- Section 92.99
- Chapter 93. Nuisances.
- Section 93.99
- Chapter 94. Streets and sidewalks.
- Section 94.99.
- Chapter 95. Swimming pools.
- Section 95.99.
- Chapter 96. Trees and Shrubs.
- Section 96.99.
- Chapter 97. Protection of school land and buildings.
- Section 97.99
- Chapter 98. Parks and Public Grounds.
- Section 98.99
- Chapter 99. Rollerskating and Skate Boards.
- Section 99.99
- Chapter 110. Fire Prevention Code; Life Safety Code.
- Section 110.12
- Chapter 111. Junk and Secondhand Dealers.
- Section 111.99
- Chapter 114. Solicitors and Peddlers.
- Section 114.99
- Chapter 115. Taxi Cab Regulations.
- Section 115.99
- Chapter 116. Alcoholic Beverage Vendors.
- Section 116.99
- Chapter 117. Outdoor Gatherings.
- Section 117.99
- Chapter 118. Transient Merchants.
- Section 118.99
- Chapter 130. Offenses against Property.
- Section 130.99
- Chapter 131. Offenses against Persons or Morals.
- Section 131.02
- Chapter 132. Loitering.
- Section 132.99
- Chapter 134. Business Parking Lots and Private Business Premises;

Trespassing and Congregating.

Section 134.99

Chapter 135. False or Fictitious Identification.

Section 135.99

Chapter 150. Plumbing Code.

Section 302.0

Chapter 152. Construction Code.

Section 152.99

Chapter 153. Property Maintenance Code.

Section 153.03 PM 106.2

Zoning Ordinance.

Section 1.1409

#### **§4.09**

Any person who violates any provision of the chapters referred to in Section 4.08 is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in this chapter or specified in any fine schedules compiled, from time to time, and filed with the Court or a city agency of competent jurisdiction. In the event that the schedule of fines does not designate a civil fine for one of the chapters referred to in Section 4.08, the fine imposed for a first offense shall be an amount equal to that provided by a respective chapter prior to repeal of the penalty section. However, a civil fine shall not be less than that provided in Section 4.03(1) of this chapter.

A failure to pay any fine imposed by a court or city agency of competent jurisdiction with any specified time period shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, or imprisonment in the county jail for a period not to exceed ninety (90) days, or both.

#### **§4.10 Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**  
**MOTION**

**CARRIED**

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

**RESOLUTION TO ENTER INTO MICHIGAN**  
**MUNICIPAL ELECTRIC ASSOCIATION (“MMEA”)**  
**MUTUAL AID AGREEMENT (revised 4/30/01) &**  
**DESIGNATE PERSONS AUTHORIZED TO REQUEST**  
**OR APPROVE REQUESTS FOR ASSISTANCE THEREUNDER**

***WHEREAS***, the City of Sturgis is a member of the Michigan Municipal Electric Association

(MMEA); and

**WHEREAS**, from time to time it becomes necessary for members of MMEA to request emergency assistance in the form of equipment and personnel from other MMEA members in connection with the operation of their respective electric utilities; and

**WHEREAS**, MMEA has prepared a standardized written agreement entitled the “MMEA Mutual Aid Agreement” which sets forth requirements and conditions regarding the furnishing of emergency assistance by MMEA members to one another; and

**WHEREAS**, it is advisable and in the best interests of the City of Sturgis to have standardized requirements, obligations and conditions under which emergency assistance will be furnished to, or may be requested by the City; and

**WHEREAS**, all of the terms of the MMEA Mutual Aid Agreement are acceptable to the City of Sturgis and protective of the City’s best interests.

**WHEREAS**, the City of Sturgis desires to designate the persons authorized on its behalf to request emergency assistance or to act on the City’s behalf in response to requests for emergency assistance as set forth in paragraph 3 to the MMEA Mutual Aid Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Vice-Mayor and City Clerk are hereby authorized on behalf of the City to sign and enter into the MMEA Mutual Aid Agreement, and the following persons are hereby designated and authorized to request emergency assistance on behalf of the City under the MMEA Mutual Aid Agreement and to approve requests made to the City for emergency assistance under that agreement. These persons are listed in the specific descending order in which they are authorized on behalf of the City to request emergency assistance or, alternatively in which they are to be contracted by another signatory to the agreement, if the person at the top of the list is not timely available under the applicable circumstances.

- I. John J. Griffith, Electric Superintendent
- II. Tim Charles, Assistant Electric Superintendent
- III. Donald (Sandy) Tessin, Line Supervisor

The preceding list may from time to time be amended by the City Manager of the City of Sturgis electric utility as determined necessary by the City Manager by the preparation of a replacement list which shall be dated and which shall become effective upon its being filed with the City Clerk.

**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**  
**MOTION**

**CARRIED**

Moved by Comm. Austermann and seconded by Comm. Lampe that the City bills in the amount of \$492,981.64 be paid.

**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**  
**MOTION**

**CARRIED**

Moved by Comm. Austermann and seconded by Comm. Ludders that the Hospital bills in the amount of \$557,940.99 be ratified.

**Voting yea: Six    Voting nay: None    Absent: Kinsey, Sunday-Horstman, Mayor Murphy**

**MOTION**

**CARRIED**

Vice-Mayor Haas adjourned the meeting at 8:19 p.m.

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*Carol F. Rambadt, City Clerk*

*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, August 8, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, AUGUST 8, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: None

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

Mayor Murphy turned the meeting over to Vice-Mayor Haas.

Minutes of the previous regular meeting held on Wednesday, July 25, 2001 were approved as presented.

Delora DeKay, 313 N. Lakeview Avenue, addressed the Commission regarding electric and tax rates. Vice-Mayor Haas and City Manager Jerome Kisscorni responded to her questions.

Moved by Comm. Lampe and seconded by Comm. Kinsey to table the review and approval of fees and charges for services until the next regular City Commission meeting to allow time for clarification.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Nominations were accepted to designate the City official and alternate representative to the MML annual business meeting on Wednesday, September 12, 2001.

Comm. Austermann nominated Comm. Lampe as the City official.

Moved by Mayor Murphy and seconded by Comm. Kinsey to close the nominations and to cast a unanimous ballot to designate Com. Lampe as the City official.

**Voting yea: Eight**

**Voting nay: Lampe**

**MOTION  
CARRIED**

Comm. Oster nominated Comm. Kinsey as the alternate representative.

Moved by Mayor Murphy and seconded by Comm. Sunday-Horstman to close the nominations and to cast a unanimous ballot to designate Comm. Kinsey as the alternate representative.

**Voting yea: Eight**

**Voting nay: Kinsey**

**MOTION  
CARRIED**

By consensus, a public hearing date was set for Wednesday, August 22, 2001 to be held in the Wiesloch Raum of City Hall at 7:30 p.m. to discuss the final plat approval of Sturgis City Subdivision No. 2.

By consensus, the resignation of Charlene Moore was accepted from the Sturgis Housing Commission with the understanding that a letter of appreciation will be sent.

City Manager Jerome Kisscorni presented the Animal Control Report.

Vicky Hart, 1415 Rolling Ridge Lane spoke regarding the capture of feral cats in the downtown area.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the City bills in the amount of \$1,212,411.99 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the Hospital bills in the amount of \$736,577.96 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

By consensus it was decided to construct city sidewalks 5' wide when feasible and with discretion.

Mayor Murphy recognized Nickolas Hegedus for achieving the rank of Eagle Scout, and requested that a letter of congratulations be sent on behalf of the City Commission.

Vice-Mayor Haas adjourned the meeting at 8:40 p.m.

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***Carol F. Rambadt, City Clerk***



*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, August 22, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, AUGUST 22, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Lampe

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

John Fisher, Lawson-Fisher Associates, Southbend, Indiana gave a presentation on the status of the earthen embankment at the Hydro Electric Plant located in Centreville, Michigan.

Anthony DeKay, 609 N. Fourth Street, and William Clouse, 422 N. Lakeview Ave. addressed the Commission regarding the city ordinances pertaining to parking semi trucks within the city limits.

Discussion followed.

It was decided to refer the issue back to the Planning Board for consideration.

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to authorize the Sturgis Hospital through the Executive Director and President to move forward with the MRI project and to finance the project through an installment purchase agreement in an amount not to exceed \$300,000.

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

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to award the low bid for a roofing replacement project at 202 E. West Street for the Electric Department to Chenoweth Roofing, Three Rivers, Michigan in the amount of \$6,984.00.

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

Public hearing on the Final Plat approval for Sturgis City Subdivision No. 2 was held.

Moved by Comm. Kinsey and seconded by Comm. Austermann to approve the Final Plat for Sturgis City Subdivision No. 2 as presented.

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

Discussion was held regarding the review and approval of fees and charges for services. By

consensus, the Mayor appointed a sub-committee consisting of Mike Vance-City Controller, a representative of the EDC, a representative of the landlords, and Comm. Kinsey to consider the Housing fee schedule.

Moved by Comm. Haas and seconded by Comm. Oster to approve the fees and charges for services, with the exception of the Housing fees, as presented.

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

**MOTION  
CARRIED**

City Attorney Roger Bird reported on rollerblading, roller skating and skateboarding in the public roadways.

Discussion followed.

Moved by Comm. Ludders and seconded by Comm. Austermann to leave the ordinance as is, which prohibits the use of rollerblades, roller skates and skateboards on public roadways.

**Voting yea: Oster, Austermann, Kinsey, Ludders, Sunday-Horstman, Mayor Murphy**

**Voting nay: Haas, Chrisman**

**Absent: Lampe**

**MOTION  
CARRIED**

Comm. Chrisman absent.

Moved by Comm. Oster and seconded by Comm. Austermann to approve the Airport Lease Agreement #3 and addendum's between the City of Sturgis and Bryant Excavating to build a 48' x 48' hangar at the Kirsch Municipal Airport.

**Voting yea: Seven    Voting nay: None    Absent: Lampe, Chrisman**

**MOTION  
CARRIED**

Mayor Murphy accepted nominations to appoint a member to the Cemetery Board, term to expire in May, 2006.

Comm. Kinsey nominated Rick Mahler.

Comm. Sunday-Horstman nominated Karen Stephens

Comm. Austermann nominated David McCarthy.

Vote was taken by show of hands.

**Voting for Rick Mahler: Five**

**Voting for Karen Stephens: One**

**Voting for David McCarthy: One**

**Absent: Lampe, Chrisman**

**Rick Mahler was appointed to the Cemetery Board, term to expire in May, 2006.**

Nominations were accepted to appoint a member to the Sturgis Housing Commission to fill the unexpired term of Charlene Moore, term to expire in May, 2006.

Comm. Haas nominated Richard Provencher.

**By consensus, Richard Provencher was appointed to the Sturgis Housing Commission to fill the unexpired term of Charlene Moore, term to expire in May, 2006.**

Moved by Comm. Ludders and seconded by Comm. Austermann to accept the resignation of

Ken Chrisman from the Board of Review, Election Commission, and Planning Board, and that a letter of appreciation be sent.

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

Moved by Comm. Haas and seconded by Comm. Austermann to accept the resignation of LeeAnn McConnell from the Library Board and that a letter of appreciation be sent.

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

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to accept the resignation of Dennis Wheeler from the Sturgis Zoning Board of Appeals and that a letter of appreciation be sent.

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

By consensus, the Commission changed the date of the next City Commission meeting from Wednesday, September 12, 2001 to Monday, September 10, 2001, as several commission members will be attending the MML meeting in Battle Creek, Michigan.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to set a public hearing date of September 10, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to discuss the adoption of a Brownfield Plan for the City of Sturgis.

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

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to set a public hearing date of September 10, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to discuss a \$110,000 loan to Grav-I-Flo from the City CDBG: Economic Development Revolving Loan Fund.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the City bills in the amount of \$1,490,968.86 be paid.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the Hospital bills in the amount of \$686,896.39 be ratified.

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

Doug Smith, Director of Doyle, Parks & Recreation, gave the results of the Corporate Cup, which was won by the City of Sturgis.

By consensus, the issue of re-zoning the VFW property from Residential to Manufacturing be

referred to the Planning Board for its review and recommendation.

The following proclamation was accepted by the Commission:

**Proclamation**

**WHEREAS**, 1/3 of Michigan high school students smoked cigarettes in the previous month; and  
**WHEREAS**, one half (51%) of students who reported buying cigarettes from a store were not asked for a proof of age; and

**WHEREAS**, 17% of students reported smoking cigarettes on 20 or more of the previous 30 days; and

**WHEREAS**, one half (49%) of Michigan high school students reported having at least one alcoholic drink in the previous month; and

**WHEREAS**, young people who begin drinking before age 15 are 4 times more likely to become addicted to alcohol than those who begin at age 21; and

**WHEREAS**, alcohol use by college students is a factor in 40% of academic problems, 28% of dropouts, and 80% of vandalism acts; and

**WHEREAS**, currently, there are no effective local prevention campaigns, or comprehensive programs to reduce the sale of alcohol and tobacco to minors;

**NOW, THEREFORE, BE IT PROCLAIMED**, that on this the 22<sup>nd</sup> day of August, 2001, this Commission does hereby endorse and support creation of a local campaign to reduce and prevent the sale of alcohol and tobacco to minors.

Mayor Murphy adjourned the meeting at 9:45 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the minutes taken  
at the re-scheduled meeting held on September 10, 2001:*

**RESCHEDULED MEETING - STURGIS CITY COMMISSION  
MONDAY, SEPTEMBER 10, 2001  
WIESLOCH RAUM - CITY HALL**

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

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

Commissioners absent: Lampe, Mayor Murphy

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

Minutes of the regular meeting held on Wednesday, August 22, 2001 were approved as  
presented.

Sam Sites, 609 George Street expressed his concerns to the commission regarding front yard  
parking, and to request assistance with the flooding problem on George Street.

Robert Lewis, representing the Tri-Township Fire Department relay team, was present to request  
donations for housing and travel expenses to Memphis, TN in October to attend the World  
Challenge, for which their team qualified. Vice-Mayor Haas suggested that they check with the  
Townships first, before any decisions were made.

Moved by Comm. Kinsey and seconded by Comm. Ludders to award the low bid for the Hydro  
Tailrace Improvements for the Electric Department to Hardman Construction, Ludington,  
Michigan, in the amount of \$141,992.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Lampe, Mayor Murphy  
MOTION**

**CARRIED**

Moved by Comm. Oster and seconded by Comm. Sunday-Horstman to award the low bid for the  
Sturgis City Subdivision #2 Street and Drainage Improvements for the Engineering Department  
to Bryan Excavating, Inc., Kalamazoo, Michigan, in the amount of \$245,487.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Lampe, Mayor  
Murphy  
MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Austermann to award the low bid for the  
Vinyl Siding Cemetery Maintenance Barn for the Department of Public Works to Silver Creek  
Construction, Burr Oak, Michigan, in the amount of \$8,315.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Lampe, Mayor  
Murphy  
MOTION**

**CARRIED**

Public hearing on granting a \$110,000 loan to Grav-I-Flo from the City Community Development Block Grant: Economic Development Revolving Loan Fund was held.

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to grant a \$110,000 unsecured loan to Grav-I-Flo from the City CDBG Economic Development Revolving Loan Fund for a seven (7) year term.

**Voting yea: Six Voting nay: None Abstaining: Vice-Mayor Haas**

**Absent: Lampe, May  
or Murphy  
MOTION  
CARRIED**

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to approve the request from the Sturgis High School Student Council to hold their Homecoming Parade on Friday, October 5, 2001.

**Voting yea: Seven Voting nay: None**

**Absent: Lampe, Mayor Murphy  
MOTION**

**CARRIED**

By consensus, the issue of the development of a neighborhood park on the unplatted plot (Galyn Street) in Sturgis City Subdivision #1 was referred to the Planning Board.

John Hayes, Director of Economic Development, spoke regarding Smart Parks.

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to hold a public hearing at the next possible commission meeting to discuss the development of a Local Development Finance Authority for the purpose of attracting high tech companies.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Lampe, Mayor  
Murphy  
MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to re-schedule a public hearing date to September 26, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall on the adoption of a Brownfield Plan for the City of Sturgis.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Lampe, Mayor  
Murphy  
MOTION**

**CARRIED**

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

**RESOLUTION  
IN CELEBRATION OF THE 1200<sup>TH</sup> ANNIVERSARY**

**OF OUR SISTER CITY, WIESLOCH, GERMANY**

**WHEREAS**, the City of Sturgis and the City of Wiesloch, Germany have been connected by the Sister City Program since June of 1966; and

**WHEREAS**, the relationship between these communities has promoted building friendships across national boundaries, understanding and respect for other cultures and customs, as well as becoming personally involved in face-to-face diplomacy; and

**WHEREAS**, the City of Wiesloch has evolved from a small monastery to war-torn city to a thriving community which prides itself as a center of education, culture, and business; and

**WHEREAS**, the City of Wiesloch has known a rich history that should be commended, admired, and celebrated; and

**WHEREAS**, the City of Wiesloch approaches its 1200<sup>TH</sup> anniversary.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Sturgis congratulates its Sister City, Wiesloch, Germany, on its very impressive 1200 years of existence.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Lampe, Mayor**

**Murphy**

**MOTION CARRIED**

By consensus, the City will request reimbursement from the Sturgis Schools for the Youth Services Officer and School Crossing Guards for half of the budgeted amount, or approximately \$47,000.

Moved by Comm. Austermann and seconded by Comm. Ludders to accept the resignation of Amy Wright from the Sister City Committee and that a letter of appreciation be sent.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Lampe, Mayor**

**Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to accept the resignation of Don Easterday from the Economic Development Corporation/Brownfield Redevelopment Authority and that a letter of appreciation be sent.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Lampe, Mayor**

**Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman that the City bills in the amount of \$634,082.67 be paid.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Lampe, Mayor**

**Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the Hospital bills in the amount of \$926,569.99 be ratified.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Lampe,**

**Mayor**

**MOTION**

**CARRIED**

John Griffith, Electric Department Superintendent, introduced John Fisher of Lawson-Fisher Associates to discuss the Sturgis Dam Embankment Rehabilitation Project.

Moved by Comm. Ludders and seconded by Comm. Chrisman to award the low bid for the Sturgis Dam Embankment Rehabilitation Project for the Electric Department to H & K Construction Company, Inc, Allegan, Michigan, in the amount of \$125,347.60.

**Voting yea: Seven**

**Voting nay: None**

**Absent:  
Murphy**

**Lampe,**

**Mayor**

**MOTION**

**CARRIED**

The meeting was adjourned at 8:44 p.m.

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***Carol F. Rambadt, City Clerk***



*The following is an unapproved draft of the minutes taken at the regular meeting held on Monday, September 26, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, SEPTEMBER 26, 2001  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Ludders, Sunday-Horstman, Lampe, Oster, Mayor Murphy

Commissioners absent: Chrisman, Haas, Kinsey

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

The minutes taken at the previous re-scheduled meeting held on Monday, September 10, 2001 were approved as presented.

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

**RESOLUTION OFFERING CONDOLENCES TO ALL EFFECTED IN THE  
SEPTEMBER 11<sup>TH</sup>, 2001, ATTACK ON THE UNITED STATES OF AMERICA**

**WHEREAS**, on September 11, 2001, four planes were hijacked and crashed into the towers of the World Trade Center, the Pentagon, and the Pennsylvania countryside; and

**WHEREAS**, as a result of these heinous acts of terrorism, thousands of innocent people have lost their lives or have been trapped amongst the rubble of these crashes; and

**WHEREAS**, federal, state, and local agencies have been working diligently to locate and to apprehend the perpetrators who have devastated our nation; and

**WHEREAS**, many members of various police and fire departments and rescue teams have sacrificed their time, energy, and, in some cases, their lives to rescue victims of this tragedy; and

**WHEREAS**, President George W. Bush, his Cabinet, and the United States Congress pursue avenues of rescue, rehabilitation, and justice.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Sturgis offers its sincerest condolences to those victims of this despicable act of war, to their families, and to the citizens of the United States; and

**BE IT FURTHER RESOLVED**, that the City of Sturgis applauds our leaders including; President George W. Bush, Vice President Dick Cheney, Secretary of State Collin Powell, Attorney General John Ashcroft, New York Governor George Pataki, and New York City Mayor Rudolph Guiliani for their steadfast resolve during such a difficult time in our nation's history; and,

**BE IT FURTHER RESOLVED**, that the City of Sturgis stands firmly behind those leaders in

whatever decisions they may make during the pursuit of justice.

**Voting yea: Six**

**Voting nay: None**

**Absent: Chrisman, Haas, Kinsey  
RESOLUTION**

**ADOPTED.**

Police Chief Eugene Alli introduced the Deputy Police Chief of the City of Sturgis, David Northrop, who will begin his duties on October 8, 2001.

Deputy Police Chief Dave Northrop thanked the Commission for the support they have given to the police department and stated he was looking forward to working with the Chief, the City, and the Commissioners. Deputy Chief Northrop also assured the Commission that they, as a department, would do everything within their ability to make the City proud of the Sturgis Police Department.

Jay Lego, 310 S. Monroe Street, asked when the street improvements would take effect on S. Monroe.

City Engineer Tom Seymour responded by saying that it was scheduled to be done next spring or summer.

Public Hearing on the adoption of a Brownfield Redevelopment Plan for the City of Sturgis was held.

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

**RESOLUTION APPROVING A BROWNFIELD PLAN  
FOR THE CITY OF STURGIS PURSUANT TO AND  
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE  
PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

**WHEREAS**, the Brownfield Redevelopment Authority (the "Authority") of the City of Sturgis, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has prepared and recommended for approval by the Sturgis City Commission, a Brownfield Plan (the "Plan") pursuant to and in accordance with Section 13 of the Act; and

**WHEREAS**, the Authority has, at least twenty (20) days before the meeting of the Sturgis City Commission at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the Financing Plan (the "Taxing Jurisdictions") about the fiscal and economic implications of the proposed Financing Plan; and

**WHEREAS**, the Sturgis City Commission has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and

**WHEREAS**, as a result of its review of the Plan and upon consideration of the views and

recommendations of the Taxing Jurisdictions, the Sturgis City Commission desires to proceed with approval of the Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- I. **Plan Approved.** Pursuant to the authority vested in the Sturgis City Commission by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached as Exhibit "A" to this Resolution.
- II. **Severability.** Should any section, clause or phase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
- III. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**Voting yea: Six**

**Voting nay: None**

**Absent: Chrisman, Haas,  
Kinsey**

**RESOLUTION ADOPTED**

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

**RESOLUTION FOR  
REVITALIZATION LOAN APPLICATION**

**WHEREAS**, the Michigan Department of Environmental Quality provides low interest loans to communities through its Revitalization Loans for environmental response activities at properties which are known or believed to be contaminated; and

**WHEREAS**, the former use of the property site located at 303 St. Joseph Street, Sturgis, Michigan in the NE 1/4 of the SW 1/4 of Section 1, T8S, R9E, St. Joseph County, Michigan, and the property located at 303 Jacob Street, Sturgis, St. Joseph County, Michigan, described as the NE 1/4 of the NW 1/4 of the SW 1/4 of Section 1 of Tier 8 South and Range 10 West indicates that the property is or is likely to be contaminated; and

**WHEREAS**, additional environmental response activities, including (investigation, demolition, a baseline environmental assessment, or other as appropriate) are required in order to reuse the property.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Commission authorizes Mayor William M. Murphy to apply for and secure a loan for a maximum of \$509,450 from, and enter into a loan agreement with, the Michigan Department of Environmental Quality; and

**BE IT FURTHER RESOLVED**, the Revitalization Loan will not cause the City to exceed its legal debt limit;

**BE IT FURTHER RESOLVED**, that the City Commission authorizes repayment of a Revitalization Loan, acknowledges that a default in repayment of the loan may result in loss of City revenue sharing, and further acknowledges that loans are secured by the City's full faith and credit.

**Voting yea: Six**

**Voting nay: None**

**Absent: Chrisman, Haas, Kinsey**  
**RESOLUTION**

**ADOPTED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to approve the 2001-2002 Fiscal Year Budget Adjustments as presented by City Controller, Michael Vance.

	Budgeted 09-30-2001 Fund Balance	Budget Adjustment + / (-)	Amended 09-30-2001 Fund Balance
General Fund	\$1,411,700	\$ 45,431	\$ 1,457,131
Drug Enforcement	88,342	(27,400)	60,942
D.D.A. Fund	14,276	31,405	45,681
Building Department Fund	2,441	2,200	4,641
Auditorium Fund	48,526	10,354	58,800
Doyle Recreation Fund	61,375	41,800	103,175
Economic Enhancement Fund	174,765	51,524	123,241
Employee Benefits Fund	683,666	167,000	516,666

**Voting yea: Six**

**Voting nay: None**

**Absent: Chrisman, Haas, Kinsey**

**MOTION CARRIED**

Comm. Kinsey present.

City Manager Jerome Kisscorni and Assistant to the City Manager Mike Hughes made a presentation of the City of Sturgis Housing Improvement Plan 2001.

Moved by Comm. Lampe and seconded by Comm. Kinsey to instruct the City employees to move forward with the Housing Plan as presented.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Haas**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the Civil Infraction Fines as presented.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Haas**

**MOTION  
CARRIED**

City Attorney Roger Bird reported on the results of an investigation made at 610 George Street regarding a parking ordinance complaint. The residents are in compliance with the ordinance and no action will be taken.

Willa Yoder, 513 Jean, addressed the Commission and wanted to assure them that the residents at 610 George checked all available resources to be sure that they would not be in violation of the city ordinance.

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

### **RESOLUTION**

#### **Michigan Department of Transportation Enhancement Grant**

**WHEREAS**, the City of Sturgis has applied for an MDOT Enhancement Grant to improve U.S. 12 West from Centerville Road to Elaine Street; and

**WHEREAS**, this area, encompassing both the City of Sturgis and Sturgis Township, is scheduled by MDOT for road improvements; and

**WHEREAS**, the Enhancement Grant Application will include five foot sidewalks, decorative street lights, and trees; and

**WHEREAS**, the City Commission of Sturgis agrees and approves the execution of the Grant Application by the City of Sturgis, Michigan and the Michigan Department of Transportation for the purpose of attaining a Federal Grant for the development of U.S. 12 under Project No. 32365A.

**THEREFORE, BE IT RESOLVED**, that the City Manager of the City of Sturgis, Michigan, is hereby authorized and directed to execute said Grant Agreement electronically and participate in the 20% local match requirement on behalf of the City of Sturgis, and the City Clerk is hereby authorized and directed to impress the official seal to attest said execution.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Haas**  
**RESOLUTION ADOPTED**

Mayor Murphy accepted nominations to appoint a member to the Planning Board to fill the unexpired term of Ken Chrisman.

Moved by Comm. Oster and seconded by Comm. Ludders to nominate Tim Peterson.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to close the nominations and to cast a unanimous ballot to appoint Tim Peterson to the Planning Board to fill the unexpired term of Ken Chrisman, term to expire in May, 2003.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Haas**

**MOTION**  
**CARRIED**

Mayor Murphy accepted nominations to appoint a member to the Election Commission to fill the unexpired term of Ken Chrisman.

Comm. Oster nominated Rick Mahler.

Moved by Comm. Sunday-Horstman and seconded by Comm. Lampe to nominate Karen Stephens.

Moved by Comm. Lampe and seconded by Comm. Ludders to close the nominations and to cast a unanimous ballot to appoint Karen Stephens to the Election Commission to fill the unexpired term of Ken Chrisman, term to expire in May, 2002.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Haas**

**MOTION**  
**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Oster to approve the Declaration of Restrictions for Sturgis City Subdivision #2.

**Voting yea: Six**

**Voting nay: Lampe**

**Absent: Chrisman, Haas**

**MOTION**  
**CARRIED**

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to set a public hearing date of Wednesday, October 10, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider establishing an Industrial Development District covering the property occupied by Sturgis Electric Motor.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Chrisman, Haas**

**MOTION**  
**CARRIED**

By consensus, the resignation of Robert Magness from the Cemetery Board was accepted, with the understanding that a letter of appreciation would be sent.

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the City bills in the amount of \$1,703,956.35 be paid.

**Voting yea: Seven   Voting nay: None   Absent: Chrisman, Haas   MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders that the Hospital bills in the amount of \$989,169.23 be ratified.

**Voting yea: Seven   Voting nay: None   Absent: Chrisman, Haas   MOTION  
CARRIED**

The Sturgis City Commission will hold a Workshop Session at 7:00 p.m. on Wednesday, November 7, 2001 in the Wiesloch Raum of City Hall to review the City's 2001 goals and priorities.

John Hayes, Director of Economic Development, welcomed four students from the Sturgis High School government class who were present. Mayor Murphy also welcomed the students.

Mayor Murphy adjourned the meeting at 9:39 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the minutes taken  
at the regular meeting held on Wednesday, October 10, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY , OCTOBER 10, 2001  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

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

Commissioners absent: Chrisman

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

Minutes of the previous regular meeting held on Wednesday, September 26, 2001 were approved  
as presented.

Mayor Murphy welcomed two (2) students from the Sturgis High School government class.

Paul Livernois, Director of Community Relations for Michigan Gas Utilities was present to  
discuss the current situation with natural gas and the different assistance programs which are  
available in the community.

Al Kuhlman, 213 Virginia, addressed the Commission regarding safety concerns in front of the  
Legacy building on the corner of Chicago and Nottawa Streets where construction is being done.

Roger Krantz, Krantz Tool & Machine commended the Electric Department for their prompt  
response and assistance when they lost power on September 11, 2001 due to an accident which  
knocked down some utility poles.

Moved by Comm. Kinsey and seconded by Comm. Ludders to award the low bid for the  
Oakwood Drive Sanitary Sewer Improvements for the Engineering Department to Bryant  
Excavating, Inc., Kalamazoo, Michigan in the amount of \$67,282.60.

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

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to award the low bid for  
the 2001 Bituminous Crack Filling program for the Engineering Department to Scodeller

Construction, Inc., South Lyon, Michigan in the amount of \$18,602.50.

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

**MOTION  
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to award the low bid for the Fall 2001 Tree Planting Project for the Parks & Forestry Department to The Idriss Company, Sturgis, Michigan in the amount of \$9,500.00.

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

**MOTION  
CARRIED**

Public hearing on the establishment of an Industrial Development District covering the property occupied by Sturgis Electric Motor was held.

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

### **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**, Sturgis Electric Motor 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 No. 198, P.A. 1974 as amended, and

**WHEREAS**, Sturgis Electric Motor 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 Sturgis Electric Motor, and

**WHEREAS**, a Public Notice of the Hearing was published in the Sturgis Journal on Monday, October 1, 2001.

**WHEREAS**, the owner of the property as 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 10, 2001, 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 Sturgis Electric Motor 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    Absent: Chrisman**

**MOTION  
CARRIED**

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



the Downtown Sturgis Association to close the entrances of North and Pleasant Streets on October 31<sup>st</sup> from 4:00 to 6:00 p.m. to accommodate their annual Halloween Costume Contest and Trick-or-Treating.

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

**MOTION  
CARRIED**

By consensus, the request from the Downtown Sturgis Association to have all Christmas lights and decorations up by Friday, November 9<sup>th</sup> was approved.

By consensus, the commission accepted the resignation of Laurie Briggs from the Sturgis Library Board with an understanding that a letter of appreciation would be sent.

By consensus, Mayor Murphy appointed Rick Roy, term to expire in May, 2002 and Veronica Atkins, term to expire in May, 2006 to the Sturgis Library Board to fill the unexpired terms of Ann McConnell and Laurie Briggs.

By consensus, the commission considered this the first reading to amend the ordinance to expand the Library Board of Trustees from five (5) to seven (7) members.

Mayor Murphy accepted nominations to appoint a member to the Zoning Board of appeals to fill the unexpired term of Dennis Wheeler, term to expire in May, 2003.

Moved by Comm. Ludders and seconded by Comm. Austermann to nominate Richard Earl.

Moved by Comm. Kinsey and seconded by Comm. Haas to close the nominations and to cast a unanimous ballot to appoint Richard Earl to the Zoning Board of Appeals to fill unexpired term of Dennis Wheeler, term to expire in May 2003.

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

**MOTION  
CARRIED**

By consensus, the Commission directed the City Manager to re-advertise for the Cemetery Board appointment.

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

### **RESOLUTION**

***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**, the 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 7-13, 2001, be designated the 15<sup>th</sup> 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 the cost-cutting competition for electricity customers.

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

**MOTION  
CARRIED**

Mayor Murphy accepted nominations to appoint a member to the Economic Development Corporation/Brownfield Redevelopment Authority Board to fill the unexpired term of Don Easterday, term to expire in May, 2002.

Moved by Comm. Haas and seconded by Comm. Ludders to nominate Stephen Deter.

Moved by Comm. Lampe and seconded by Comm. Austermann to nominate Steve Stilson.

Moved by Comm. Kinsey and seconded by Comm. Austermann to nominate James Brott.

Discussion followed.

Comm. Kinsey withdrew his nomination and Comm. Austermann withdrew his second.

Moved by Comm. Austermann and seconded by Comm. Kinsey to nominate James Brott.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to close the nominations.

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

**MOTION  
CARRIED**

Mayor Murphy asked for a show of hands to vote for a new member.

**Voting for Stephen Deter : Five**

**Voting for Steve Stilson: One**

**Voting for James Brott: Two**

**Absent: Chrisman**

**Stephen Deter was appointed to the EDC/BRA Board to fill the unexpired term of Don Easterday, term to expire in May, 2002.**

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$944,548.60 be paid.

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

**MOTION  
CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Oster that the Hospital bills in the

amount of \$732,610.50 be ratified.

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

**MOTION  
CARRIED**

The City Commission Workshop Meeting was changed from November 7<sup>th</sup> to November 12<sup>th</sup> at 7:00 p.m. due to a conflict in schedule with the Chamber of Commerce Annual Meeting.

Moved by Comm. Lampe to rescind the charges for a 24-hr. liquor license fee for private clubs. Discussion followed.

Comm. Lampe withdrew his motion.

Moved by Comm. Haas and seconded by Comm. Lampe that non-profit organizations be exempt from paying for a 24-hr. liquor license fee to the City.

**Voting yea: Seven    Voting nay: Kinsey    Absent: Chrisman**

**MOTION  
CARRIED**

Mayor Murphy adjourned the meeting at 8:44 p.m.

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***Carol F. Rambadt, City Clerk***

*The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, October 24, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, OCTOBER 24, 2001  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

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

Commissioners absent: Chrisman, Mayor Murphy

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

Minutes of the previous regular meeting held on October 10, 2001 were approved as presented.

Moved by Comm. Lampe and seconded by Comm. Kinsey that this be considered the second reading and approval on an amendment to Title III of the Ordinances of the City of Sturgis to modify Chapter 31.50, pertaining to the composition of the Library Board.

**AMENDMENT TO TITLE III OF THE ORDINANCES OF THE CITY OF STURGIS TO MODIFY CHAPTER 31, SECTION 31.50, PERTAINING TO THE COMPOSITION OF THE LIBRARY BOARD AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to increase the number of members of the Library Board from Five (5) to Seven (7) members;

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

**TITLE III, CHAPTER 31**, Section 31.50 of the Ordinances of the City of Sturgis is hereby amended to provide as follows effective as of December 1, 2001:

**§ 31.50 Library board created; membership.**

There is hereby created a library board for the city, to be composed of seven (7) members.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Chrisman,**

**Mayor**

**Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that this ordinance become effective as of December 1, 2001.

**Voting yea: Seven**

**Voting nay: None**

**Absent:**

**Chrisman,**

**Mayor**

**Murphy**

Moved by Comm. Lampe and seconded by Comm. Oster to follow the recommendation of the Planning Board and deny the request from Lone Eagle, Inc. to rezone 104 S. Fourth Street from R-4 Residential to BH Business Highway.

**Voting yea: Six    Voting nay: None    Abstaining: Kinsey    Absent: Chrisman, Mayor Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Austermann that this be considered the introduction and first reading on an amendment to the Sturgis Zoning Ordinance to rezone the Southwest corner of South Nottawa and Fawn River Road (VFW property) from Residential to Manufacturing.

**Voting yea: Seven    Voting nay: None    Absent: Chrisman, Mayor Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Oster and seconded by Comm. Ludders to set a public hearing date of Wednesday, November 14, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider granting a request for an Industrial Facilities Exemption Certificate to Sturgis Electric Motor.

**Voting yea: Seven    Voting nay: None    Absent: Chrisman, Mayor Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Ludders and seconded by Comm. Austermann to deny the request as presented at this time to approve a liquor license transfer from MCH Sturgis Corporation to T&G LCC.

**Voting yea: Six    Voting nay: None    Abstaining: Kinsey    Absent: Chrisman, Mayor Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Kinsey that the City bills in the amount of \$1,259,351.83 be paid.

**Voting yea: Seven    Voting nay: None    Absent: Chrisman, Mayor Murphy**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that the Hospital bills in the amount of \$523,854.54 be ratified.

**Voting yea: Seven    Voting nay: None    Absent: Chrisman, Mayor Murphy**

**MOTION**

**CARRIED**

**RESOLUTION**

**Moved by Comm. Lampe and seconded by Comm. Ludders to recess under the Open Meetings Act to discuss purchase of property.**

**Voting yea: Oster, Austermann, Kinsey, Ludders, Lampe, Sunday-Horstman, Vice-Mayor**

**Haas**

**Voting nay: None**

**MOTION**

**CARRIED**

**The meeting was recessed at 8:08 p.m.**

**The meeting reconvened at 8:55 p.m.**

Vice-Mayor Haas adjourned the meeting at 8:56 p.m.

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***Carol F. Rambadt, City Clerk***

# **ORGANIZATIONAL MEETING** **MONDAY, NOVEMBER 12, 2001** **WIESLOCH RAUM - CITY HALL**

Deputy City Clerk Mary Stoddard called the meeting to order at 8:07 p.m.

Commissioners present: Austermann, Mayer, Lampe, Sunday-Horstman, Haas, Littman, Harmon, Murphy

Commissioners absent: Ludders

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

The results of the November 6, 2001 Sturgis City General Election, as certified by the St. Joseph County Board of Canvassers, was presented by the Deputy Clerk to be recorded as follows:

<b>OFFICE</b>	<b>CANDIDATE</b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>TOTAL</u></b>
Comm. 1 <sup>st</sup> Pct.	Walter J. Kinsey Jr.	174				<b>174</b>
Comm. 1 <sup>st</sup> Pct.	Caralee Mayer	237			<b>237</b>	
Comm. 2 <sup>nd</sup> Pct.	David W. Ludders		74			<b>74</b>
Comm. 3 <sup>rd</sup> Pct.	Lucinda Sunday-Horstman			66		<b>66</b>
Comm. 3 <sup>rd</sup> Pct.	Tim Christner			55		<b>55</b>
Comm. 4 <sup>th</sup> Pct.	James Bupp				40	<b>40</b>
Comm. 4 <sup>th</sup> Pct.	Karl W. Littman				139	<b>139</b>
Comm. 4 <sup>th</sup> Pct.	James R. Vicalvi				22	<b>22</b>
Comm. 4 <sup>th</sup> Pct.	John E. Mikulenas				73	<b>73</b>
Comm. At-Large	JoEllen Oster	191	22	26	62	<b>301</b>
Comm. At-Large	Scott E. Harmon	220	59	93	205	<b>577</b>

The following received the greatest number of votes and are elected:

Caralee Mayer	Commissioner - First Precinct	Four year term
David W. Ludders	Commissioner - Second Precinct	Four year term
Lucinda Sunday-Horstman	Commissioner - Third Precinct	Four year term
Karl W. Littman	Commissioner - Fourth Precinct	Four year term
Scott E. Harmon	Commissioner-At-Large	Two year term

The Deputy Clerk administered the oath of office to the newly elected Commissioners.

By consensus, the November 6, 2001 City General Election results were accepted as presented.

The Deputy Clerk asked for nominations for the office of Mayor.

Moved by Comm. Haas and seconded by Comm. Austermann to nominate Comm. Murphy.

Moved by Comm. Austermann and seconded by Comm. Harmon to nominate Cindy Sunday-

Horstman.

**Voting for Comm. Murphy: Mayer, Sunday-Horstman, Haas, Murphy**

**Voting for Comm. Sunday-Horstman: Austermann, Lampe, Littman, Harmon**

**Absent: Ludders**

**TIE VOTE**

Discussion followed.

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to re-nominate Comm. Murphy for office of the Mayor.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Ludders**

**MOTION**

**CARRIED**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman that the nominations be closed and a unanimous ballot be cast for Comm. Murphy as Mayor.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Ludders**

**MOTION**

**CARRIED**

**Comm. William Murphy was seated as Mayor of the City of Sturgis.**

Mayor Murphy asked for nominations for the office of Vice-Mayor.

Moved by Comm. Murphy and seconded by Comm. Austermann to nominate Comm. Haas.

Moved by Comm. Littman and seconded by Comm. Harmon to nominate Comm. Sunday-Horstman.

**Voting for Comm. Haas : Four**

**Voting for Comm. Sunday-Horstman: Four**

**Absent: Ludders**

**TIE VOTE**

Moved by Comm. Austermann and seconded by Comm. Littman to postpone the appointment of a Vice-Mayor until the next regular meeting to be held on Wednesday, November 14, 2001.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Ludders**

**MOTION**

**CARRIED**

Mayor Murphy made the following appointments to the various City Boards.

**Ambulance Committee**

Lee Austermann

**Auditorium Board**

Cindy Sunday-Horstman

**Bid Opening Committee**

Joe Haas

Karl Littman

Cindy Sunday-Horstman

Dave Ludders



**Cemetery Board**

Don Lampe

**Doyle Board of Directors**

Dave Ludders

**Economic Development Corporation & Brownfield Redevelopment Authority**

William Murphy

**Employee's Retirement System**

William Murphy

Joe Haas

**Finance Committee**

Lee Austermann

Karl Littman

Scott Harmon

**Hospital Board of Trustees**

Joe Haas

**Idle Industrial Buildings Committee**

Karl Littman

Don Lampe

Scott Harmon

Cindy Sunday-Horstman

**Industrial Facilities Exemption Certificate Committee**

Cindy Sunday-Horstman

Caralee Mayer

Don Lampe

Lee Austermann

**Investment Committee**

Don Lampe

Cindy Sunday-Horstman

Joe Haas

**Library Board**

Caralee Mayer

**Parks & Recreation Advisory Board**

Dave Ludders

**Planning Board**

Caralee Mayer

**Sister City Committee**

Don Lampe (Mayor's Representative)

Lee Austermann (Commission)

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to approved the established General Rules of Order for Sturgis City Commission meetings.

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

By consensus, the date of January 19, 2002 was set for the Annual Planning Meeting.

The meeting was adjourned at 8:27 p.m.

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***Mary M. Stoddard, Deputy City Clerk***

*The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, November 14, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY - NOVEMBER 14, 2001  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

Mayor Murphy requested a moment of silence to remember departed Commissioner Carroll Eaton, who passed away on November 12, 2001.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Sunday-Horstman, Haas, Littman, Harmon, Mayor Murphy

Commissioners absent: None

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

Deputy Clerk Mary Stoddard administered the oath of office to David Ludders, second precinct commissioner.

Minutes of the regular previous meeting held on Wednesday, October 24, 2001 were approved as presented.

Mayor Murphy welcomed several students from the Sturgis High School government class who were present.

Nominations were on the floor from the Organizational Meeting of November 12, 2001 to elect a Vice-Mayor, which was tabled due to a tie vote.

Roll call vote was taken to elect a Vice-Mayor.

**Voting for Comm. Haas: Mayer, Ludders, Haas, Mayor Murphy**

**Voting for Comm. Sunday-Horstman: Lampe, Sunday-Horstman, Littman, Harmon, Austermann**

**Comm. Sunday-Horstman was seated as Vice-Mayor of the City of Sturgis.**

Public Hearing on granting an IFEC to Sturgis Electric Motor was held.

Moved by Comm. Lampe and seconded by Comm. Ludders that an Industrial Facilities Exemption Certificate not to exceed \$40,000 be awarded to Sturgis Electric Motor for a period of

twelve (12) years and that the following resolution be adopted:

**RESOLUTION**

**WHEREAS**, Sturgis Electric Motor 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 Electric Motor, and

**WHEREAS**, on October 10, 2001 the City Commission established the Industrial Development District for the industrial property of Sturgis Electric Motor, 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, 2014.

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

**Voting yea: Commissioners: Austermann, Mayer, Ludders, Lampe, Sunday-Horstman, Haas, Littman, Harmon, Mayor Murphy**

**Voting nay: None**

**THE RESOLUTION WAS ADOPTED**

Moved by Comm. Haas and seconded by Comm. Lampe that this be considered the second reading and approval of an amendment to the Sturgis Zoning Ordinance to rezone the Southwest corner of South Nottawa and Fawn River Road (VFW Property) from Residential to Manufacturing.

## **AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP**

An Ordinance to amend Article III of the Zoning Ordinances of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the R-1 Rural Residential to the M-Manufacturing 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 December 14, 2001.

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 M-Manufacturing district:

Premises formerly situated in the Township of Sturgis, now located in the City of Sturgis, St. Joseph County, Michigan described as follows:

Five (5) acres of land lying in the Northeast corner of the Northeast quarter of the Northwest quarter of Section 13, and bounded as follows:

Commencing at the Quarter Post and running thence West to the line of the G.R. & I.R. Ry., now Penna, system right of way; thence Southerly on the East line of such right of way far enough to make 5 acres of land, thence East to the highway; and thence North on the West line of the highway to the place of beginning, all in Township 8 South, Range 10 West.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

By consensus, this was considered the introduction and first reading of an ordinance to amend the Sturgis Code of Ordinances by adding Chapter 4: Cost Recovery to provide for the recovery of certain charges and costs by the City and to provide for an effective date.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the recommendation from the Sturgis Economic Development Corporation to remove the property at 403 South Jefferson Street (Midwest Tool Building) as collateral from the City's Revolving Loan Fund Agreement dated October 31, 1997.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The City Commission reviewed the recommendation to the Retirement Board on a request for a retirement plan amendment.

Moved by Comm. Lampe and seconded by Comm. Ludders to not take any action at this time.

Discussion followed.

**Voting yea: Lampe, Sunday-Horstman, Haas, Mayer, Mayor Murphy**

**Voting nay: Ludders, Littman, Austermann**

**Abstaining: Harmon**

**MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Austermann to appoint Colleen Cone to the Sister City Committee to fill the unexpired term of Amy Wright, term to expire in May, 2003.

Moved by Comm. Lampe and seconded by Comm. Austermann to cast a unanimous ballot to appoint Colleen Cone to the Sister City Committee to fill the unexpired term of Amy Wright, term to expire in May, 2003.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

By consensus, the Commission accepted the resignation of Lynn Brand from the Auditorium Board and requested that a letter of appreciation be sent.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to approve the recommendation to the City Commission to allow a single family structure located at 907 N. Lakeview to be moved to 829 Friar Tuck.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

City Manager Jerome Kisscorni and City Engineer Tom Seymour reviewed the Snow Emergency Ordinance.

Discussion followed.

Moved by Comm. Austermann and seconded by Comm. Ludders that the City bills in the amount of \$1,072,637.81 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Austermann and seconded by Comm. Littman that the Hospital bills in the amount of \$1,179,442.30 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Commissioner Austermann requested that the City Staff include a copy of the bid along with the bills submitted, if applicable.

By consensus, the date for the Annual Planning Meeting was rescheduled to January 12, 2002. The meeting was adjourned at 8:38 p.m.

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*Mary M. Stoddard, Deputy City Clerk*

*The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, November 28, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY- NOVEMBER 28, 2001  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Sunday-Horstman, Haas, Littman, Harmon, Mayor Murphy

Commissioners absent: Lampe

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, Deputy City Clerk

Minutes of the Organizational Meeting held on Monday, November 12, 2001 were approved as corrected. Minutes of the previous regular meeting held on Wednesday, November 14, 2001 were approved as presented.

Mayor Murphy presented a plaque to former City Commissioner Walt Kinsey, Jr. in appreciation of his time spent and dedication to the community during his term served as commissioner.

John Davis, 66778 Sherman Mills Road, owner of 126,128 and 130 W. Chicago Road addressed the commission with his concerns regarding the downtown holiday lights, downtown snow removal, and Auditorium use by Civic Groups.  
Discussion followed.

John Dobberteen, Chairman of the Elected Officials Compensation Commission was present to answer any questions regarding the committee.  
Mayor Murphy appointed Carl Holsinger and Greg Hackman to the Elected Officials Compensation Commission.

Moved by Comm. Haas and seconded by Comm. Ludders to consider this the second reading and approval of an ordinance to amend the Sturgis Code of Ordinances by adding Chapter 4: Cost Recovery to provide for the recovery of certain charges and costs by the City and to provide for an effective date of January 1, 2002.

**Voting yea: Three      Voting nay: Five Absent: Lampe      MOTION DENIED**

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to consider this the



introduction and first reading of an amendment to Chapter 78 (Emergency Snow Ordinance), Section 78.03 of the Ordinances of the City of Sturgis as it relates to the prohibition of parking of a motor vehicle on a secondary priority street under certain conditions.

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

Moved by Comm. Haas and seconded by Comm. Austermann to approve a recommendation from the Planning Board to re-zone the former Paramount Property (303 St. Joseph Street).

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

By consensus, the Commission approved a recommendation from the Planning Board to not make any amendments to the Zoning Ordinance Section 1.0901 (Q) pertaining to Semi Truck Parking in Residential areas, and to leave the ordinance stand as written.

Nominations were accepted to appoint a member to the Auditorium Board.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to nominate Walt Kinsey.

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to close the nominations and to cast a unanimous ballot to appoint Walt Kinsey to the Auditorium Board to fill the unexpired term of Lynn Brand, term to expire in May, 2004.

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

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of \$1,362,595.54 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Littman that the Hospital bills in the amount of \$711,461.23 be ratified.

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

Tim Bibb, 202 ½ W. West Street, addressed the Commission regarding his concerns with the need for a public transportation system in Sturgis.

By consensus, the regularly scheduled meeting of Wednesday, December 26, 2001 has been re-scheduled to Wednesday, December 19, 2001 at 7:30 p.m. in the Wiesloch Raum of City Hall.

The meeting was adjourned at 9:12 p.m.

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***Mary M. Stoddard, Deputy City Clerk***

*The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, December 12, 2001:*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, DECEMBER 12, 2001  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Sunday-Horstman, Littman, Haas, Harmon, Mayor Murphy

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, November 28, 2001 were approved.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to award the low bid for radio equipment for the Fire Department to Tel-Rad, Inc., Benton Harbor, Michigan in the amount of \$6,563.50.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Ludders to approve a Hospital Management Agreement between Quorum Health Resources, Inc. and the City of Sturgis with the City Attorney's approval.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Haas to approve the purchase of a 2002 Chevrolet Impala from Berger Chevrolet, Grand Rapids, Michigan to be used as a deputy chief's car, through the State of Michigan's Extended Purchasing Program for the Police Department in the amount of \$22,743.01.

**Voting yea: Seven**

**Voting nay: Sunday-Horstman, Littman**

**MOTION  
CARRIED**

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the purchase of a 2002 Ford Crown Victoria from Shaheen Ford Mercury, Inc., Lansing, Michigan to be used as a patrol car, through the State of Michigan's Extended Purchasing Program for the Police Department in the amount of \$23,327.00

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Haas and seconded by Comm. Austermann that this be considered the second reading and approval of an amendment to Chapter 78 (Emergency Snow Ordinance), Section 78.03 of the Ordinances of the City of Sturgis as it relates to the prohibition of Parking of a motor vehicle on a secondary priority street under certain conditions and to provide for an effective date.

**AMENDMENT TO CHAPTER 78**

An Amendment to Chapter 78, Section 78.03 of the Ordinances of the City of Sturgis as it relates to the prohibition of parking of a motor vehicle on a secondary priority street under certain conditions and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to amend Chapter 78 of the Ordinances of the City of Sturgis pertaining to the prohibition of the parking of a motor vehicle on a secondary priority street under certain circumstances;

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

Section 78.03 of the Sturgis Code of Ordinances, is hereby amended to read as follows effective as of January 7, 2002:

1. The parking of a motor vehicle on a Second Priority Street is prohibited whenever the Coordinator finds it necessary to prohibit parking based upon snow or other weather conditions or a weather forecast.

2. During the period of time that a parking prohibition is in effect, a motor vehicle shall not be parked or remain parked on the following described portions of a Second Priority Street:

a. On days having even dates, motor vehicles are prohibited from parking on the side of the street having even address numbers, from 9:00 a.m. on the even date to 9:00 a.m. on the following day.

b. On days having uneven dates, motor vehicles are prohibited from parking on the side of the street having uneven address numbers, from 9:00 a.m. on the uneven date to 9:00 a.m. on the following day.

c. When parking has been prohibited as provided above, and the entire opposite side of the street between two successive intersections is posted for "no parking", such "no parking" provisions shall be lifted.

3. The prohibition against the parking of motor vehicles shall remain in effect until one or more the following occurs:

a. Termination by the Coordinator with a public announcement.

b. A street has been cleared between two successive street intersections from curb to curb or from shoulder to shoulder.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman that this be considered the second reading and approval of and amendment to Article III of the Zoning Ordinance (Paramount Property) of the City of Sturgis pertaining to the Zoning Map and to provide for an effective date.

**AMENDMENT TO ZONING ORDINANCE  
PERTAINING TO ZONING MAP**

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the M-Manufacturing to the R-3 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 January 7, 2002.

**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-3 Residential district: Land situate in the City of Sturgis, St. Joseph County, Michigan commonly known as 303 St. Joseph Street, and described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Block 9 of the original replat of the Village of Sturgis, Michigan as recorded in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 33, Page 164 and together with that vacated portion of the South half of West Hatch Street that is adjacent to said Lot 1 and the East half of the vacated portion of North Jefferson Street adjacent to said Block 9, said vacations being recorded in the Office of the Register of Deeds for St. Joseph County, Michigan in Volume 12 of Misc. Records, Page 164.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of \$437,254.64 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Austermann and seconded by Comm. Littman that the Hospital bills in the amount of \$728,510.04 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Fire Chief Mike Houck gave a presentation on a Pierce 2000 95-foot Platform Demo Ladder Truck.

Discussion followed.

Moved by Comm. Harmon and seconded by Comm. Lampe to move forward with the purchase of a Pierce 2000 95-foot Platform Demo Ladder Truck from Halt Fire, Inc., Wixom, Michigan in the amount of \$648,000.

Further discussion followed.

Comm. Lampe withdrew his support.

**MOTION DIED**

It was decided to include this item on the agenda for the December 19, 2001 meeting to allow the public a chance to respond.

The meeting was adjourned at 8:41 p.m.

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*Carol F. Rambadt, City Clerk*

*The following is an unapproved draft of the minutes taken at the rescheduled meeting held on Wednesday, December 19, 2001:*

**RESCHEDULED MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, DECEMBER 19, 2001  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Mayor Murphy

Commissioners absent: Sunday-Horstman

Also present: City Manager, Assistant City Attorney, Assistant City Manager, Director of Economic Development, City Clerk

Minutes of the previous regular meeting held on Wednesday, December 12, 2001 were approved as presented.

Jim Fiebig, 1432 Rolling Ridge Lane, representing the Downtown Development Authority was present to address the Commission regarding the downtown snow removal and the signs which have been recently installed in the downtown area.

Discussion followed.

By consensus, it was decided to remove the snow emergency signs in the downtown area and to replace them with new signs prohibiting parking from two o'clock a.m. to five o'clock a.m.

Discussion was held regarding the purchase of a Pierce 95' Mid-Mount Platform Fire Truck.

Tom Picker, 1416 Rolling Ridge Lane, a former on-call firefighter for Sturgis, addressed the Commission and urged them to approve the purchase for the safety of the firefighters as well as the public.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the purchase of a Pierce 95' Mid-Mount Platform Fire Truck from Halt Fire, Inc., Wixom, Michigan in the amount of \$648,000.

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

Discussion was held regarding the approval of an ordinance to amend the Sturgis Code of Ordinances by adding Chapter 4: Cost and Recovery to provide for the recovery of certain charges and costs by the City.

George Morse, 70669 Stubey Road, Sturgis Township Supervisor voiced his approval of the addition of Chapter 4: Cost and Recovery to the Sturgis Code of Ordinances.

Moved by Comm. Haas and seconded by Comm. Mayer that this be considered the second reading and approval of an ordinance to amend the Sturgis Code of Ordinances by adding Chapter 4: Cost

and Recovery to provide for the recovery of certain charges and costs by the City and to provide for an effective date.

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to amend the City Code of Ordinances to provide for a cost recovery procedure;

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

Chapter 4: Cost Recovery of the Sturgis Code of Ordinances is hereby added to provide as follows effective as of January 14, 2002:

#### **Chapter 4: COST RECOVERY**

**§4.01 Purpose.** In order to protect the City from extraordinary expenses resulting from the utilization of City resources in response to certain public safety or fire emergency incidents, this article authorizes the imposition of charges to recover actual costs incurred by the City in responding to such incidents.

**§4.02 Definitions.** Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

*“Assessable costs”* mean those costs for services incurred by the City in connection with a response to a public safety or fire emergency incident, including, but not limited to, the actual labor and material costs of the City (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the City or by a third party on behalf of the City; service charges and interest; attorney’s fees, litigation costs and any costs, charges, fines or penalties to the City imposed by any court or state or federal governmental entities.

*“Bomb threats”* mean the verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state or local law.

*“Emergency assistance”* means emergency medical, public safety, police, fire and civil defense services.

*“Excessive requests for emergency assistance”* mean any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than five (5) times in the preceding thirty (30) days.

*“False alarm”* means any automated or manual device designed to request or summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a false alarm. Provided, however, a false alarm shall not be deemed to have occurred if (i) caused by an act of God, i.e., a lightning storm, (ii) it originates from a motor vehicle alarm system or (iii) has not occurred more frequently than three (3) times in a calendar month or four (4) times in a calendar year.

*“Hazardous materials”* mean those elements, substances, wastes or by-products, including, but not limited to, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products anit-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety or persons or property, or to the ecological balance of the environment as determined by the fire chief or the senior fire official of the city in charge at the

scene.

*“Hazardous material incident or emergency”* means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the fire chief or his or her designee has so declared such activity, accident or emergency a hazardous material incident or emergency.

*“Illegal fire”* means a fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a “no-burning” ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.

*“Motor vehicle”* means any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.

*“Public safety or fire emergency incident”* means (i) excessive requests for emergency assistance, (ii) a false alarm, (iii) a hazardous material incident or emergency, (iv) an illegal fire, (v) bomb threats, (vi) threats of harm to oneself or others, (vii) a structure demolition, or (viii) a utility line failure.

*“Release”* means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment, including, but not limited to, the air, soil, groundwater and surface water.

*“Responsible party”* means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for a public safety or fire emergency incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.

*“Structure demolition”* means the tearing down of a structure damaged by fire which must in the opinion of the fire chief or his or her designee be promptly demolished following the fire to protect public safety.

*“Threats of harm to oneself or others”* means the verbal or written threat of physical harm to oneself or another or another’s property which if carried out would be a violation of federal, state or local law.

*“Utility line failure”* means the disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport natural gas or communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to repair or correct such failure.

#### **§4.03 Cost recovery authorization and procedure.**

- (A) The City may recover all assessable costs in connection with a public safety or fire emergency incident from any or all responsible parties jointly or severally.
- (B) The Fire Chief or his or her designee shall determine the total assessable costs and shall in consultation with other City personnel involved in responding to a public safety or fire emergency incident determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:



- (1) the total assessable costs;
  - (2) the risk the public safety or fire emergency incident imposed on the City, its residents and their property
  - (3) whether there was any injury or damage to person or property;
  - (4) whether the public safety or fire emergency incident required evacuation;
  - (5) the extent the public safety or fire emergency incident required an unusual or extraordinary use of City personnel and equipment, and
  - (6) whether there was any damage to the environment.
- (C) After consideration of the factors in (B) immediately above, the Fire Chief may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefor or is legally at fault.
- (D) If the Fire Chief determines not to assess all or a part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

#### **§4.04 Billing and collection of assessable costs.**

After determining to assess assessable costs against a responsible party, the City Treasurer shall mail an itemized invoice to the responsible party at its last known address. Such invoice shall be due and payable within thirty (30) days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to one percent (1%) per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid. If a responsible party shall appeal assessable costs pursuant to Section 4.05 hereof, such costs, if upheld, in whole or in part, shall be due and payable thirty (30) days from the date of determination of the appeal and any late payment fees shall apply thereafter.

#### **§4.05 Procedure for appealing assessable costs.**

Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the City Manager or his or her designee to request a modification of assessable costs. The responsible party shall request in writing such meeting within seven (7) calendar days of the date of the invoice assessing the assessable costs. Any request to meet with the City Manager shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request shall be deemed waived by the responsible party. Failure to timely file a written request to meet shall constitute a waiver of the responsible party's right to appeal, and shall further constitute the responsible party's agreement to pay the assessable costs invoiced. After a responsible party has been given an opportunity to meet with the City Manager, the City Manager shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced.

#### **§4.06 Assessable costs a lien upon property.**

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon the real or personal property of the responsible party in the City, from which, upon which or related to which the public safety or fire emergency incident occurred. Such lien shall be of the same character and effect as the lien created by City Charter for City real or personal property taxes and shall include accrued interest and penalties. The City Treasurer shall prior to March 1 of each year, certify to the City Assessor the fact that such assessable costs are delinquent and unpaid. The City Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real or personal property taxes.

**§4.07 Other remedies.**

In addition to the remedy set forth in Section 4.06 above, the City shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.

**§4.08 No limitation of liability.**

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.

**§4.09 Severability.**

Should any provision or part of this article be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision or part which shall remain in full force and effect.

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

Moved by Comm. Austermann and seconded by Comm. Littman to approve the City of Sturgis “Local Emergency Operations Support Plan” as presented.

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

Moved by Comm. Austermann and seconded by Comm. Mayer to approve the extension and construction of water mains in Sturgis Township and to authorize the City Manager to sign the Agreement.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to accept a gift of land of thirty-six (36) feet of road right of way on White Street , from Burr Oak Tool and Gauge, Inc.

**Voting yea: Seven    Voting nay: Austermann    Absent: Sunday-  
Horstman  
MOTION**

**CARRIED**

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

**RESOLUTION TO REVOKE**

**INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES**

**WHEREAS**, the Sturgis City Commission recommended the State Tax Commission approve Industrial Facilities Exemption Certificates 94-211 and 97-654 for Kirsch Industries, Inc., and

**WHEREAS**, Industrial Facilities Exemption Certificates are granted for the purpose of retaining or creating jobs, and

**WHEREAS**, Kirsch Industries Inc. has completely gone out of business in the City of Sturgis by the end of year 2001, and

**WHEREAS**, Kirsch Industries Inc. no longer provides for any employment in the City of Sturgis by the end of year 2001.

**NOW, THEREFORE, BE IT RESOLVED** the Sturgis City Commission hereby requests the State Tax Commission revoke Industrial Facilities Exemption Certificates 94-211 and 97-654 for Kirsch Industries Inc. effective December 30, 2001.

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

Moved by Comm. Littman and seconded by Comm. Lampe to approve the request from the Sturgis Neighborhood Program to have a City Commissioner appointed to their Board of Directors and to appoint Comm. Austermann to serve on the Board.

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

Nominations were accepted to appoint a member to the Board of Review to fill the unexpired term of Ken Chrisman, term to expire in May, 2003.

Comm. Haas nominated Janette Hart.

Comm. Littman nominated Francis Losinski.

Vote was taken.

**Voting for Hart : Four    Voting for Losinski: Four    Absent: Sunday-Horstman  
TIE VOTE**

Discussion followed.

A second vote was taken.

**Voting for Hart: Four    Voting for Losinski: Four    Absent: Sunday-Horstman  
TIE VOTE**

By consensus the nomination was tabled until the next regular meeting.

Nominations were accepted to appoint a member to the Zoning Board of Appeals to fill the unexpired term of Richard Earl, term to expire in May, 2003.

Comm. Austermann nominated Janette Hart.

Comm. Haas nominated Todd Galbraith.

Vote was taken.

**Voting for Hart: Six                      Voting for Galbraith: Two   Absent: Sunday-Horstman**  
**Janette Hart was appointed to the Zoning Board of Appeals to fill the unexpired**  
**term of Richard Earl, term to expire in May, 2003.**

Moved by Comm. Lampe and seconded by Comm. Ludders to set a public hearing date of January 9, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider granting an Industrial Facilities Exemption Certificate to LTI Printing Company.

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

By consensus the resignation of Colleen Cone from the Sister City Committee was accepted, and that a letter of appreciation will be sent.

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of \$989,834.78 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of \$333,926.50 be ratified.

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

### **RESOLUTION**

Moved by Comm. Haas and seconded by Comm. Ludders to amend the Industrial Facilities Exemption Certificate awarded to Sturgis Electric Motor from \$40,000 to \$48,500, an increase of \$8,500, for a period of twelve (12) years.

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

Moved by Comm. Littman and seconded by Comm. Austermann to appoint Kenneth D. Rhodes as City Clerk/Treasurer of the City of Sturgis.

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

Comm. Ludders presented a slide show on his trip to the Michoacan Region of Mexico. Comm. Ludders was part of an outreach project that traveled to Morelia to gain a better understanding of the Morelia immigrants who are relocating to the United States.

By consensus the meeting was adjourned at 9:07 p.m.

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***Carol F. Rambadt, City Clerk***