

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JANUARY 12, 2005  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

A moment of silence was held in lieu of an invocation

Commissioners present: Austermann, Huber, Brew, Sunday-Horstman, Fisher, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Mayer

Also present: City Manager, Assistant to the City Attorney, Assistant City Manager/Director of Community Development, Deputy Chief of Police, EDC Director, Electric Department Superintendent, DDA Director, City Clerk

Moved by Comm. Littman and seconded by Comm. Huber to approve the Consent Agenda of January 12, 2005 as presented. **9**

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

APPROVAL of the minutes from the December 20, 2004 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$664,866.64, as presented. **12**

2. RATIFY the Hospital bills in the amount of \$2,689,157.58, as presented.

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

EDC Director John Hayes provided background on the CDBG project for Sturgis Molded Products. **16**

Mayor Haas opened the Public Hearing to discuss the closeout for the CDBG project for Sturgis Molded Products.

Moved by Comm. Sunday-Horstman and seconded by Comm. Fisher to authorize the close out of the \$800,000 Business Infrastructure Grant through the State of Michigan's Community Development Block Grant program for Sturgis Molded Products. **12**

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

City Manager Tod B. Mowery presented the concept of amending the City of Sturgis Cost Recovery Ordinance. **14**  
Discussion followed.

Moved by Comm. Sisson and seconded by Comm. Littman to consider the first reading on the Amendment to the City of Sturgis Cost Recovery Ordinance amending definitions allowing for emergency assistance recovery.

**Voting yea: Seven      Voting nay: Fisher      Absent: Mayer      MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Sunday-Horstman to authorize the City Manager to sign all necessary task orders with our wastewater engineering firm, Fleis and VandenBrink Engineering Inc., to finalize preliminary and final designs for our waste water treatment facility digester upgrade, submit all MDEQ permits and to bid the project.

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

EDC Director John Hayes provided background of the potential opening of a Lowe's store in Sturgis. Mr. Hayes and City Manager Tod Mowery explained that the City provides assistance to all businesses interested in moving to or expanding in Sturgis. Mr. Hayes explained that he was unable to find any other instances in which a municipality was asked to agree to tax and other related incentives for a commercial development similar to the proposal from Lowes. Discussion followed.

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Dan Cottin, Cottin's Hardware, explained that his business has never asked for or received any tax incentives and does not believe that tax incentives should go to his competition.

Moved by Comm. Littman and seconded by Comm. Huber to approve the Memorandum of Understanding as presented by the City Attorney.

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**Voting yea: Huber, Sunday-Horstman, Littman, Haas**

**Voting nay: Brew, Fisher, Sisson, Austermann**

**Absent: Mayer**

**MOTION DEFEATED**

Moved by Comm. Sisson and seconded by Comm. Sunday-Horstman to approve the Memorandum of Understanding as follows:

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This Memorandum of Understanding is made and entered into by and between the City of Sturgis ("City") and Lowe's Home Centers, Inc. ("LHC"), as follows:

WHEREAS LHC desires to expand its operations and construct a new facility within the City; and

WHEREAS, LHC has requested economic assistance from the City and the State of Michigan to facilitate its expansion; and

WHEREAS, the City has agreed to assist LHC in determining what economic assistance may be available to it with respect to its proposed expansion.

NOW THEREFORE, LHC and the City have agreed to work cooperatively with each other.

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

Moved by Comm. Littman and seconded by Comm. Austermann to adjourn the meeting.

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

Meeting was adjourned at 9:09 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JANUARY 26, 2005  
WIESLOCH RAUM - CITY HALL**

Mayor Haas called the meeting to order at 7:40 p.m.

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Brian Poole, Sturgis Wesleyan Church

Commissioners present: Austermann, Mayer, Huber, Sunday-Horstman, Fisher, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Brew

Also present: City Manager, City Attorney, Deputy Chief of Police, EDC Director, DDA Director, City Engineer, Senator Cameron Brown, City Clerk

MDOT Region Engineer Bobbi Welke provided her understanding of the plan related to the reconstruction of US 12 presented by the City. She commended the Commission and the community on their ability to reach consensus allowing the project to move forward. She explained that MDOT concurred with the general concept of the City's plan and agreed to work with the City over the next several months to work out the details. Discussion followed. **15**

Moved by Comm. Littman and seconded by Comm. Sunday-Horstman to approve the Consent Agenda of January 26, 2005 as presented. **9**

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

APPROVAL of the minutes from the January 12, 2005 regular meeting as presented. **12**

APPROVAL of the minutes from the January 19, 2005 special meeting as presented.

**B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$731,453.54, as presented.

RATIFY the Hospital bills in the amount of \$1,542,583.00 as presented.

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

City Manager Tod B. Mowery presented the concept of amending the City of Sturgis Cost Recovery Ordinance. **14**

Discussion followed.

Don Lampe, 402 Sturgis, explained that in speaking with his insurance agent, he felt that citizen's insurance rates would rise.

The Commission explained that they will discuss this matter further at a future meeting.

Moved by Comm. Sisson and seconded by Comm. Littman to consider this as the first reading of the Amendments to the City of Sturgis Zoning Ordinance amending Section 1.0202 Definitions—Specific Terms: “Mineral” and “Mineral Extraction” / Section 1.0401 R-1 Rural Residential, Item C. Special Land Uses, #7. Mineral Extraction Operations / Section 1.0409 M Manufacturing, Item C. Special Land Uses, #10. Mineral Extraction Operations / Article VI Special Land Uses and Structures, Section 1.0603 Special Land Use Designated, Item II. Mineral Extraction Operations as presented. 14

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

Moved by Comm. Littman and seconded by Comm. Mayer to consider this as the first reading of the Amendment to the City of Sturgis Zoning Ordinance amending Section 1.0411 PDD-Planned Development District as presented. 14

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

Moved by Comm. Austermann and seconded by Comm. Littman to accept the resignation of Eric Wynes from the Employees Retirement Board and a letter of recognition will be sent for his service. 27

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

The Commission commended the City staff on the job they did clearing the snow during the last storm. 10

Comm. Sunday-Horstman explained that she will be resigning from the City Commission effective March 1, 2005. She has accepted employment in Kendallville, IN and will be relocating there. Mayor Haas and the rest of the Commission thanked her for her service. The vacancy for the 3<sup>rd</sup> Precinct Commissioner will be advertised and applications accepted until February 23, 2005 with the appointment to be made on March 9, 2005. 9

The City Commission will hold a joint meeting with the Library Board on February 16, 2005 at 6:00 pm in the Wiesloch Raum of City Hall. 9/22

Moved by Comm. Sunday-Horstman and seconded by Comm. Mayer to adjourn the meeting.

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

Meeting was adjourned at 9:10 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, FEBRUARY 9, 2005  
WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Ken Mills, Youth for Christ

Commissioners present: Austermann, Mayer, Brew, Sunday-Horstman, Fisher, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Huber

Also present: City Manager, Asst. City Manager/Director of Community Development, City Attorney, EDC Director, City Clerk

Moved by Comm. Littman and seconded by Comm. Sunday-Horstman to approve the Consent Agenda of February 9, 2005 as presented. **9**

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

APPROVAL of the minutes from the January 26, 2005 work session as presented.

APPROVAL of the minutes from the January 26, 2005 regular meeting as presented.

**B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$505,578.12, as presented. **12**

RATIFY the Hospital bills in the amount of \$1,914,039.60 as presented.

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

Asst. City Manager Todd Campbell and City Attorney Roger Bird provided background on the development of a mineral mining ordinance. **14**

Ken Vermulen of Warner, Norcross & Judd, attorney for Smith & Sons, offered some changes to the ordinance as proposed.

City Attorney Roger Bird provided comment on the proposed changes.

Discussion followed.

Proposed changes will be sent to the Planning Board to be addressed at their next meeting and their comments will be forwarded to the City Commission for the City Commission's consideration at their February 23, 2005 meeting.

Moved by Comm. Sunday-Horstman and seconded by Comm. Brew to consider this as the second reading and approval of the Amendment to the City of Sturgis Zoning Ordinance amending Section 1.0411 PDD-Planned Development District as presented. **14**

ARTICLE IV – DESCRIPTION OF DISTRICTS \_\_\_\_\_ 1.0411

1.0411 PDD - PLANNED DEVELOPMENT DISTRICT

- A. Intent. Planned Development Districts are promoted as special land uses in the City of Sturgis as a way for the City to encourage high quality development with an emphasis on enhanced architectural and site design, landscaping, pedestrian, motorized and nonmotorized activities. In creating a “win-win” situation, the developer may expect a cooperative working relationship with the City by receiving relief from typical zoning ordinance standards, such as setbacks and parking requirements. Planned Development Districts are not intended to be used for circumventing the more specific standards in the Zoning Ordinance. Rather, these provisions are intended to result in a higher level of development, which may not be feasible with traditional zoning regulations. If this improved level of development is not clearly apparent upon City review, a site shall not qualify for the modifications allowable under this Article.
- (1) A Planned Development District (PDD) may be established as a zoning district when approved by the City Commission and Planning Board in accordance with the procedures specified herein. It is the intent of this District to:
- (a) Provide for flexibility in the regulation of land development;
  - (b) To encourage innovation in land use and variety in design, layout, and type of structures;
  - (c) To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; and
  - (d) To encourage useful open space; and to create better living, working, and shopping environments.
- (2) In order to accomplish these objectives, this provision permits the relaxation of the conventional requirements found in the zoning districts. The use of land and the construction and use of buildings and other structures as Planned Development Districts shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Article.
- B. Eligibility Criteria. Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for a PDD:
- (1) The PDD site shall not be less than three (3) acres of fully contiguous property not separated by a public road, railroad, or other such feature or barrier. The Planning Board may consider a PDD on lesser acreage if it is clear that the proposed PDD substantially promotes the intent of a PDD as stated above. In addition, the Planning Board may use the same intent section of the Zoning Ordinance when considering a PDD with property that may be separated by a public

road, railroad, or other such feature or barrier. (e.g. - If the applicant owned property on the north and south sides of LaFayette Street, the applicant would need to prove why the separation would not restrict their ability to develop a cohesive PDD.)

- (2) All PDD's shall be served by public water and sanitary sewer facilities.
- (3) The tract(s) of land for which a PDD application is received must be individually owned, jointly owned and jointly filed with all participating properties, or filed with legal option agreements relating to the property(ies) in question.
- (4) The PDD shall provide for integrated, safe and abundant pedestrian access and movement within the PDD and to adjacent properties.
- (5) The PDD shall provide for coordinated and innovative architectural styles, building forms and building relationships.
- (6) The PDD shall provide for enhanced landscaping within the development. Examples include efforts to preserve the natural landscape, tree lined streets, decorative landscaping around structures and focal landscape areas.
- (7) The proposed development shall not have an adverse impact on future development as proposed in the City's Master Plan for Future Land Use.
- (8) Open Space Requirements:
  - (a) The PDD development shall contain usable open space in an amount equal to at least twenty (20) percent of the total PDD site. The Planning Board may consider a PDD with a lesser amount of open space if it is clear that the proposed PDD substantially promotes the Intent of this Article. It is noted that open space is a very important element of a PDD and reductions to the open space provision should be granted only as a result of specific reasons.
  - (b) Useable open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and structures.
  - (c) Such open space shall be permanently set aside for the benefit, use, and enjoyment of present and future occupants of the PDD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the City; or, if agreed to by the City Commission, the open space may be conveyed to the City for the use of the general public.

C. Permitted Uses. Any permitted or special land uses otherwise allowed in the underlying District(s) in which the PDD is to be located may be approved within a PDD. A mixed use PDD may be allowed in a residential district allowing for a minimal amount of commercial uses as determined by the Planning Board that relate to the project (e.g. – fifteen {15} percent ). At least thirty (30) percent of the residential uses in the PDD would need to be



provided prior to developing the commercial portion of a mixed use PDD. In a mixed use PDD, the applicant must demonstrate that the proposed use(s) would enhance the development and be compatible with surrounding and nearby uses.

PDD Design Standards.

- (1) General Standards.
  - (a) Signs, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development.
- (2) Dimensional Requirements. To encourage flexibility and creativity consistent with the intent of the PDD, specific departures may be permitted from the requirements of the Zoning Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.
- (3) Parking.
  - (a) To encourage a true integration of mixed uses and improved efficiency in land use, the overlap in parking requirements may be permitted between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. The Planning Board should use caution when considering parking requirements for certain commercial uses due to potential tenant changes that may require more parking than a previous tenant. The district regulations should be used as a guide. All parking requirements shall be written into the final site plan.
  - (b) Parking lot landscaping – Site design and landscaping should diminish the prominence of parking lots as viewed from public streets.
- (4) Signs. Residential and commercial entrance signs may deviate from the district requirements and shall be approved as part of the final site plan.
- (5) Driveway Access and Circulation.
  - (a) Large PDD developments shall have limited access to major arterial routes. Access drives shall have limited access onto major and arterial roads. Additional access drives onto a major or arterial road should only be considered if spaced at least five hundred (500) feet apart. The Planning Board may require the PDD applicant to provide a traffic impact study prior to any approvals, if deemed necessary.
  - (b) Site design considerations should take into account vehicle stacking and queuing depths, traffic flows focused on main access points, peak hour volumes, internal site circulation, delivery routes, refuse pick-up/dumpster locations, etc.

E. Planned Development District Approval Process.

(1) PDD Zoning District.

- (a) A property meeting the eligibility criteria may be rezoned to a PDD District, based on the requirements of this Section and appropriate requirements contained elsewhere in this Ordinance. Unless initiated by the City, the rezoning shall be concurrent with the approval of a preliminary PDD site plan.
- (b) Rezoning initiated by the City shall not be required to have an approved sketch plan or Development Agreement. No development shall take place within the PDD until a final site plan and Development Agreement has been submitted and approved in accordance with the provisions of this Article.
- (c) Once rezoned, the PDD designation shall be noted on the Official Zoning Map.

(2) Pre-Application Process. To help facilitate a more streamlined process, PDD candidates are encouraged to take full advantage of pre-application meetings and workshops.

- (a) Pre-Application Staff Meetings. An applicant is encouraged to schedule PDD concept meetings through the Zoning Administrator. In order to establish a more productive PDD concept meeting, the applicant may want to consider submitting concept plans in advance of the meeting. Regardless, City staff will diligently work to help facilitate an open collaborative process allowing the applicant to best understand city staff desires for the PDD, along with any utility and infrastructure opportunities or concerns. City Planning Board or Commission members may be requested to assist in the process. These meetings do not infer approvals and no formal action is taken.
- (b) Pre-Application Planning Board Workshop. An optional pre-application workshop with the Planning Board may be requested by the applicant to discuss a PDD concept, solicit feedback and receive requests for additional materials supporting the proposal. No formal action is taken at a workshop.

(3) PDD Preliminary Plan Application. The applicant shall prepare and submit to the City a written request for PDD rezoning that shall include a PDD preliminary plan meeting the requirements of Section 1.1203. The Zoning Administrator can determine the necessity of all the requirements in Section 1.1203. A suitable number, as determined by the Zoning Administrator, of the preliminary plan shall be provided. The PDD application and preliminary plan shall be submitted in advance of any Planning Board meeting within the time established by the Zoning Administrator. The extensiveness of the project will determine the amount of time necessary, realizing that the

preliminary plan will need to be reviewed by city staff. An applicant that utilized the pre-application process should have a clear indication of city staff thoughts, concerns, etc. by the time the application is submitted. Additional items to be included on the PDD preliminary plan include:

- (a) Phases of development, anticipated start and completion dates of construction and approximate time frame for each phase (if a phased project).
  - (b) Proposed deed restrictions, covenants, or similar legal instruments to be used within the PDD.
  - (c) Location, type, and size of areas to be dedicated for common open space.
- (4) Planning Board Public Hearing and Recommendation. The Planning Board shall review the PDD rezoning request, the PDD preliminary plan, and conduct a public hearing. Following the public hearing, the Planning Board shall make a recommendation to the City Commission based on the following standards:
- (a) The PDD complies with the Intent of this Article.
  - (b) The PDD satisfies the Eligibility Criteria of this Article.
  - (c) The PDD complies with the requirements of this Article, other applicable requirements of the Zoning Ordinance and applicable requirements of the subdivision or condominium requirements of the City.
  - (d) The PDD conforms to the Criteria for Review of site plans, Section 1.1206 of this Ordinance or Section 1.1300, (E) 1-4, except as noted above in 1.0411, E,(3) .
  - (e) The PDD is designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.
  - (f) The PDD is adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply and sewage facilities.
  - (g) The proposed PDD does not have a significant adverse effect on the quality of the natural environment.
- (5) City Commission Preliminary PDD Decision. Following receipt of the Planning Board's recommendation and comments from the Public Hearing, the proposed PDD preliminary plan shall be considered by the City Commission. The City Commission, following the 2<sup>nd</sup> reading, shall take one (1) of the following actions on the request:
- (a) Table. If the application is determined to be insufficient, does not fully respond to Planning Board issues or more information is required, then the request may be tabled. The City Commission shall direct the applicant to prepare

additional information, revise the PDD plan or direct the City staff to conduct additional analysis.

- (b) Reconsideration. If the City Commission believes there is new information which might modify the recommendation of the Planning Board, the City Commission may return the application with the new information to the Planning Board for reconsideration. The Planning Board shall provide a recommendation within thirty (30) days.
- (c) Approval. Upon determination that a PDD preliminary plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the City Commission shall approve the PDD preliminary PDD plan. The City Commission may impose reasonable conditions with the approval of a preliminary PDD. Conditions of any approval are attached to the land and will remain through subsequent owners. Approval conditions will be established into a Development Agreement drafted by the City and to be signed by the applicant.
- (d) Denial. Upon determination that a PDD preliminary plan does not comply with standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the City Commission shall deny the application. Re-submittal of an application which was denied shall be considered a new application.

F. PDD Preliminary Plan Approval Validity. Approval of the preliminary plan by the City Commission shall be effective for a period of two (2) years and the accepted plan may be extended for one (1) year upon expiration of the two (2) year period provided conditions have not changed that would be cause for denial of the extension. The two (2) year period for preliminary PDD approval may be extended for one (1) year, if applied for by the petitioner and granted by the City Commission.

G. PDD Final Plan Application.

- (1) Prior to any development of the PDD, final site plans shall be submitted for review and approval in accordance with Article XII, Site Plan Review. If final site plans meeting the requirements of Section 1.1204 for at least the first phase of the project are not submitted and approved during the approval period, the right to develop under the approved PDD preliminary plan shall terminate and a new application must then be filed and processed. In reviewing final site plans, the following shall apply:
  - (b) Site plans shall be in substantial conformance with the PDD preliminary plan.
  - (c) Each site plan shall either individually or in combination with previously approved contiguous project areas, meet the

standards of this Article and the approved PDD preliminary plan regarding layout, open space and land use.

- (d) If the plan consists of phases, then the site plan review process is only required for the specific phase(s) being presented for final approval to the Planning Board. Each subsequent phase shall be reviewed in the same manner.

H. PDD Final Plan Approval.

- (1) The Planning Board shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PDD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures mentioned for preliminary plan review of this Article.
- (2) If the final development plan is consistent with the approved preliminary development plan, the Planning Board shall review the final plan in accordance with the standards for approval stated in Article XII, Site Plan Review.
- (3) The Planning Board shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- (4) Any zoning ordinance regulatory modification (e.g.-- setbacks) may be approved through a finding by the Planning Board that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PDD section.

I. PDD Development Agreement.

- (1) Prior to issuance of any building permits or commencement of construction on any portion of the PDD, the applicant shall enter into an agreement with the City in recordable form, setting forth the applicant's obligations with respect to the PDD. The agreement shall describe all improvements to be constructed as part of the PDD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PDD, and all attached conditions. Approval shall be effective upon recording. At a minimum, the Agreement shall provide:
  - (a) A survey of the acreage comprising the proposed development.
  - (b) The manner of ownership of the developed land.
  - (c) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open

- space.
- (d) Open space provisions assuring open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The City may require conveyances or other documents to accomplish this purpose.
  - (e) Satisfactory provisions to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City. The City may require a performance guarantee to accomplish this purpose.
  - (f) Provisions to ensure adequate protection of natural features.
  - (g) A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase
  - (h) The agreement shall also establish the remedies of the City in the event of default by the applicant in carrying out the PDD, and such remedies shall be binding on all successors in interest to the applicant.
- (2) Any amendment requested to the recorded Development Agreement shall be submitted for review by the City Attorney and approved by the Zoning Administrator.
  - (3) All documents shall be executed and recorded in the County Register of Deeds.

J. Revisions to an Approved PDD Plan. Approval of the final site plan confers upon the Zoning Administrator the authority to approve certain minor deviations in accordance with the requirements of this Article. The Zoning Administrator shall determine whether the change is major, warranting review by the Planning Board, or minor, allowing administrative approval, as noted below:

- (1) The holder of an approved PDD final development plan shall notify the Zoning Administrator of any desired change to the approved PDD.
- (2) Minor changes. Minor Changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PDD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - (a) Reduction of the size or height of any building;
  - (b) Movement of buildings and/or signs by no more than ten (10) feet if consistent with required setbacks, open space and other standards;
  - (c) Landscaping approved in the final development plan that is

- replaced by similar landscaping to an equal or greater extent;
- (d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking;
- (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design;
- (f) Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing or pedestrian/bicycle paths, where appropriate;
- (g) Changes of building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Building Official and Zoning Administrator;
- (h) Grade change of up to one (1) foot, reviewed by the City Engineer;
- (i) Modification of entry design, sign placement or reduction in size of signs, which is consistent with the approved sketch or final PDD plan;
- (j) Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design;
- (k) Changes to the location of accessory buildings and structures only when the new location will be consistent with the building envelope identified on the approved plan; and
- (l) Changes required or requested by the City, County, or other State or Federal regulatory agency in order to conform to other laws or regulations which do not substantially modify the plan.
- (3) Major Changes. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PDD and shall be processed in the same manner as the original PDD application for the final development plan.

K. Limitations on Variances from Zoning Board of Appeals. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PDD plan may be appealed to the Zoning Board of Appeals. This provision shall not hamper an individual lot owner from seeking a variance (e.g. - a residential detached garage variance related to setbacks) following final approval of the PDD, provided such variance does not involve alterations to open space areas as shown on the approved PDD site plan.

L. PDD Preliminary Final Plan Approval Validity. Each approved Final PDD or PDD phase must be under construction within twelve (12) months after the date of approval of the PDD final development plan(s), except as noted in this Section.

- (1) The Planning Board may grant one (1) extension of up to one (1) additional twelve (12) month period from the expiration date of the PDD or a PDD phase if the applicant applies for such extension prior to the date of the expiration of the PDD or PDD phase and provided that:
  - (a) The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and
  - (b) The PDD requirements and standards, including those of the Zoning Ordinance, that are reasonably related to the development have not changed.
- (2) Should neither of the above two (2) provisions be fulfilled, or an extension has expired without construction underway, the PDD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PDD approval.
- (3) Should the PDD district become null and void, the subject property remains zoned as a PDD, but the preliminary or final PDD plans previously approved become null and void. In order to utilize the property as a PDD, an applicant would have to resubmit plans for preliminary and final PDD site plan approvals as stated in this Chapter, but would not require PDD rezoning action from the Board, unless the proposed PDD project includes different land uses other than previously approved (i.e. – commercial verses residential).

**Voting yea: Eight**

**Voting nay: None**

**Absent: Huber**

**MOTION CARRIED**

Moved by Comm. Sisson and seconded by Comm. Sunday-Horstman to set a Public Hearing on February 23, 2005 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider the creation of an Industrial Development District.

**16**

**Voting yea: Eight**

**Voting nay: None**

**Absent: Huber**

**MOTION CARRIED**

City Manager Tod B. Mowery and City Attorney Roger Bird brought to the attention of the City Commission a pending court case related to Michigan Natural Resources Trust Fund and its ability to generate revenue from oil and gas rights from tax foreclosed property (Comben v State of Michigan). The City Attorney explained that there is a request to participate in an Amicus Curiae brief on behalf of the State of Michigan. The City Commission had consensus in supporting the efforts of the State, but no formal action was taken at this time.

**15**

Moved by Comm. Littman and seconded by Comm. Brew to adjourn the meeting.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Huber**

**MOTION CARRIED**

Meeting was adjourned at 8:28 p.m.



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

**JOINT SPECIAL MEETING - STURGIS CITY COMMISSION  
AND STURGIS LIBRARY BOARD  
WEDNESDAY, FEBRUARY 16, 2005  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Mayer, Huber, Fisher, Littman, Vice-Mayor Sisson, Mayor Haas  
Commissioners absent: Austermann, Brew, Sunday-Horstman

Library Board Members present: Heydlauff, Notestine, Atkins, Good, Zuercher, LaBarge, Wallman  
Library Board Members absent: None

Also present: Asst. City Manager/Director of Community Development, City Controller, Acting Library Director, City Clerk, many members of the community

The Mayor thanked everyone for coming and encouraged everyone to work together to develop a strong plan for the future of the library.

Richard Butler, consultant and attorney, explained the history and the process of forming a district library.

Discussion was held amongst the audience, the Library Board, and the City Commission related to the process and advantages of forming a district library.

Meeting was adjourned at 7:15 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, FEBRUARY 23, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Doug Carr, Gateway River of Life

Commissioners present: Mayer, Huber, Sunday-Horstman, Fisher, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Austermann, Brew

Also present: City Manager, Asst. City Manager/Director of Community Development, City Attorney, EDC Director, DPS Supervisor, Chief of Police, Deputy Chief of Police, Deputy Chief of Fire, Building Inspector, City Clerk

Moved by Comm. Littman and seconded by Comm. Sunday-Horstman to approve the Consent Agenda of February 9, 2005 as presented.

**9**

**A. Previous Minutes**

APPROVAL of the minutes from the February 9, 2005 regular meeting as presented.

APPROVAL of the minutes from the February 12, 2005 planning session as presented.

APPROVAL of the minutes from the February 16, 2005 work session as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$2,100,139.37 as presented.

**12**

2. RATIFY the Hospital bills in the amount of \$1,590,579.54 as presented.

**Voting yea: Seven    Voting nay: None    Absent: Austermann, Brew    MOTION CARRIED**

Asst. City Manager Todd Campbell and City Attorney Roger Bird provided background on the development and changes to a mineral mining ordinance.

**14**

Moved by Comm. Sisson and seconded by Comm. Mayer to consider this as the second reading and approval of the Amendments to the City of Sturgis Zoning Ordinance amending Section 1.0202 Definitions—Specific Terms: “Mineral” and “Mineral Extraction” / Section 1.0401 R-1 Rural Residential, Item C. Special Land Uses, #7. Mineral Extraction Operations / Section 1.0409 M Manufacturing, Item C. Special Land Uses, #10. Mineral Extraction Operations / Article VI Special Land Uses and Structures, Section 1.0603 Special Land Use Designated, Item II. Mineral Extraction Operations as presented.

AMENDMENT TO PART II – APPENDIX  
OF THE ORDINANCES  
OF THE CITY OF STURGIS

An ordinance to amend Part II – Appendix, Sections 1.0202, 1.0401, 1.0409 and 1.0603 of the Zoning Ordinances of the City of Sturgis to allow for mineral extraction operations as a special land use in the R-1 Rural Residential and M-Manufacturing Districts.

WHEREAS the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Zoning Ordinance to provide for mineral extraction operations as a special land use in the Rural Residential and Manufacturing Districts;

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

Part II – Appendix, Sections 1.0202, 1.0401, 1.0409 and 1.0603 are hereby amended to include the following effective as of March 18, 2005:  
Sec. 1.0202. Specific terms.

...

Abandonment. The cessation of activity in, or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis, for a period of 12 months or longer. For purposes of Mineral Extraction Operations, “abandonment” at any particular site shall be determined by the Planning Board giving consideration to any specific site plan.

Mineral. Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mineral Extraction. The removal of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or part thereof for the extraction or removal of minerals from their original location and/or the preparation, washing, cleaning, crushing, stockpiling, or other processing of minerals at the subject location so as to make them suitable for commercial, industrial or construction use.

Sec. 1.0401(C). Special land uses.

...

(7) Mineral Extraction Operations.

Sec. 1.0409(C). Special land uses.

...

(10) Mineral Extraction Operations

Sec. 1.0603. Special land use designated.

...

(II) Mineral Extraction Operations: Mineral Extraction Operations shall be subject to the following requirements in addition to those of the District in which the use is located, as well as all other applicable conditions, standards and regulations regarding site design and development:

(1) Special Land Use Approval: No mineral shall be removed from any land within the City of Sturgis without Special Land Use approval, except for in the following circumstances:

- a. When the earth removal is incidental to an operation for which a building permit has been issued by the City;
- b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- c. The earth removal involves less than one-hundred (100) cubic yards;

d. The earth removal will not be in violation of any other section of this ordinance, other City ordinances, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.

(2) Review and Approval Criteria: Planning Board review and approval of a Special Land Use request for a mineral extraction operation shall be in accordance with all applicable provisions of this Ordinance; and shall also be based on consideration of the following factors:

a. Review and Approval Criteria:

(1) Confirmed presence of large volumes of high-quality, mineral resource deposits that will sustain an operation over a specified period of time. If deemed necessary by the Planning Board, the presence of such resource deposits shall be confirmed by the appropriate governmental agency having regulatory authority over any respective mineral industry (e.g. the Department of Natural Resources).

(2) The most practical use of the land, resources and property.

(3) The protection and preservation of the general health, safety and welfare of the City.

(4) Adequacy of state and local transportation systems, and private access and haul road(s), to accommodate heavy equipment and truck traffic.

(5) Compatibility with existing or planned land use patterns in the area.

(6) Presence of fish and habitat and/or threatened and endangered species.

(7) Impacts to air and water quality and the natural environment, including critical areas (i.e. sensitive environmental lands).

(8) Proximity to major transportation corridors and market areas.

(9) Existence of the operations prior to the adoption of the provisions of this Ordinance and the extent and character of such previous operations.

(10) The mineral excavation operation will not result in very serious consequences to surrounding properties for the community in general.

b. Conditions of Approval: In making any decision, the Planning Board reserves the right to impose such additional conditions and safeguards as it deems necessary to limit the length of time the Special Land Use is to be effective and may provide for a periodic review of the proposed operations to determine compliance with the conditions and limitations imposed upon the same. The Planning Board may renew or extend a Special Land Use approval where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists, in accordance with this Ordinance. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of a mined or disturbed area.

(3) Site Plan Approval: Site Plan approval is required with the Special Land Use approval in accordance with Article XII. Mining site/operations shall be conducted in accordance with an approved site plan and conditions of permit approval. In addition to required application items listed in Section 1.1204, the site plan shall indicate the location of all mining activities, including excavation, processing, stockpiling, batching, product manufacture and sales areas, equipment maintenance and storage areas, truck routes and haul roads, as well as any excluded areas resulting from setbacks and other requirements of local, state and/or federal law. The application must also specify the duration of the mineral extraction operation.

(4) Necessary Studies: The Planning Board may require an environmental impact statement, engineering data, traffic impact study or other such documentation supporting the need for and/or identifying the consequences of such extraction operations.

- (5) Use Establishment: All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than applicable State statutes, the State requirements shall prevail.
- (6) Location: No machinery shall be erected or maintained within one hundred fifty (150) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The setback area shall not be used in conjunction with mineral extraction, except for access, berms, fencing, landscaping and/or signs. All excavation operations, processing plants and accessory structures shall be set back a minimum two hundred fifty (250) feet from the banks of any lake, stream or other watercourse. The Planning Board may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any residential or commercial use or district.
- (7) Safety: Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.
- (8) Screening: As determined by the Planning Board, all operations visible from any roadway or developed adjacent land use shall be screened by an evergreen planting established at least six (6) feet in height, obscured decorative fencing at least six (6) feet in height, or landscaped berm of at least six (6) feet in height with decorative landscaping placed along the top of the berm at a level determined by the zoning administrator. If determined appropriate by the Planning Board, a combination of the above screening methods may be used.
- (9) Fencing: All areas of the operation shall be secured with fencing adequate to prevent trespass at a minimum height of six (6) feet. Any excavation operation which results in, or produces for a period of at least one (1) month during the year, collections of water or severe slopes, as described below, shall be subject to the following safety requirements:
- a. Where an excavation leaves standing water with a depth of greater than one (1) foot for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, the applicant shall erect a fence completely surrounding the portion of the site where the body of water extends, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. The fence shall not be less than six (6) feet in height complete with gates, which gates shall be kept locked when operations are not being conducted.
- b. Where slopes 3-1 horizontal to vertical or steeper exist for a period of one (1) month or more, access to such slopes shall be barred by a fence at least six (6) feet high and at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.
- (10) Operational Buildings: No building shall be erected or placed on the premises except as may otherwise be permitted in the zoning ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the Planning Board. All such buildings must be shown on the approved site plan.
- (11) Access Routes: The Planning Board shall determine routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Board to minimize dust, mud, and debris being carried onto the public street. There shall not be more than one entrance way from a public road for each 660 feet of front lot line. Each entranceway shall be located not less than 500 feet from an intersection of two or more public

roads.

(12) Welfare: All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general.

(13) Nuisance: Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site. Stockpiles of mineral resource extractions shall not exceed one hundred (100) feet in height as measured from ground level before excavation, and shall be setback from all parcel boundary lines the greater of one hundred fifty (150) feet or twice the height of the stockpile. The setback distance shall be measured from the edge of the stockpile.

Equipment shall be installed, used and maintained so that noise and vibration emitted from the site do not exceed the level reasonably necessary for the operation of the equipment. Noise from the site shall conform with the standards listed in Section 1.0409(D)(2)(e).

(14) Environmental Protection: All fuels, chemicals and other hazardous materials to be contained on site shall be noted in the application, including material, quality, use, and method or primary and secondary containment. All containment structures or devices shall be designed and operated to prevent groundwater pollution. The applicant shall provide a written spill response plan, in the event that a hazardous materials spill occurs on site. The spill response plan shall indicate how any and all contaminated material will be collected and properly disposed. Mineral resource extraction operations shall not:

- a. Create erosion problems or alter the groundwater table of the area.
- b. Cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.
- c. Cause a permanent adverse affect to the environment, natural topography, or any natural resource, other than the earth materials involved.

(15) Operation: All uses shall be conducted according to the following operational timelines:

a. Mineral resource extraction operations shall not operate prior to 7:00 a.m. or after 7:00 p.m., Monday through Friday. Saturday operations shall not operate prior to 8:00 a.m. or after 3:00 p.m. Operations shall not operate any time on Sundays or holidays as observed by the City of Sturgis. The Planning Board may further limit the days and hours of operation pursuant to Article VI, Section 1.0602.

b. Inactivity of mineral resource extraction operations for a 12-month consecutive period shall constitute termination of such activities.

(16) Rehabilitation Plan: A rehabilitation plan toward reclamation of a mining area is also required and shall be submitted in conjunction with the site plan review. Such plan shall include:

a. A statement of planned rehabilitation, including methods of accomplishment, phasing and timing. The plan must comply with the following:

(1) Ensure final contours of the reclaimed property are consistent with the natural contours of adjacent lands. All portions of the site shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 6:1 (horizontal-vertical).

(2) Remove all debris, temporary structures and stockpiles.

(3) A layer of arable topsoil, of a quality approved by the Zoning Administrator, shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with an approved reclamation plan. The area shall be seeded with a suitable native ground cover sufficient to control erosion and maintained until the area is stabilized for a specific reclaimed use and approved by the Planning Board.

- (4) Water accumulating upon the site may be retained after the completion of such operation when, due to the excavation, such water cannot reasonably be drained by gravity flow; provided, that provisions shall be made to avoid stagnation (with the exception of man-made lakes), pollution and improperly controlled releases of such water that may endanger the public. Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.
- (5) Perform final restoration to conform to zoning regulations in effect at the time of implementation.
- (6) Identify the possible or potential end use of the rehabilitated area.
- b. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.
- c. Reclamation timing must comply with the following:
- (1) Rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation, including grading, debris removal and revegetation, shall be achieved within one year of termination of mining or excavation activity.
- (2) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a time not to exceed twelve (12) months, shall remove all structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.
- (3) Restoration shall be completed within two years from the date of completion or abandonment of the subject site or portion of the site.
- (17) Explosives: The use of explosives shall be done in accordance with the "Regulations for Storage and Handling of Explosives," as published by the Michigan State Police, Fire Marshall Division, and local applicable ordinance requirements.
- (18) Performance Bond: The Planning Board shall require a performance bond or other guarantee as deemed necessary to ensure that the requirements of this Ordinance are fulfilled, and may revoke the Special Land Use approval at any time if specified conditions are not met.
- (19) Liability Insurance: All owners/operators of property involved in mineral resource extraction operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000 per incident. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be submitted annually with the City Clerk.
- (20) Inspections: A mining permit will be issued upon approval of a Special Land Use and renewed by the owner/operator on an annual basis. To insure compliance with the permit, the Zoning Administrator shall conduct periodic inspections and shall file a written annual report to the Planning Board.
- (21) Allowance for Associated Uses: Approval of mineral extraction activities as a Special Land Use may include allowance for related types of uses, including but not limited to, concrete mixing and asphalt plants, situated and operated in conjunction with such activities, subject to compliance with all the preceding provisions. Such associated activities and uses are subject to separate Special Land Use review and approval.



**Voting yea: Seven    Voting nay: None    Absent: Austermann, Brew    MOTION CARRIED**

Mayor Haas opened the Public Hearing related to establishing an Industrial Development District for Burr Oak Tool and Gauge. **16**

Mayor Haas closed the Public Hearing.

Moved by Comm. Fisher and seconded by Comm. Sunday-Horstman to adopt the resolution establishing an Industrial Development District for Burr Oak Tool & Gauge, as described on the application attachment, as of this date, February 23, 2005.

**RESOLUTION**

**WHEREAS**, there exists in the City of the 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**, Burr Oak Tool & Gauge has filed a request with the City of Sturgis to establish the Industrial Development District for the property so described on the attached, under the provisions of Act 198, P.A. 1974 as amended, and

**WHEREAS**, Burr Oak Tool & Gauge 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 Burr Oak Tool & Gauge, and

**WHEREAS**, a Public Notice of the Hearing was published in the Sturgis Journal on Wednesday, February 12, 2005, and

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

**WHEREAS**, a Public Hearing was held by the Sturgis City Commission on February 23, 2005, 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 Burr Oak Tool & Gauge 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: Six**

**Absent: Austermann, Brew**

**Abstain: Haas**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Huber to approve the purchase of the list of vehicles and equipment as recommended by the Motor Vehicle Committee and authorize the City Controller to sign all necessary documents. **3**

**Voting yea: Seven    Voting nay: None    Absent: Austermann, Brew    MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Mayer to appoint Comm. Littman to the Sturgis Employee Retirement Board through November 2005. 27

**Voting yea: Seven    Voting nay: None    Absent: Austermann, Brew    MOTION CARRIED**

Moved by Comm. Sisson and seconded by Comm. Mayer to adopt the resolution related to Michigan's HAVA grant program as presented. 15

**RESOLUTION**

WHEREAS, the City of Sturgis Commission wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and related Election Management System (EMS) software to comply with the Help America Vote Act (HAVA); 8

WHEREAS, the City of Sturgis Commission has chosen to submit a grant application for a new optical scan voting system in 2005.

NOW, THEREFORE BE IT RESOLVED that the City of Sturgis Clerk is authorized to submit this grant application on behalf of the City of Sturgis, St. Joseph County on this day of February 23, 2005.

**Voting yea: Seven    Voting nay: None    Absent: Austermann, Brew    MOTION CARRIED**

The City Commission will hold interviews to fill the vacancy for 3<sup>rd</sup> Precinct Commissioner at 6:00 p.m. in the Wiesloch Raum of City Hall on March 9, 2005. 9

Mayor Haas and the rest of the City Commission thanked Comm. Sunday-Horstman for her service and dedication to the community. They all wished her well and said that she would be missed. Former Commissioner Don Lampe presented her with a wood carving and thanked her for all she had done. Commissioner Sunday-Horstman thanked everyone for their kind words and said that she had been blessed to live and serve the Sturgis community. She also said that she would still be around and see everyone. 9

Moved by Comm. Littman and seconded by Comm. Mayer to go into closed session for the purpose of discussing the potential purchase of property and personnel review. 9

**Voting yea: Fisher, Huber, Sisson, Littman, Mayer, Sunday-Horstman, Haas**

**Voting nay: None    Absent: Austermann, Brew    MOTION CARRIED**

The meeting recessed at 8:13 p.m.

The meeting reconvened at 10:05 p.m.

Mayor Haas adjourned the meeting.

Meeting was adjourned at 10:06 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, MARCH 9, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Brian Poole, Sturgis Wesleyan Church

Commissioners present: Mayer, Huber, Brew, Fisher, Littman, Vice-Mayor Sisson, Mayor Haas  
Commissioners absent: Austermann

Also present: City Manager, Asst. City Manager/Director of Community Development, City Attorney, EDC Director, Chief of Police, Deputy Chief of Police, Deputy Chief of Fire, Human Resources Director, City Clerk

The Mayor thanked all of the citizens who applied to fill the 3<sup>rd</sup> Precinct Commissioner vacancy and encouraged each to run for the seat during the November election. **9**

The Mayor asked for a roll call vote of the Commission to fill the vacancy and to appoint the 3<sup>rd</sup> Precinct Commissioner.

Voting for Christner: None

Voting for Fraim: Haas

Voting for Gay: None

Voting for Malone: Brew, Fisher, Littman, Mayer

Voting for Wilson: Huber, Sisson

**Kenneth Malone was appointed as 3<sup>rd</sup> Precinct Commissioner.**

City Clerk/Treasurer administered the Oath of Office to Kenneth Malone and he took his seat with the commissioners.

Vickie Barfield, read a statement from a group called "Truth in Politics" which said that they will be reporting on and to the City and County Commission. She explained that her group had a number of issues concerning the City Manager and asked that the City Commission look into their concerns. **23**

Ashley Lanning, also expressed her concerns regarding the City Manager. **10**

Francis Losinski, 809 Nottingham, asked if there is any intention to join the Fire and Police department. Mayor Haas explained that there is no plan at this time to take such an action. Mr. **18**

Losinski also inquired as to why the City now employs a human resources director. Mayor Haas explained that the filling of this position was overdue given the number of City employees.

Cathy Barnes, 1384 E. Galyn, inquired as to why the position of human resources director was not posted. Mayor Haas explained that the process of filling this position was done properly. 10

Cindy Huber, 508 W Congress, thanked the Police and Fire Department for their quick response to an incident. 18

Moved by Comm. Littman and seconded by Comm. Brew to approve the Consent Agenda of March 9, 2005 as presented. 9

A. Action of Minutes of Previous Meetings

APPROVAL of the minutes from the February 23, 2005 regular meeting as presented.

B. Pay Bills

1. AUTHORIZE the payment of the City bills in the amount of \$801,136.87 as presented. 12

2. RATIFY the Hospital bills in the amount of \$1,797,721.39 as presented.

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

Moved by Comm. Fisher and seconded by Comm. Brew to approve the request from the Trinity Evangelical Lutheran Church to hold their annual Cross Walk on the streets as stated in their application request to be held on Good Friday, March 25th beginning at noon. 23

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

Moved by Comm. Huber and seconded by Comm. Littman to authorize the use of U.S. 12 from Nottawa Street to Clay Street and the first block of Pleasant Street off of U.S. 12 and the first block of North Street off of U.S. 12 on Thursday, May 19th at 6 p.m. through Sunday, May 22nd at 10 p.m. for this year's Michigan Week Gateway Festival. 23

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

Moved by Comm. Littman and seconded by Comm. Huber to consider the proposed amendment to the Retirement Ordinance as the First reading. 14

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

Moved by Comm. Fisher and seconded by Comm. Littman to set a Public Hearing to consider granting an Industrial Facilities Exemption Certificate to Burr Oak Tool and Gauge on Monday, March 21, 2005 at 7:30 p.m. in the Wiesloch Raum of City Hall. 16

**Voting yea: Seven**

**Absent: Austermann**

**Abstain: Haas**

**Voting nay: None  
MOTION CARRIED**

Each of the Commissioners welcomed Comm. Malone to his position. 9

Mayor Haas read a report detailing the performance review of the City Manager conducted at the previous Commission meeting. The report showed the Commission's favorable review in several specified areas. Vice-Mayor Sisson and other Commission members provided additional comments in support of the outstanding job done by the City Manager.

**10**

Moved by Comm. Littman and seconded by Comm. Sisson to adjourn the meeting.

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

Meeting was adjourned at 8:18 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**MONDAY, MARCH 21, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Ross Gerber, Grace Christian Fellowship

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Huber

Also present: City Manager, City Attorney, EDC Director, Deputy Chief of Fire, Assistant Electric Department Superintendent, Director of Parks and Recreation, City Clerk

Mayor Haas read the following Proclamation:

23

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, statistics of children who are abused and neglected escalate each year; and

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become more involved in supporting parents to raise their children in a safe, nurturing environment; and

NOW, THEREFORE, BE IT RESOLVED, as Mayor of the City of Sturgis, and on behalf of the Sturgis City Commission, I hereby proclaim that the entire month of April shall be observed as Child Abuse Prevention Month, and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

David Rhodes, addressed concerns regarding the actions of the City Manager and the City Commission. 9/10

Don Lampe and Michael Maldonado, members of the Bridge Builders group, provided the City Commission with information on the Cinco de Mayo celebration which will be held at Oaklawn Park on May 7, 2005. 23

Moved by Comm. Littman and seconded by Comm. Brew to approve the Consent Agenda of March 21, 2005 as presented.

A. Action of Minutes of Previous Meetings

APPROVAL of the minutes from the March 9, 2005 work session as presented. 9

APPROVAL of the minutes from the March 9, 2005 regular meeting as presented.

B. Pay Bills

1. AUTHORIZE the payment of the City bills in the amount of \$1,501,907.99 as presented. 12

2. RATIFY the Hospital bills in the amount of \$1,431,907.55 as presented.

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

Moved by Comm. Fisher and seconded by Comm. Malone to consider this as the second reading and approval of the proposed amendment to the Retirement Ordinance. 14

AMENDMENT TO PART II – ARTICLE III, DIVISION 2  
OF THE ORDINANCES OF THE CITY OF STURGIS

An ordinance to amend Part II – Article III, Division 2 of the Ordinances of the City of Sturgis pertaining to the regulation of the City of Sturgis retirement system 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 Ordinances regulating the retirement system for the City's employees;

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

Part II – Article III, Division 2 are hereby amended to include the following effective as of April 15, 2005:

Sec. 2-83. Application.

(a) The continuation and restatement of the employees' retirement system will apply to individuals employed by the city on and after the effective date of the restatement. The retirement rights of an individual whose city employment terminated before the effective date of this restatement will be governed by the provisions of the retirement system ordinance in effect on the date the individual last terminated employment.

(b) The terms of any collective bargaining agreement entered into between the city and a benefit group shall be honored by the board of trustees. In the event the provisions of this ordinance conflict with the terms of a collective bargaining agreement, the provisions of the collective bargaining agreement shall be controlling.

Sec. 2-87. Vested termination of membership.

(a) A person who ceases to be a member for a reason other than retirement or death shall be a vested former member if: the individual's accumulated member contributions have not been refunded and the individual has five or more years of credited service.

Sec. 2-90. Subrogation; right of setoff.

...

(b) The retirement system shall have the right of setoff to recover overpayments made by the retirement system and to satisfy any claim arising from embezzlement or fraud committed by a member, retired member, vested former member, beneficiary, or other individual having a claim to benefits. The right to setoff to satisfy claims shall apply to embezzlement or fraud committed against the retirement system, against the city, or against any third party if, on account of the embezzlement or fraud, the city or retirement system becomes liable to a third party. If any aspect of this Section is unenforceable under any current or future federal or State of Michigan law – including statute, regulation, or public policy – then this section shall be ineffective only to the extent of such unenforceability, without invalidating the remaining provisions of this section. Sec. 2-116. Records; reports.

...

(c) The secretary of the board shall maintain copies of all collective bargaining agreements between a benefit group and the city and shall maintain a current summary of all provisions that are in conflict with this ordinance.

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

Moved by Comm. Austermann and seconded by Comm. Littman to adopt the resolution as presented Approving the Sale of the ELECTRIC REVENUE REFUNDING BONDS, SERIES 2005 and authorize the City Manager to sign any and all documents necessary to complete the sale process.

4

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

John Hayes provided background on the expansion of the facilities at Burr Oak Tool and Gauge.

16

Mayor Haas opened the Public Hearing on consideration of awarding an IFEC to Burr Oak Tool and Gauge.

Mayor Haas closed the Public Hearing.

Moved by Comm. Littman and seconded by Comm. Mayer to adopt the resolution as presented awarding an Industrial Facilities Exemption Certificate, not-to-exceed \$11,705,000.00 to Burr Oak Tool & Gauge, for a period of twelve (12) years, beginning on January 1, 2006 and an ending date of December 31, 2017.

16

**WHEREAS**, Burr Oak Tool and Gauge 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 Burr Oak Tool and Gauge, and

**WHEREAS**, on June 27, 1990 and February 23, 2005 the City Commission established the Industrial Development District for the industrial property of Burr Oak Tool and Gauge 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, 2016.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby approve the application of Burr Oak Tool and Gauge for an "Industrial Facilities Exemption Certificate".

**Voting yea: Seven**

**Absent: Huber**

**Abstain: Haas**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Austermann to award the Aerial Photography bid to Kucera International, Inc. of Willoughby, Ohio, in the amount of \$41,375, with a delivery date of August 30, 2005.

**3**

**Voting yea: Austermann, Mayer, Brew, Fisher, Malone, Littman, Sisson, Haas**

**Voting nay: None**

**Absent: Huber**

**MOTION CARRIED**

Moved by Comm. Sisson and seconded by Comm. Austermann to adopt the attached resolution transferring a property (309 Liberty Street) from Sturgis Township into the City as presented.

**13**

#### **RESOLUTION**

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

WHEREAS, the Township of Sturgis ("Township") and the City of Sturgis ("City") 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, Barry Jason Cox is a property owner within District II and have filed a request for a transfer to the City of the property described below,

Owner	Property Address	Parcel Number (Township)	Parcel Number (City)
Barry Jason Cox	309 Liberty Street	75-015-012-072-00	75-052-777-257-00

Legal description of parcel:

Commencing 42 rods North of the Southwest Corner of the East 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 12, Town 8 South, Range 10 West, Thence East 16 rods to the Point of Beginning; Thence East 6 rods, Thence North 13 rods, Thence West 6 rods, Thence South 13 rods to POB.

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: Huber      MOTION CARRIED**

Moved by Comm. Brew and seconded by Comm. Malone to consider this the first reading for the rezoning of the parcels comprising the former "Paramount" site from R-3 Residential to PD Planned Development as presented. **14**

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

Moved by Comm. Littman and seconded by Comm. Mayer to consider the proposed amendment to the Zoning Ordinance as the First reading. **14**

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

The City Commission will meet at the Sturges-Young Auditorium to hear a report on the I-9/M-66 Corridor Study on March 30, 2005 at 7:00 p.m. **15**

Mayor Haas adjourned the meeting.

Meeting was adjourned at 8:26 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, APRIL 13, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

A moment of silence was observed in lieu of an Invocation.

Commissioners present: Huber, Brew, Fisher, Malone, Littman, Mayor Haas  
Commissioners absent: Austermann, Mayer, Sisson

Also present: City Manager, Assistant City Manager, City Attorney, Deputy Chief of Fire, City Controller, Sturgis Hospital CEO, Human Resources Director, City Engineer, City Clerk

Mayor Haas read the following Youth Week Proclamation:

23

WHEREAS, The Benevolent and Protective Order of Elks has designated the week beginning on the 1st Sunday in May, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

WHEREAS, Sturgis Elks Lodge 1381 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

NOW, THEREFORE, I, P. Joseph Haas, Mayor of the City of Sturgis, do hereby proclaim the week beginning on the 1st Sunday in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

DPS Supervisor Rick Miller and Larry LaBute of Hydro Designs gave a presentation of backflow prevention and cross-connection control of the water system.

30

City Controller Michael Vance and Michael Wilson of Norman & Paulsen presented the City Audit for the previous fiscal year. 12  
Discussion followed.

Sturgis Hospital CEO Robert LaBarge and Pat Horan of Plante & Moran presented the Hospital Audit for the previous fiscal year. 12  
Discussion followed.

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of April 13, 2005 as presented. 9

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

APPROVAL of the minutes from the March 21, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$1,101,952.16 as presented. 12
2. RATIFY the Hospital bills in the amount of \$2,399,877.82 as presented.

**C. Paramount Site Re-Zoning**

ADOPT the rezoning request as presented by the City for the parcels comprising the former “Paramount” site from R-3 Residential to PD Planned Development, this is the Second reading. 21

**D. Fencing**

ADOPT the proposed amendment to the City of Sturgis Zoning Ordinance section on ornamental fencing, Section 1.0202, this is the Second reading. 14

**E. American Legion Memorial Day Parade**

AUTHORIZE the American Legion Post 73 out of Sturgis to hold their annual Memorial Day parade on Saturday, May 28th. The parade will begin at 10:30 a.m. starting on Chicago Road beginning at the American Legion Post and extending east to Nottawa Street, then south on Nottawa to Oaklawn Park. 23

**F. Michigan Antique Model Airplane Club - Summer Contest**

APPROVE the request from the Michigan Antique Model Airplane Club to hold their Summer Contest on Saturday, June 18th and Sunday, June 19th at the Kirsch Municipal Airport, subject to the four conditions listed in the Sturgis Airport Advisory Committee minutes of April 17, 2001. 23

**Voting yea: Six**

**Voting nay: None**

**Absent: Austermann, Mayer, Sisson**

**MOTION CARRIED**

Sturgis Hospital CEO Robert LaBarge explained the use for a bone densitometer.

Moved by Comm. Brew and seconded by Comm. Littman to approve the purchase, by Sturgis Hospital, of a Hologic Bone Densitometer at a cost of \$81,000.00 from Grand X-Ray, Grand Rapids, MI. 3

**Voting yea: Five**

**Voting nay: Huber**

**Absent: Austermann, Mayer, Sisson**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Huber to adopt the resolution for the State Highway Maintenance Contract with MDOT as presented. 15

RESOLUTION MICHIGAN DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY MAINTENANCE CONTRACT

WHEREAS, the Michigan Department of Transportation has found that contracting with the City of Sturgis for the maintenance of State trunklines within its jurisdiction is in the best public interest; and

WHEREAS, Public Act 17 of 1925 authorizes the Michigan Department of Transportation to contract with municipalities for the construction, improvement or maintenance of State trunkline highways.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal trunkline maintenance contract between the Michigan Department of Transportation and the City of Sturgis for the period October 1, 2004 through September 30, 2009 is hereby approved and Rick Miller is hereby designated as the Maintenance Superintendent for State trunkline highways within the City of Sturgis.

BE IT FURTHER RESOLVED, that the City Manager be designated as the local official authorized to sign said maintenance contract.

**Voting yea: Six**

**Absent: Austermann, Mayer, Sisson**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone to adopt the resolution for Charitable Gaming Licenses for Sturgis Band & Orchestra as presented. 23

**Voting yea: Six**

**Absent: Austermann, Mayer, Sisson**

**Voting nay: None**

**MOTION CARRIED**

City Manager Tod B. Mowery explained that this will be his last meeting and thanked the Commission for his opportunity. 10

The City Commission thanked Tod for all his work and wished him well in his next endeavor.

Mayor Haas explained that the City Commission was developing a group of candidates for the City Manager position. He asked that anyone interested submit a cover letter and resume to him. He hoped that the list of candidates would be finalized fairly quickly and interviews would follow.

Mayor Haas also explained that the City Commission will begin to hold quarterly town hall meetings with the first one to be held next month. The format had not been finalized but this setting should allow for an open discussion between the citizens and Commission on a wide variety of topics. 9

Mayor Haas explained that the Tri-township Fire Department will begin providing rescue service. He wished them well in their efforts and also remained committed to reviewing a regional approach to government services. 18

Moved by Comm. Littman and seconded by Comm. Malone to go into closed session for the purpose of discussing the potential purchase of property and ongoing litigation.

13

**Voting yea: Huber, Brew, Fisher, Malone, Littman, Haas**

**Voting nay: None**

**Absent: Austermann, Mayer, Sisson**

**MOTION CARRIED**

The meeting recessed at 7:48 p.m.

The meeting reconvened at 8:36 p.m.

Mayor Haas adjourned the meeting.

Meeting was adjourned at 8:38 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, APRIL 27, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Calvin Kolzow, Trinity Lutheran Church

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Comm. Huber

Also present: Assistant City Manager, City Attorney, Police Chief, City Controller, Human Resources Director, Deputy City Clerk

Mayor Haas read the following Arbor Day Proclamation:

23

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees are a source of joy and spiritual renewal, and

WHEREAS, the City of Sturgis has been recognized as a TREE CITY USA by the National Arbor Day Foundation and desires to continue its tree-planting ways,

NOW, THEREFORE, I, P. Joseph Haas, Mayor of the City of Sturgis, do hereby proclaim Friday, April 29, 2005 as

**ARBOR DAY**

in the City of Sturgis, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.





Moved by Comm. Brew and seconded by Comm. Austermann to allow the Sturgis Exchange Club and the Sturgis Area Chamber of Commerce to hold their Ribs on the Runway event at Kirsch Memorial Airport on July 3, 2004 from 5 p.m. to midnight. **23**

**Voting yea: Seven      Voting nay: None      Absent: Huber      Abstain: Mayor Haas**  
**MOTION**

**CARRIED**

EDC Director John Hayes announced that the Kiwanis Club of Sturgis will be holding their Michigan Week Commerce Day luncheon on May 25<sup>th</sup> at 11:45 a.m. at the Sturges-Young Auditorium. **23**

Assistant City Manager Todd Campbell reminded the commission that the annual spring city-wide clean-up will be held on Saturday, April 30<sup>th</sup> for the north side of town, and Saturday, May 7<sup>th</sup> for the south side of town. **23**

Mr. Campbell also stated that there would be an Arbor Day tree planting at Wall School on Friday, April 29<sup>th</sup>.

Comm. Fisher updated the commission on the upcoming events at the Sturges-Young Auditorium. The Michigan Week Variety Show will be held on May 13<sup>th</sup> at 7:30 pm with the dinner starting at 6:00 p.m. and the Rededication Ceremony will be held on May 15<sup>th</sup> at 2:00 p.m. as a part of the 50<sup>th</sup> Anniversary Celebration. **2**

Mayor Haas announced that the first Town Hall meeting will be held on Thursday, May 19<sup>th</sup> from 7:00 – 9:00 p.m. at the Sturges-Young Auditorium. **9**

Mayor Haas appointed Comm. Austermann to the St. Joseph County Comprehensive Traffic Safety Board. **18**

Interview dates for the four final candidates for the city manager's position will be held on Tuesday, May 17<sup>th</sup> and Tuesday, May 24<sup>th</sup> at 6:00 p.m. It is the goal of the Mayor and Commission to have a new city manager hired by July 1<sup>st</sup>. **10**

DDA Director Kim Musolff presented a brief report on the streetscape design. **16**

Discussion was held regarding qualifications and requirements desired of the candidates being interviewed for the City Manager's position. **10**

Mayor Haas adjourned the meeting.

Meeting was adjourned at 9:03 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, MAY 11, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Lorraine Bolley, Gateway River of Life

Commissioners present: Austermann, Mayer, Huber, Fisher, Malone, Littman, Mayor Haas  
Commissioners absent: Brew, Sisson

Also present: Interim City Manager, City Attorney, Police Chief, City Controller, Human Resources Director, Deputy Fire Chief, Electric Superintendent John Griffith, EDC Director John Hayes, Deputy City Clerk

Dennis Eagan, 507 Sturgis Avenue, asked questions regarding street repairs and when the City would be repairing Sturgis Avenue.  
Discussion followed.

Don Lampe, 402 Sturgis Avenue, congratulated the City Staff and the Bridge Builders for a job well done at the Cinco de Mayo Celebration.

Mayor Haas welcomed Boy Scout Troop #402.

Moved by Comm. Littman and seconded by Comm. Mayer to approve the Consent Agenda of May 11, 2005 as presented. **9**

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

APPROVAL of the minutes from the April 27, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$571,018.90 as presented. **12**
2. RATIFY the Hospital bills in the amount of \$1,460,594.84 as presented

**Voting yea: Seven**

**Absent: Brew, Sisson**

**Voting nay: None**  
**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Austermann to award the bids for the Cato Lane Voltage Upgrades to the indicated low bidders as presented. 3

**Voting yea: Seven**

**Absent: Brew, Sisson**

**Voting nay: None**  
**MOTION CARRIED**

Police Chief Dave Northrop spoke regarding the National Incident Management System.

Moved by Comm. Austermann and seconded by Comm. Malone to rescind the resolution, dated December 19, 2001, adopting the Emergency Operations Center and approve the resolution that adopts the National Incident Management System as follows: 18

## **RESOLUTION**

### **DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF STURGIS**

**WHEREAS**, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

**WHEREAS**, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

**WHEREAS**, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes;

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

**WHEREAS**, on December 7, 2004, the St. Joseph County Emergency Management Center adopted a similar resolution, which replaced the Incident Command System.

**NOW, THEREFORE**, the Sturgis City Commission does hereby establish the National Incident Management System (NIMS) as the City's standard for incident management.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Brew, Sisson**

**MOTION CARRIED**

Moved by Comm. Huber and seconded by Comm. Austermann to approve the purchase of the two mobile video units and data storage workstation from Mobile Vision, Inc. of Boonton, New Jersey for the Police Department not to exceed amount of \$13,535.00 as presented. **3**

**Voting yea: Seven**

**Voting nay: None**

**Absent: Brew, Sisson**

**MOTION CARRIED**

Comm. Austermann asked EDC Director John Hayes for a status on the idle buildings within the city. A meeting of the EDC Board will be scheduled at a later date. **16**

Cathi Garn, Chamber of Commerce Director, reviewed the Michigan Week activities and encouraged everybody to attend. **23**

Comm. Austermann complimented the City staff and volunteers for a job well done during the large-item pick up days. He suggested that the City, as in the past, do not pick up any building materials. **23**

Comm. Huber extended his thanks to the City staff and Bridge Builders for a wonderful job at the Cinco de Mayo Celebration. **23**

Comm. Malone encouraged his constituents to attend the interviews which will be held on May 17<sup>th</sup> and May 24<sup>th</sup> to fill the position of City Manager, and to express their thoughts to him after the interviews. **10**

Moved by Comm. Austermann and seconded by Comm. Malone to go into closed session for the purpose of discussing the potential purchase of property. **13**

**Voting yea: Austermann, Mayer, Huber, Fisher, Malone, Littman, Haas** **Voting nay: None**  
**Absent: Brew, Sisson** **MOTION CARRIED**

The meeting recessed at 8:00 p.m.

The meeting reconvened at 9:10 p.m.

The City Commission discussed the process for the upcoming Town Hall meeting on May 19, 2005 along with streets and the condition of the railroads in the City. **9**

Mayor Haas adjourned the meeting.

Meeting was adjourned at 9:20 p.m.

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

**WORK SESSION - STURGIS CITY COMMISSION**  
**WEDNESDAY, MAY 25, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Mayer, Huber, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: Interim City Manager, City Controller, Human Resources Director, Economic Development Director, City Clerk

City Clerk/Treasurer Kenneth Rhodes gave a presentation on the historical and current property tax structure for the State of Michigan and the City of Sturgis.

Discussion followed.

Meeting was adjourned at 7:20 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, MAY 25, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Rev. Doug Carr, Gateway River of Life

Commissioners present: Austermann, Mayer, Huber, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: Interim City Manager, City Attorney, Deputy Police Chief, City Controller, Human Resources Director, Economic Development Director , City Clerk

Jim Vicalvi, 306 N. Lakeview, inquired as to the cost structure of the softball teams that use Spence Field and the fields should be lighted. 28

Fred LaTour, President of the Sturgis Toy Run, hoped that the Commission would continue to support the Toy Run on September 8 – 10. Mayor Haas and the Commission thanked Mr. LaTour for what he and his group do for the community and looked forward to the event. 23

Moved by Comm. Littman and seconded by Comm. Brew to approve the Consent Agenda of May 25, 2005 as presented. 9

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

APPROVAL of the minutes from the May 11, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$1,954,499.96 as presented. 12
2. RATIFY the Hospital bills in the amount of \$1,642,087.36 as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Economic Development Director John Hayes presented the details of the Tool and Die Recovery Zone program.  
Discussion followed.

16

Moved by Comm. Sisson and seconded by Comm. Malone to adopt the Resolution requesting the State of Michigan to designate Mayer Tool & Engineering, Inc. and Johnson Precision Mold & Engineering as eligible for Recovery Zone status for a duration of up to the 15 years allowable maximum within the Southwest Michigan Global Tooling and Technology Collaborative.

**Resolution to Request a Tool & Die Renaissance Recovery Zone**

WHEREAS, the City of Sturgis desires to promote economic activity and maintain / increase the number of jobs available to the residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity; and

WHEREAS, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by the businesses enabling them to reposition themselves to compete globally, and;

WHEREAS, the businesses have entered into a collaborative agreement with other business entities having the appropriate North American industrial classification, and;

WHEREAS, the qualified tool and die business property is property owned by tool and die businesses and used primarily for tool and die operations, and;

WHEREAS, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the city, county, and other units of government as provided under the Act, and;

WHEREAS, we estimate the tax revenue lost, which is estimated on the attached schedule would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community, and;

WHEREAS, letters of support have been provided by our U.S. Congressman, State Senator, State Representative, and County EDC Director,

NOW, THEREFORE BE IT RESOLVED, that the City of Sturgis requests that the State of Michigan designate the Sturgis properties occupied by Mayer Tool and Engineering and Johnson Precision Mold as Renaissance Zones under Public Act 376 of 1966 for duration of up to 15 years.

**Voting yea: Eight      Voting nay: None      Abstain: Mayer      MOTION CARRIED**

Moved by Comm. Brew and seconded by Comm. Austermann to consider this as the first reading of the Amendments of the Ordinances of the City of Sturgis amending Part II – Chapter 38, Section 38-3 Providing of False Information / Part II – Article V, Section 38-121 Disorderly Persons / Part II – Chapter 58, Section 58-10 Exhibition Driving as presented.

14

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

Moved by Comm. Littman and seconded by Comm. Mayer to approve the City board appointments as presented and send a letter of recognition for their services to those not returning to a board. 27

**Airport Advisory Board (May, 2006)**

***(Reappointments)***

James Liston  
Robert Littke  
Stewart Swihart  
Martin Hart  
Brian Hall

***(New)***

Robert Morrow

**Auditorium Board (May, 2008)**

***(Reappointments)***

John Bush  
Jean Shears

**Board of Review (May, 2007)**

***(Reappointments)***

Scot Jefferies  
Terry Koehl  
Valerie Mildenburg

**Cemetery and Parks Board (May, 2010)**

***(Reappointments)***

R. John Blasius

**Construction Board of Appeals (May, 2008)**

***(Reappointments)***

Frank Kalasky

**D.D.A. Board of Directors (May, 2009)**

***(Reappointments)***

Julianne Davis  
Karen Stephens  
Karen Stimson

**Doyle and Recreation Advisory Board (May, 2008)**

***(Reappointments)***

Lorraine Bolley

***(New)***

Steven Shevick

**E.D.C. and Brownfield Redevelopment Authority (May, 2011)**

***(Reappointments)***

William Boersma

**Election Commission (May, 2006)**

***(Reappointments)***

Bethany Ann Sherman  
Karen Stephens  
Rachael Sutton



**Employee Retirement Board (May, 2007)**

*(New)*

Warren English

**Hospital Board of Trustees (May, 2010)**

*(Reappointments)*

Newell Franks II

Phil Ward

**Library Board (May, 2010)**

*(Reappointments)*

Karen Good

Roger Zuercher

**Planning Board (May, 2008)**

*(Reappointments)*

Jayne Krebsner

Rachael Sutton

Keith Waltke

**Sister City Committee (May, 2008)**

*(Reappointments)*

Cheryl Yunker

Lynn Zimmerman

*(New)*

Carol Pierce

**Sturgis Housing Commission (May, 2010)**

*(New)*

John Doberteen

Kevin Waltke

**Zoning, Building, and Housing Board of Appeals (May, 2008)**

*(Reappointments)*

Richard Duffield

***DEPARTING BOARD MEMBERS***

Kristine Kirsch, Doyle Advisory Board

Barbara Sisson, Sister City Committee

Gwen Davis, Sturgis Housing Commission

Priscilla Hoopingarner, Sturgis Housing Commission

***REPLACEMENT BOARD MEMBERS***

John Mikulenas to replace Jessica Kielkopf on the Planning Board through May 2007

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Sisson and seconded by Comm. Littman to appoint Michael Gay to the Doyle and Recreation Advisory Board to an ad-hoc position.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**



Moved by Dir. Sisson and seconded by Dir. Littman to adopt the following Consent Resolution as presented.

9

**CONSENT IN LIEU OF ANNUAL MEETING  
OF BOARD OF DIRECTORS OF STURGIS HOUSING DEVELOPMENT CORP.**

All of the members of the Board of Directors of Sturgis Housing Development Corp., a Michigan non-profit corporation (the "Corporation"), consent to the following actions:

1. The following persons are elected as officers of the Corporation to serve in the offices set forth opposite their names until further Board action or until their resignation or removal:

Todd Campbell – President  
Michael Vance – Treasurer  
Todd Campbell – Secretary

2. The Preamble of the Bylaws is hereby amended to provide as follows:  
**Sturgis Housing Development Corp. (the "corporation") has been incorporated by the City of Sturgis pursuant to Act 37 of 2001 (Section 117.4o of Michigan's Home Rule City Act). Under the Act, the corporation may be organized only for purposes that are valid public purposes for cities in the state of Michigan. The corporation's primary purpose is the development of residential, commercial, and industrial real estate, including development in accordance with guidelines and financial assistance provided by the Michigan State Housing Development Authority. The corporation's secondary purposes include the acquisition of such real estate for development and for use by the City of Sturgis. The City of Sturgis has determined that such purposes are valid public and governmental purposes and that, for administrative reasons, it is useful to form the corporation to carry out the purposes. The City of Sturgis will be the sole owner of the corporation, and ultimate control and supervision of the corporation will vest with the City.**

3. The directors received a report from City Staff on significant developments, major corporate transactions, and the operations and financial results of the Corporation for the preceding year, including the acquisition of real estate commonly known as the Ram Products building at 1111 N. Centerville Rd., Sturgis, Michigan, and the residential building at 401 S. Lakeview St., Sturgis, Michigan. All actions of the Corporation's officers and agents on behalf of the Corporation since the last annual meeting of the Board (or written consent in lieu of such a meeting) are ratified.

This consent is given in lieu of a formal annual meeting of the Corporation's Board of Directors and is executed on May 25, 2005.

**Voting yea: Austermann, Mayer, Huber, Brew, Fisher, Malone, Littman, Sisson, Haas, Campbell**  
**Voting nay: None**  
**MOTION CARRIED**

Moved by Dir. Sisson and seconded by Dir. Malone to adjourn the annual meeting.

**Voting yea: Austermann, Mayer, Huber, Brew, Fisher, Malone, Littman, Sisson, Haas, Campbell**  
**Voting nay: None**  
**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Malone to reconvene its regular meeting of May 25, 2005.

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

Chamber of Commerce Director Cathi Garn thanked the Commission and City staff for all their help with the Michigan Week festivities. Mayor Haas and the Commission commended Cathi on her efforts and were very pleased with how everything went. 23

The City Commission commended the Police and Fire Departments on their efforts surrounding the fire at Sturgis Hospital. 18

Moved by Comm. Sisson and seconded by Comm. Austermann to go into closed session for the purpose of discussing the potential pending litigation and union negotiations. 9

**Voting yea: Austermann, Mayer, Huber, Brew, Fisher, Malone, Littman, Sisson, Haas**

**Voting nay: None**

**MOTION CARRIED**

The meeting recessed at 8:30 p.m.

The meeting reconvened at 9:15 p.m.

Discussion was held on the progress of the Ambulance Service. 18

Discussion was held on the process of hiring a new City Manager. 10

Mayor Haas adjourned the meeting.

Meeting was adjourned at 9.58 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, JUNE 8, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Steven Campbell, Whole Life Christian Fellowship

Commissioners present: Austermann, Mayer, Huber, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: Interim City Manager, City Attorney, Police Chief, City Controller, Human Resources Director, Economic Development Director, Deputy City Clerk

Jeannette Fenner gave a presentation to the Commission on the Action Line Requests that are available on the City's website. **33**  
Discussion followed.

EDC Director John Hayes updated the Commission on a potential business prospect. **16**  
Discussion followed.  
Mr. Hayes requested that a public hearing be scheduled at the next regular city commission meeting to consider establishing an Obsolete Property Rehabilitation Act (OPRHA) District for the former Levolor Call Center building located at 309 N. Prospect. St.

Carl Holsinger, Chairman of the St. Joseph County Solid Waste Committee, spoke regarding curbside recycling within the City of Sturgis. **19**

County Commissioner John Dobberteen explained that surrounding communities within St. Joseph County could receive \$75,000 of allocated funds to establish a curbside recycling program. **15**  
Discussion followed.  
It was requested that the subject be added to the agenda for the next commission meeting for further discussion.

Commissioner Dobberteen also explained a proposed Law Enforcement Millage which would allow funds to be returned to the local law enforcement agencies as opposed to being returned to the county. **15**  
Discussion followed.

Moved by Comm. Littman and seconded by Comm. Brew to approve the Consent Agenda of June 8, 2005 as presented. **9**

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

1. APPROVAL of the minutes from the May 25, 2005 work session as presented.
2. APPROVAL of the minutes from the May 25, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$597,235.66 as presented. **12**
2. RATIFY the Hospital bills in the amount of \$1,152,976.53 as presented.

**C. Proposed Ordinance Amendment Package**

CONSIDER this as the second reading and ADOPTION of the Amendments of the Ordinances of the City of Sturgis amending Part II – Chapter 38, Section 38-3 Providing of False Information / Part II – Article V, Section 38-121 Disorderly Persons / Part II – Chapter 58, Section 58-10 Exhibition Driving as presented. **14**

**AMENDMENT TO PART II – CHAPTER 38  
OF THE ORDINANCES OF THE CITY OF STURGIS**

An ordinance to amend Part II – Chapter 38, Section 38-3 of the ordinances of the City of Sturgis prohibiting the providing of false information.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to prohibit the providing of false information to a police officer or police agency;

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

Part II – Chapter 38, Section 38-3 is hereby amended to provide as follows effective as of July 1, 2005:

**Sec. 38-3. False or fictitious identification or information.**

(1) No person shall in any manner provide, submit or supply any documentation specifying a name, driver's license number, social security number or date of birth which is not the true, accurate and correct name, driver's license number, social security number or date of birth of the bearer of such documentation.

(2) No person shall in any manner knowingly provide, submit or supply any materially false, forged, fictitious, or misleading verbal or written information to a police officer or police agency.

(3) Violation of this section is a misdemeanor.

**AMENDMENT TO PART II – ARTICLE V, SECTION 38-121  
OF THE ORDINANCES OF THE CITY OF STURGIS**

An ordinance to amend Part II – Article V, Section 38-121 of the Ordinances of the City of Sturgis pertaining to disorderly persons, 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 Ordinances pertaining to disorderly persons to confirm that a violation thereof is a misdemeanor;

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

Part II – Article V, Section 38-121 is hereby amended to provide as follows effective as of July 1, 2005:

**Sec. 38-121. Disorderly persons.**

Any person who incites, encourages, participates in, is engaged in or is connected with any rout, riot, affray, fight, brawl, tumult, disorder or unlawful assembly; or any person who roughly crowds, jostles, strikes, commits an assault or an assault and battery upon another; or who makes or assists in making any noise or disturbance which tends to destroy peace and good order; or who is engaged in an illegal occupation or business; or who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or who is acting in a manner that cause a public disturbance; or who is engaged in any indecent or obscene conduct, exposure of their person, or who uses indecent, immoral or profane language, either in the presence or hearing of women or children, or in any public place; or who goes upon the premises of a private residence and looks into the windows; or who fails to obey any lawful order of a police officer shall be guilty of an offense. Any person who violates this section is guilty of a misdemeanor.

AMENDMENT TO PART II – CHAPTER 58  
OF THE ORDINANCES OF THE CITY OF STURGIS

An ordinance to amend Part II – Chapter 58 of the ordinances of the City of Sturgis by adding Section 58-10 prohibiting Exhibition Driving.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to prohibit Exhibition Driving within the City;

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

Part II – Chapter 58-10 “Exhibition Driving” is hereby added and is to provide as follows effective as of July 1, 2005:

**Sec. 58-10. Exhibition Driving.**

(a) Any person who shall engage in any exhibition driving of a motor vehicle upon any highway or any other place open to the general public, including any area designated for the parking of motor vehicles, shall have committed a civil infraction.

(b) “Exhibition driving” is defined as the driving of a motor vehicle in such an unusual manner or out of the usual flow of traffic, whether or not other traffic is present, so as it is likely to attract the attention of the public, whether or not there is anyone present, or it shall consist of any two or more of the following acts:

- (1) Rapid acceleration;
- (2) Squealing, peeling or burning of the tires;
- (3) The swaying of a motor vehicle from side to side commonly referred to as “fishtailing”;
- (4) Racing or running the engine of a motor vehicle at high revolutions per minute combined with the engaging of the gears causing excessive or unusual noise;
- (5) Unnecessary and excessive changing of lanes; and
- (6) The emission of any unreasonably loud or raucous or disturbing noise from the engine or exhaust system of any motor vehicle.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Austermann to schedule a public hearing on June 22, 2005 at 7:30 in the Wiesloch Room of City Hall to hear public comment on the tax rate for Fiscal Year 2006.

**12**

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Interim City Manager Todd Campbell explained the current and proposed methods to sell City equipment.  
Discussion followed.

12

Moved by Comm. Brew and seconded by Comm. Malone to approve the sale of used City of Sturgis equipment via internet markets as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Brew to adopt the resolution related to Sidewalk Display and Use within the State Trunk Line Highway Right-of-Way as presented.

15

**RESOLUTION FOR SIDEWALK DISPLAY AND USE**

**WITHIN STATE TRUNK LINE HIGHWAY RIGHT-OF-WAY**

**WHEREAS**, on October 13, 2004, the Sturgis City Commission added Article V Sidewalk Display and Use to Chapter 18 of Part II of its Ordinances which provided as follows effective as of November 5, 2004:

**ARTICLE V: SIDEWALK DISPLAY AND USE**

**Sec. 18-181. Legislative Findings.**

*The City of Sturgis has the authority pursuant to its ordinances to promote business activity by authorizing reasonable use of sidewalks in the Central Business District. This Ordinance is intended to promote the economic development and growth of businesses located in the Central Business District.*

**Sec. 18-182. Use of Sidewalks.**

*(a) On sidewalks adjacent to properties zoned B-C Central Business District under the Zoning Ordinances of the City, adjoining owners, lessees or occupants may use the sidewalks in accordance with the provisions of this Section for open air display of dry goods, sporting goods, tools, small equipment, flowers and similar merchandise, and for temporary seating and tables to the extent that such uses are accessory to the adjoining properties as defined by the Zoning Ordinance of the City of Sturgis, subject to the following restrictions:*

*(1) Display or seating areas shall be limited as necessary to allow for a minimum (60) inches of unobstructed pedestrian walkway and shall not obstruct access to on-street parking or create a vision hazard.*

*(2) Any service of beer, wine or alcohol shall be in conformity with the rules and regulations of the Michigan Liquor Control Commission.*

*(3) All displays including signs, shelving and/or racks, chairs and tables shall be removed from the sidewalk when the adjoining retail operation is closed, or stored in a secured manner approved by the City Manager.*

*(4) All areas shall be well maintained and cleaned regularly by the adjoining property owner, lessee or occupant.*

*(5) No items may be placed in the area at street corners or alley/street corners created by extending the building lines to the traveled portion of the streets or alleys.*



(b) *All other use of the sidewalks for display or seating purposes is prohibited.*

**Sec. 18-183. Nature of Use.**

*The use of the sidewalks as provided in Section 18-182 shall be permissive and shall constitute no more than a license revocable at will by the City. The City may, if the use of the sidewalk in any way interferes with the use of the rights of way, require any or all items to be removed temporarily or permanently from the sidewalk areas. No use of the sidewalks under Section 18-182 shall in any way entitle an owner, lessee or occupant to any right, title or interest in and to the sidewalk or any right to continue the uses provided in Section 18-182.*

**Sec. 18-184. Severability.**

*Should any provisions of this ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the City Code.*

**Sec. 18-185. Repeal.**

*All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.*

**Sec. 18-186. 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 and 00/100 (\$500.00) Dollars, or imprisonment in the county jail for a period not to exceed ninety (90) days, or both; and*

**WHEREAS**, Act No. 1 of the Public Acts of 2005, effective as of March 24, 2005, amended the Motor Vehicle Code by adding Section MCL 257.676a ("Act"), which authorizes the Michigan Transportation Department to issue a permit to a person, firm or corporation to conduct activities within the right-of-way of a state trunk line highway within the corporate limits of a city conditioned upon the municipality having jurisdiction over any such site passing a resolution authorizing the activities and agreeing to enforce compliance with any such permit; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the City to promote the economic development and growth of businesses located within the Central Business District by adopting this resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Sturgis hereby authorizes the activities set forth above in its Sidewalk Display and Use Ordinance, supports the issuance of a permit for those activities by the State Transportation Department and agrees to reasonably enforce compliance with any such permit issued by the State Transportation Department.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Sisson and seconded by Comm. Littman to appoint Commissioner Austermann as the City Commission's representative to the Drug Tip Hotline Committee.

27

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Mayor Haas opened a discussion regarding the hiring of a new City Manager.

**10/27**

As a general consensus, all of the commissioners agreed that it was a very tough decision to make, as the three candidates who were interviewed would have all done a remarkable job. The commissioners were impressed at the answers that were received during the interviews as well as the way the candidates presented themselves.

A roll call vote was taken for the commissioners to state their preference on to whom they would like to offer the position.

**MICHAEL HUGHES** – Malone, Mayer, Austermann, Brew, Fisher, Sisson, Mayor Haas

**TODD CAMPBELL** – Littman, Huber

Moved by Comm. Sisson and seconded by Comm. Fisher to unanimously approve the appointment of Michael Hughes as City Manager and authorize the Mayor to negotiate, with approval by the City Attorney, and execute an employment agreement with the City Manager providing for an initial annual salary not to exceed \$ 94,500.00.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Electric Superintendent John Griffith updated the Commission on the storm damage and explained that the three main feed lines from AEP had all been lost during the storm. He thanked the City Staff and volunteers for all of their hard work and dedication, as well as other surrounding communities who also pitched in to help. Thanks also went out to our customers for their patience and understanding. **17**

All city employees who were present, as well as the City Commissioners, took the opportunity to thank Todd Campbell for the wonderful job he does for the city, and expressed their desire to see him remain at his current job and to keep his family in our community. **10**

City Commissioners thanked the Electric Department, Police Department, Fire Department, and all other city departments and staff for their assistance and professionalism shown during the clean-up after the storm on June 5th. A special thanks also went out to the volunteers who pitched in to help. **18/10**

Mayor Haas adjourned the meeting.

Meeting was adjourned at 9:17 p.m.

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

**WORK SESSION – STURGIS CITY COMMISSION**  
**WEDNESDAY, JUNE 22, 2005**  
**WIESLOCH RAUM – CITY HALL**

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

Commissioners present: Fisher, Littman, Malone, Brew, Mayer, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Austermann, Huber

Also present: Interim City Manager, City Controller, Economic Development Director, Electric Department Superintendent

Electric Department Superintendent John Griffith gave an update on the City's power supply negotiations, an overview of national transmission issues and, an update on the State of Michigan's electric utility restructuring legislation, Public Act 141 of 2000. Discussion followed.

Mayor Haas adjourned the meeting at 7:20 p.m.

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***Todd Campbell, Interim City Manager***

**REGULAR MEETING – STURGIS CITY COMMISSION  
WEDNESDAY, JUNE 22, 2005  
WIESLOCH RAUM – CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Meredith Hunt, St. John's Episcopal Church.

Commissioners present: Fisher, Littman, Malone, Brew, Mayer, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Austermann, Huber

Also present: Interim City Manager, Assistant City Attorney, Police Chief, City Controller, Economic Development Director, City Engineer, Deputy Fire Chief, Deputy City Clerk

Leo Andaverde spoke to the Commission regarding a paintball business he and a partner are trying to get started on Broadus Street. He was asking for support and guidance to assist them in going through the proper channels.

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of June 22, 2005 as presented.

**A. Action of Minutes of Previous Meeting**

APPROVAL of the minutes from the June 8, 2005 meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$1,453,616.94 as presented.
2. RATIFY the Hospital bills in the amount of \$2,180,417.69 as presented.

**Voting yea: Seven    Voting nay: None**

**Absent: Austermann, Huber**

**MOTION CARRIED**

Public hearing was held regarding the Fiscal Year 2005-2006 Tax Rate.  
Mayor Haas closed the public hearing.  
Discussion followed.

Moved by Comm. Brew and seconded by Comm. Mayer that the Sturgis City Commission set the fiscal year 2005-2006 tax rate at 10.82 mills as presented.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Discussion was held regarding Solid Waste and Recycling in the City. The Commission discussed exploring options beyond one waste hauler, the potential for the issue to be placed on the November ballot, a public hearing which would include the area trash haulers, discussion at a Town Hall meeting, having the Commission make a decision on behalf of the public, the difficulty of placing every major issue on an election ballot, and the possibility of allowing a choice of hauler but mandating recycling services. The Commission will continue to review the issue.

Moved by Comm. Fisher and seconded by Comm. Brew that the Sturgis City Commission schedule a public hearing for July 13, 2005 in the Wiesloch Raum of City Hall at 7:30 p.m. to hear public comment on the proposed Obsolete Property Rehabilitation Act District in the area occupied by the former Kirsch/Levelor Properties, and the Sturgis Iron & Metal property north of Hatch Street and between Susan Court and Fourth Streets.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone that the Sturgis City Commission schedule a public hearing for July 13, 2005 in the Wiesloch Raum of City Hall at 7:30 p.m. to consider granting an Industrial Facilities Exemption Certificate to Parma Tube Corporation.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone that the Sturgis City Commission approve the local match for the Downtown Streetscape TEA-21 Grant in the amount of \$125,275 as presented and authorize the Interim City Manager to sign all necessary documents.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Brew that the Sturgis City Commission approve the contract dated June, 6, 2005 with O'Boyle, Cowell, Blalock and Associates for consulting work for the downtown streetscape project contingent upon approval of the TEA-21 Grant and authorize the Interim City Manager to sign all necessary documents.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Vice-Mayor Sisson and seconded by Comm. Brew that the Sturgis City Commission accept the resignations of Peter Palisinski from the Parks and Cemetery Board and Jane Tallmadge and Michael Maldonado from the DDA Board of Directors and send them a letter of thanks for their service.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Vice-Mayor Sisson and seconded by Comm. Malone to appoint Michael Gay to the Parks and Cemetery Board as a regular member to fill the vacancy of Peter Palisinski for a term to expire in May 2009.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Vice-Mayor Sisson and seconded by Comm. Littman that the Sturgis City Commission approve the request for a July 4<sup>th</sup> Celebratory Children's Parade in the South Lakeview neighborhood to be held on July 4, 2005 at 10:00 a.m. beginning at Parkside Circle, extending down Parkside, west on Myrtle, south on Independence and east on Constitution.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Malone and seconded by Vice-Mayor Sisson that the Sturgis City Commission approve the request for a car sale at the Kirsch Municipal Airport to be held on July 21, 22 and 23, 2005.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Malone that the Sturgis City Commission consider this the first reading of the Amendment to the Zoning Ordinance of the City of Sturgis to rezone as presented the parcels comprising the former "Paramount" site from PD Planned Development to R-3 Medium Density Residential.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Brew to amend an earlier motion regarding the approval of a contract with O'Boyle, Cowell, Blalock and Associates to include in an amount not to exceed \$56,500.00

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Interim City Manager Todd Campbell stated that Michael Hughes would be starting his new position as City Manager on July 18, 2005.

Mayor Haas presented two proclamations to the Commission. The first proclamation was to congratulate City Engineer Tom Seymour, and his wife Mary, on 40 years of marriage, and the second proclamation was to congratulate Mr. Edward Otto of Sturgis on his 100<sup>th</sup> birthday.

Ribs on the Runway will be held on July 3, 2005 at the Kirsch Municipal Airport followed by a fireworks show.

Moved by Vice-Mayor Sisson and seconded by Comm. Mayer to compensate Interim Todd Campbell's wages during the time he served as Manager and adjust his pay to that of what the former City Manager was earning at the time he resigned.

**Voting yea: Seven**

**Absent: Austermann, Huber**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Malone and seconded by Comm. Mayer to go into closed session to discuss labor negotiations.

**Voting yea: Brew, Fisher, Sisson, Littman, Mayer, Malone, Mayor Haas**

**Voting nay: None    Absent: Austermann, Huber**

**MOTION CARRIED**

The meeting recessed at 8:35 p.m.

The meeting reconvened at 9:25 p.m.

Mayor Haas adjourned the meeting at 9:27 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, JULY 13, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Ross Gerber, Grace Christian Fellowship

Commissioners present: Austermann, Mayer, Huber, Fisher, Malone, Littman, Vice-Mayor Sisson

Commissioners absent: Brew, Mayor Haas

Also present: Interim City Manager, Assistant to the City Attorney, Deputy Police Chief, Economic Development Director, DDA Director, City Clerk

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of July 13, 2005 as presented. 9

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

APPROVAL of the minutes from the June 22, 2005 work session as presented.

APPROVAL of the minutes from the June 22, 2005 regular meeting as presented.

**B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$702,844.88 as presented. 12

RATIFY the Hospital bills in the amount of \$2,386,349.64 as presented.

**C. Paramount Site Rezoning**

CONSIDER this the second reading and ADOPT the Amendment to the Ordinances of the City of Sturgis to rezone as presented the parcels comprising the former "Paramount" site from PD-Planned Development to R-3 Medium Density Residential. 14

**AMENDMENT TO PART II – APPENDIX, SECTION 1.0302 OF THE ZONING ORDINANCES OF THE CITY OF STURGIS**

An ordinance to amend Part II – Appendix, Section 1.0302 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 of Sturgis, 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 PDD -- Planned Development District to R-3 Residential District.

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

Part II – Appendix, Section 1.0302 is hereby modified as follows, effective as of August 8, 2005:

Sec. 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.

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, and subject to easements, rights and restrictions of record.

**Voting yea: Seven      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

Tim Christner created and presented a City of Sturgis promotional video on CD. **23**

Discussion followed. The Commission commended Mr. Christner for a job well done and thanked him for his efforts.

Vice-Mayor Sisson opened the Public Hearing related to establishment of an Obsolete Property Rehabilitation District. **16**

Moved by Comm. Fisher and seconded by Comm. Malone to adopt the resolution to establish an Obsolete Property Rehabilitation District for parcels “A”, “B”, “C” and “D” as presented.

**WHEREAS**, Public Act 146 of 2000 provides an exemption from ad valorem property taxes to commercial property and commercial housing property provided they are located in a qualified local governmental unit and certain other conditions are met, and

**WHEREAS**, the City of Sturgis, County of St. Joseph, State of Michigan, has been declared a qualified governmental unit under PA 146 of 2000, and

**WHEREAS**, the City of Sturgis has determined that the area of the proposed district is qualified under the Obsolete Property Rehabilitation Act, 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 creating the Obsolete Property Rehabilitation District have been heard and considered, and

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the creating of this Obsolete Property Rehabilitation Act District, 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.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby create an “Obsolete Property Rehabilitation Act District” on the parcel’s known as A, B, C, and D and described on Exhibit A (attached).

**Voting yea: Seven      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

Vice-Mayor Sisson opened the Public Hearing related to and IFEC for Parma Tube Corporation. **16**

Moved by Comm. Littman and seconded by Comm. Mayer to adopt the resolution as presented awarding an Industrial Facilities Exemption Certificate, not-to-exceed \$660,000.00 to Parma Tube Corporation, for a period of 12 years, beginning on January 1, 2006 and an ending date of December 31, 2017.

**WHEREAS**, Parma Tube Corporation in conformity with Act 198 of the Public Acts of 1974, as amended (Act 198) has submitted an application providing all information and requirements

necessary for granting of an Industrial Facilities Exemption Certificate by the City of Sturgis, County of St. Joseph, State of Michigan to Parma Tube Corporation, and

**WHEREAS**, on October 6, 1980 the City Commission established the Industrial Development District for the industrial property of Parma Tube Corporation; and

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

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

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

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption 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, 2017.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby approve the application of Parma Tube Corporation for an "Industrial Facilities Exemption Certificate".

**Voting yea: Seven      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

Moved by Comm. Malone and seconded by Comm. Austermann to recess and reconvene as the Sturgis Housing Development Corporation Board of Directors. 9

**Voting yea: Seven      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

Moved by Dir. Austermann and seconded by Dir. Malone to approve the sale of 608 George St. and authorize the corporation president to sign all necessary documents.

**Voting yea: Eight      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

Moved by Dir. Austermann and seconded by Dir. Mayer to adjourn and reconvene as the Sturgis City Commission.

**Voting yea: Eight      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

The City Commission will hold a budget work session on Wednesday, July 20, 2005 at 6:00 pm in the conference room of City Hall. 9

Moved by Comm. Mayer and seconded by Comm. Austermann to adjourn the meeting.

**Voting yea: Seven      Voting nay: None      Absent: Brew, Haas      MOTION CARRIED**

Meeting was adjourned at 8:32 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, JULY 27, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Scot Jefferies, Simply Christian Church

Commissioners present: Austermann, Mayer, Huber, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Brew

Also present: City Manager, Assistant City Manager, City Attorney, Deputy Police Chief, City Controller, DDA Director, City Clerk

Mayor Haas presented the following proclamation to Harley Pierce.

23

**WHEREAS**, Harley Pierce, has been a longtime resident of the City of Sturgis; and

**WHEREAS**, Harley Pierce, served a generation of students by coaching men's tennis, football, and men's basketball at Sturgis High School; and

**WHEREAS**, Harley Pierce, led Sturgis Trojan athletes to state titles numerous times; and

**WHEREAS**, Harley Pierce, has been recognized by several state and national coaching organizations including: recognition as the National High School Tennis Coach of the Year for 1979; the Michigan High School Tennis Coach of the Year in 1978 and 1979; and as the Michigan High School Football Coach of the Year for 1969 and 1974; and

**WHEREAS**, Harley Pierce, has been recognized as a member of several statewide Halls of Fame including recently in 1998, into the Kalamazoo College Hall of Fame.

**NOW, THEREFORE, BE IT RESOLVED**, I, P. Joseph Haas, Mayor of the City of Sturgis, commend Harley Pierce for his many years of dedicated service to the people of the City of Sturgis; and

**BE IT FURTHER RESOLVED**, that on behalf of the Sturgis City Commission, I P. Joseph Haas, Mayor of the City of Sturgis, honor and congratulate Harley Pierce for being inducted into the National High School Athletic Coaches Association Hall of Fame.

Mayor Haas read the following proclamation for Carol Griffith.

23

**WHEREAS**, Carol Griffith, has been a longtime resident of the City of Sturgis; and  
**WHEREAS**, Carol Griffith, has faithfully served the citizens of Sturgis as a teacher and coach at Sturgis High School; and

**WHEREAS**, Carol Griffith, not only worked to improve the skills of her students and athletes, she led by example, continuing to improve her own skills simultaneously; and

**WHEREAS**, Carol Griffith, has excelled in several sports during Michigan Senior Olympics Competitions; and

**WHEREAS**, Carol Griffith, exemplifies how to live a full and active life.

**NOW THEREFORE, BE IT RESOLVED**, I, P. Joseph Haas, Mayor of the City of Sturgis, on behalf of the Sturgis City Commission, command Carol Griffith for her many years of dedicated service to the people of the City of Sturgis; and

**BE IT FURTHER RESOLVED**, we honor Carol Griffith for winning a gold medal for the javelin in the National Senior Games amidst weather conditions that could have made the most experienced thrower falter and we wish her much success in her future endeavors.

Ina Taulbee, 511 West Congress, expressed her concerns related to a property in disrepair in her neighborhood. She also expressed displeasure with a lack of responsiveness from one of her Precinct 2 Commissioners. Linda Price, 205 Surprise and Larry Kraft, 206 Surprise expressed similar concerns.

9

Mayor Haas explained that the problem with the property in question is being dealt with by City staff and explained that the City Commission is not authorized to discipline a Commissioner.

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of July 27, 2005 as presented.

9

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

APPROVAL of the minutes from the July 13, 2005 regular meeting as presented.

APPROVAL of the minutes from the July 20, 2005 work session as presented.

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

12

AUTHORIZE the payment of the City bills in the amount of \$1,595,563.49 as presented.

RATIFY the Hospital bills in the amount of \$2,355,905.34 as presented.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

City Manager Michael Hughes presented the idea of adding irrigation to the U.S. 12 Downtown Streetscape project. The City Commission inquired about the costs, maintenance, and who would be paying for the additional costs. Mr. Hughes explained that the final decision did not need to be made at this time, but could wait until after bids and a payment structure was determined.

11

By Consensus, the City Commission agreed to have City staff add the irrigation to the scope of work and bring back the final costs to the City Commission.

15

Assistant City Manager Todd Campbell presented the proposed plan for an additional two islands to the east of the downtown area on U.S. 12. The City Commissioners expressed concerns with the potential costs, maintenance, access to business, and safety around these additional islands. Ted Modert, owner of Barnell's Carpet, expressed his concerns regarding the downtown islands and people's ability to access businesses. Mayor Haas felt that the additional aesthetic value and increase in the quality of life would outweigh the potential inconvenience of the additional islands. 11 15

Moved by Comm. Malone and seconded by Comm. Fisher to eliminate the additional two islands east of downtown from the U.S. 12 project 11 15

**Voting yea: Malone, Huber, Mayer, Austermann, Fisher, Littman**

**Voting nay: Sisson, Haas**

**Absent: Brew**

**MOTION CARRIED**

Additional discussion continued regarding the placement of the one additional island in the residential area provided it did not block Jean Street. 11

Moved by Comm. Mayer and seconded by Comm. Sisson to add one additional island to east of downtown, just east of Jean Street in the residential area. 11

**Voting yea: Mayer, Sisson, Littman, Austermann, Haas**

**Voting nay: Huber, Malone, Fisher**

**Absent: Brew**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone to schedule a Public Hearing for August 10, 2005 at 7:30 pm in the Wiesloch Raum of City Hall to consider public comment on the proposed land transfer agreement with Fawn River Township. 13

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

Parks and Recreation Director Doug Smith presented the idea, as recommended by the Parks and Cemetery Board, of restricting access to certain City parks to ensure that they are properly maintained. The City Commission expressed concerns with the actual language of the restrictions and asked that the Cemetery and Parks Board review the language with the City Attorney to ensure adequate understanding of what is permitted and what is not permitted. 3 28

Moved by Comm. Sisson and seconded by Comm. Mayer to schedule a Public Hearing for August 10, 2005 at 7:30 pm in the Wiesloch Raum of City Hall to receive public comment on the proposed 2005-2006 budget. 12

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Malone to schedule a Public Hearing for August 10, 2005 at 7:30 pm in the Wiesloch Raum of City Hall to consider public comment on the proposed Industrial Facilities Exemption Certificates for Luttman Precision Mold, Inc. 16

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Malone to appoint Susan Peacock to fill the unexpired term of Jane Tallmadge through May 2006 and Sally Large to fill the unexpired term of Michael Maldonado through May 2008 to the Downtown Development Authority Board of Directors. 27

**Voting yea: Fisher, Malone, Austermann, Huber**

**Voting nay: Mayer, Littman, Sisson, Haas**

**Absent: Brew**

**MOTION DEFEATED**

The City Commission addressed the vacancy through May 2006.

27

Comm. Sisson nominated John Bowen

Comm. Austermann nominated Cheryl Dunnafin

Comm. Fisher nominated Susan Peacock

Moved by Comm. Austermann and seconded by Comm. Malone to close nominations

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

**Voting for Bowen: Mayer, Sisson, Haas**

**Voting for Dunnafin: Malone, Littman, Austermann**

**Voting for Peacock: Huber, Fisher**

**No individual received a sufficient number of votes to fill the vacancy.**

The City Commission then voted for the two individuals with the highest number of votes.

**Voting for Bowen: Mayer, Sisson, Haas, Fisher, Huber**

**Voting for Dunnafin: Malone, Littman, Austermann**

**John Bowen was appointed to fill the unexpired term of Jane Tallmadge through May 2006.**

The City Commission addressed the vacancy through May 2008.

Comm. Mayer nominated Susan Peacock

Comm. Austermann nominated Cheryl Dunnafin

Moved by Comm. Malone and seconded by Comm. Austermann to close nominations

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

**Voting for Peacock: Huber, Sisson, Haas, Fisher, Mayer**

**Voting for Dunnafin: Malone, Littman, Austermann**

**Susan Peacock was appointed to fill the unexpired term of Michael Maldonado through May 2008.**

Moved by Comm. Sisson and seconded by Comm. Austermann to recognize Centro De Ayuda as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.

23

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

City Manager Michael Hughes explained that the remaining Hospital Bonds were awarded to Citizens Bank.

4

The City Commission will hold a work session on Wednesday, August 10, 2005 at 6:30 pm to discuss the proposed fiscal year 2005-2006 budget.

12

Comm. Malone inquired about the Progress Street Diversion Basin and its lack of effect on the intersection of Centerville and U.S. 12. A report on the project will be provided at the next City Commission meeting.

11

Deborah Mayer will be performing at the Sturges-Young Auditorium on August 19, 2005 at 8:00 p.m. in support of the seat campaign.

2

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

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



**WORK SESSION - STURGIS CITY COMMISSION  
WEDNESDAY, AUGUST 10, 2005  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Littman

Also present: City Manager, City Controller, Deputy Fire Chief, City Clerk

City Manager Michael Hughes explained some of the proposed changes to the draft 2005-2006 budget.

Discussion followed.

City Manager Michael Hughes updated the City Commission on the details of a potential transfer of property from Fawn River Township.

Discussion followed.

Meeting was adjourned at 7:20 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, AUGUST 10, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Ken Mills, Youth for Christ

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Littman

Also present: City Manager, City Attorney, City Controller, Deputy Fire Chief, Acting Library Director, City Engineer, Human Resources Director, Police Chief, City Clerk

Moved by Comm. Austermann and seconded by Comm. Mayer to accept the resignation of Charles Huber as Commissioner of the 2<sup>nd</sup> Precinct effective August 10, 2005. 9  
27

**Voting yea: Seven      Voting nay: None      Absent: Littman      MOTION CARRIED**

Mayor Haas thanked Mr. Huber for his dedicated service to the community. Mr. Huber asked for other members of the community to serve as commissioner.

Mayor Haas presented the following proclamation to Irene Parker: 23

WHEREAS, Irene Parker, has been a longtime resident of the Sturgis area; and

WHEREAS, Irene Parker, has faithfully served the citizens of Sturgis at the Sturges-Young Civic Center and Auditorium; and

WHEREAS, Irene Parker, has dependably washed dishes and performed any other duties asked of her at the Sturges-Young Civic Center and Auditorium since 1994; and

WHEREAS, Irene Parker, just shy of her 88th birthday, is believed to have been the oldest employee of the City of Sturgis at the time of her retirement; and

WHEREAS, Irene Parker, is a model of the hard work and dedication that has made success the habit of the employees of the City of Sturgis.

NOW, THEREFORE, BE IT RESOLVED, that I, P. Joseph Haas, Mayor of the City of Sturgis, on behalf of the Sturgis City Commission, commend Irene Parker for her many years of dedicated service to the people of the City of Sturgis; and

BE IT FURTHER RESOLVED, that we honor and congratulate Irene Parker on the occasion of her recent retirement from the City of Sturgis and wish her much happiness in the future.

Deputy Fire Chief Scott Hopkins presented information to the City Commission regarding the Fire Department's ISO Rating and the modifications to the Ambulance Service billing. Discussion followed.	12 18
City Controller Michael Vance updated the City Commission on the finances for the Ambulance Service. Discussion followed.	
Blanche Overholt, 510 N. Lakeview, provided her thoughts on recycling and the street lighting in her neighborhood.	11
Brenda Hutchins, 125 S. Nottawa, presented her thoughts on the need for a K-9 unit for the Sturgis Police Department and presented a \$5,000.00 check to Mayor Haas from herself, her husband, and Blue Ribbon Motors in support of a K-9 unit.	18
Moved by Comm. Sisson and seconded by Comm. Brew to approve the Consent Agenda of August 10, 2005 as presented.	9
<b>A. Action of Minutes of Previous Meetings</b> APPROVAL of the minutes from the July 27, 2005 work session as presented. APPROVAL of the minutes from the July 27, 2005 regular meeting as presented.	
<b>B. Pay Bills</b> AUTHORIZE the payment of the City bills in the amount of \$931,521.92 as presented. RATIFY the Hospital bills in the amount of \$1,340,907.11 as presented	12
<b>Voting yea: Seven      Voting nay: None      Absent: Littman      MOTION CARRIED</b>	
Moved by Comm. Sisson and seconded by Comm. Malone to reschedule the Public Hearing of August 10, 2005 to August 24, 2005 at 7:30 pm in the Wiesloch Raum of City Hall to consider public comment on a proposed Industrial Facilities Exemption Certificate for Luttmann Precision Mold.	16
<b>Voting yea: Seven      Voting nay: None      Absent: Littman      MOTION CARRIED</b>	
City Manager Michael Hughes presented an overview of the proposed 2005 – 2006 City of Sturgis Fiscal Year Budget. Discussion followed.	12
Mayor Haas opened the public hearing on the proposed 2005 – 2006 City of Sturgis Budget.	
Elizabeth Datkovic, Director of Centro De Ayuda, provided some history on the program and explained the need for the services she provides through her program.	23
Joe Parker, Board of Directors for the Sturgis Senior Center, provided some history on the program and explained the services that the Center provides.	23
Scott Davidson, Director of the Sturgis Wind Symphony, provided some history on the program and spoke on some of the activities of the Symphony.	23

Vice-Mayor Sisson inquired as to the level of service provided to non-residents of the City and the level of support from the surrounding communities. Mayor Haas explained that the cultural services are important to the City, that the City is currently experiencing extremely difficult financial times, and hopes that each of the entities is able to continue their services by looking to the community for funding assistance. 23

Moved by Comm. Brew and seconded by Comm. Austermann to adopt the proposed 2005 - 2006 annual City of Sturgis budget resolution as presented. 12

**Voting yea: Seven      Voting nay: None      Absent: Littman      MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Fisher to adopt the Street Repair Fund Resolution as presented. 11

**RESOLUTION ESTABLISHING A STREET REPAIR FUND AND DEDICATING AN AMOUNT ANNUALLY EQUAL TO ONE MILL OF CITY PROPERTY TAX REVENUE**

WHEREAS, the City of Sturgis is responsible for maintenance of the streets within the city limits, and

WHEREAS, the City believes the condition of its streets requires an amount of expenditure that is in excess of those funds provided to the City by the State of Michigan through Act 51 Gas and Weight Tax Revenue for street maintenance; and

WHEREAS, the City believes that the most financially practical approach to address this problem is to allocate additional revenue annually to ensure a long term solution to bring the streets up to an acceptable condition, and

WHEREAS, the City Commission wishes to make a specific allocation from the General Fund to provide funding for street repair.

The Sturgis City Commission hereby resolves:

1. The Street Repair Fund (Fund 201) is hereby established; and
2. The City of Sturgis City Commission shall provide funding on an annual basis from the General Fund; and
3. The amount of funding provided annually shall be in an amount equal to One (1) Mill based on the taxable value of the city of Sturgis as established by the City Assessor at March 31<sup>st</sup>; and
4. That no money shall be transferred from the Street Repair Fund or used for any other purpose other than street repair; and
5. That the Street Repair Fund will be established as part of the 2005-2006 City of Sturgis fiscal year budget.

**Voting yea: Seven      Voting nay: None      Absent: Littman      MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Brew to approve the Resolution of Intent to form a District Library as presented. 22

**RESOLUTION OF INTENT TO FORM A DISTRICT LIBRARY**

WHEREAS, the City of Sturgis has provided library services through the Sturgis Public Library since 1908; and

WHEREAS, since 2001 state revenue sharing to the City of Sturgis has declined dramatically, with an approximate \$211,000 loss; and

WHEREAS, the strain on the City's financial resources, due to the loss of this revenue and the ever increasing cost of all services, has required the City Commission to re-evaluate the services that the City has provided historically; and

WHEREAS, the City is no longer able to solely maintain the costs of a District IV library, which is required when serving a population larger than the City of Sturgis.

The Sturgis City Commission hereby resolves:

1. That it is interested in joining with the Townships of Sturgis, Sherman, Florence, and Fawn River to establish a District Library pursuant to 1989 PA 24; and
2. That it will appoint two representatives from the City to the District Library Planning Committee, to serve along with other interested parties, which will be charged with preparing a District Library financial plan and District Library Agreement; and
3. That upon completion of an acceptable District Library Agreement, the City Commission will adopt a resolution to establish a District Library and sign the Agreement; and
4. That the millage vote for the Sturgis District Library will take place on May 2, 2006; and

The Sturgis City Commission further resolves:

1. That prior to changing the level of service provided by the Library, an opportunity should be offered to Township residents to support a District Library; and
2. That in the event that the millage vote does not pass, or the Townships of Sturgis, Sherman, Florence and Fawn River do not resolve, by November 1, 2005, to join the City of Sturgis in an attempt to form a District Library, the Sturgis Public Library would convert to a Class III library and only be available free of charge to the residents of the City of Sturgis.

**Voting yea: Seven**

**Voting nay: None**

**Absent: Littman**

**MOTION CARRIED**

City Manager Michael Hughes informed the Commission that the City received a grant to assist in a water well capping project. **12**

The City Commission will hold a work session on August 31, 2005 at 6:30 pm in the Wiesloch Raum of City Hall. **9**

The City Commission thanked City Intern Mark Heydlauff for his services and wished him well as he returns to college. Mr. Heydlauff thanked the Commission and City staff for the opportunity. **10**

The City Manager and City Engineer provided a brief update on the flooding problem at Centerville Road and U.S. 12. They explained that the diversion project completed last year has alleviated some of the problem but eliminating the entire problem would be very expensive and at the City's cost. MDOT is aware of the situation and may make some adjustments in their U.S. 12 reconstruction project. **11**

City Staff will review the process for filling the vacancy for City Commissioner and report back to the Commission. **9**

Mayor Haas adjourned the meeting at 9:19 p.m.

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

**WORK SESSION - STURGIS CITY COMMISSION**  
**WEDNESDAY, AUGUST 24, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Engineer, DDA Director, City Clerk

City Manager Michael Hughes provided an update on the details of the downtown streetscape plan. Eric Lyons of OCBA provided further details of the plan.  
Discussion followed.

Meeting was adjourned at 7:25 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, AUGUST 24, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Calvin Kolzow, Trinity Lutheran Church

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Engineer, DDA Director, Economic Development Director, Hospital CEO, Police Chief, City Clerk

Sturgis Hospital CEO Robert LaBarge provided an update on the activities of the hospital. **20**

Moved by Comm. Littman and seconded by Comm. Austermann to approve the Consent Agenda of August 24, 2005 as presented.

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

APPROVAL of the minutes from the August 10, 2005 work session as presented. **9**

APPROVAL of the minutes from the August 10, 2005 regular meeting as presented.

**B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$1,558,278.55 as presented. **12**

RATIFY the Hospital bills in the amount of \$1,666,541.08 as presented.

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Assistant City Manager Todd Campbell and OCBA Consultant Eric Lyons presented the details of the downtown streetscape project on U.S. 12. **11**  
**15**

Moved by Comm. Sisson and seconded by Comm. Mayer to approve the Downtown Streetscape Plan as presented with a total match amount of \$223,000 to be paid by the DDA fund. **16**

**Voting yea: Seven**

**Voting nay: Brew**

**MOTION CARRIED**

Mayor Haas opened the Public Hearing related to award of an IFEC to Luttman Precision Mold. **16**

Moved by Comm. Littman and seconded by Comm. Malone to adopt the resolution as presented awarding an Industrial Facilities Exemption Certificate, not-to-exceed \$500,000.00 to Luttman Precision Mold, LLC, for a period of 12 years, beginning on January 1, 2006 and an ending date of



December 31, 2017.

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

**WHEREAS**, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of Luttmann Precision Mold, LLC; 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, 2017.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby approve the application of Luttmann Precision Mold, LLC for an “Industrial Facilities Exemption Certificate”.

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Brew to deny the IFEC application of Frank Miller & Sons, based on the requirements of PA 198 of 1974, and send a letter to the State Tax Commission in support of their appeal.

**16**

**Voting yea: Seven**

**Voting nay: None**

**Abstain: Haas**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Austermann to set a Public Hearing on September 14, 2005 in the Wiesloch Raum of City Hall to consider the recommendation of the Sturgis Economic Development Corporation to approve the loan request of Mr. Michael Wilson as described, and subsequent release of CDBG funds by the Michigan Economic Development Corporation.

**16**

**Voting yea: Seven**

**Voting nay: None**

**Abstain: Sisson**

**MOTION CARRIED**

Chief of Police Northrop introduced the proposal of adding a K-9 Unit to the Police Department. Discussion followed. 18

Moved by Comm. Brew and seconded by Comm. Malone to accept the proposal for the purchase of the K-9 unit as presented.

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Malone and seconded by Comm. Littman to approve the Resolution for a Computerized Tax Roll as presented. 6  
8

**WHEREAS**, P.A. 112 of Public Acts of 1990, as amended by P.A. 415 of 1994 and P.A. 505 of 2002, permits assessing officers to prepare a tax roll for a use as a collection and accounting tool by the Assessor and Treasurer that is prepared and maintained by a computer system and its software when the system and the procedures that are followed adhere to the requirements of Act 112 of 1990, as amended and;

**WHEREAS**, the data processing used the St. Joseph County and St. Joseph County Equalization and the Treasurer's Office has been demonstrated to be compatible with the Equalizer Tax Administration Program used by the City of Sturgis.

**NOW, THEREFORE, BE IT RESOLVED** that the City Commission of the City of Sturgis approves the request for authority to use a computerized data base as the tax roll and authorizes the Treasurer and Assessor to complete and sign the "Request for Approval of Computerized Tax Roll" form to be forwarded to the Michigan State Tax Commission and State Treasurer.

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Brew to appoint Mayor P. Joseph Haas as the official voting representative and Commissioner Barbara Fisher as the alternate voting representative for the City of Sturgis at the 2005 Michigan Municipal League Conference. 27

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone to reject the determination of the Elected Officials Compensation Commission. 9

**Voting yea: Malone, Mayer, Austermann, Littman**

**Voting nay: Brew, Fisher, Sisson, Haas**

**MOTION DEFEATED**

City Clerk Kenneth Rhodes explained the process of filling the 2<sup>nd</sup> Precinct Commissioner vacancy. Discussion followed. 9

The City Commission had the choice of appointing a replacement or placing the vacancy on the November ballot.

**Voting for APPOINTMENT: Mayer, Malone, Brew, Fisher, Austermann, Littman**

**Voting for ELECTION: Sisson, Haas**

The 2<sup>nd</sup> Precinct Commissioner vacancy will be advertised and applications will be accepted in the City Clerk's office until September 20, 2005 at 5:00 p.m.

Moved by Comm. Sisson and seconded by Comm. Fisher to allow Sturgis Hospital to place pink ribbons on downtown street lights for the month of October. 23

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

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

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, SEPTEMBER 14, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Jim Bender, First Baptist Church

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Economic Development Director, City Controller, Director of Parks and Recreation, Electric Department Superintendent, Human Resources Director, City Clerk

Jane Dickey, Director of the Sturgis Youth and Family Council, gave a presentation to the City Commission of the activities of the organization. 23

Mayor Haas read the following proclamation: 23

**WHEREAS**, St. Joseph County Judge Thomas Shumaker convened a meeting of local agency directors in 1989 to discuss the needs of children and their families; and

**WHEREAS**, this meeting led to several inter-agency initiatives and ultimately the formation of the St. Joseph County Human Services Commission on September 19, 1995; and

**WHEREAS**, the Human Services Commission is committed to developing policies that affect children and their families; and

**WHEREAS**, the Human Services Commission has focused on early childhood, substance abuse, access to health care, housing, transportation, and treatment issues for the citizens of St. Joseph County; and

**WHEREAS**, the Human Services Commission has coordinated efforts of many agencies including the ISD, Community Mental Health, Commission on Aging, and several others.

**NOW, THEREFORE, BE IT RESOLVED**, I, P. Joseph Haas, as Mayor of the City of Sturgis and on behalf of the Sturgis City Commission congratulate the St. Joseph County Human Services Commission on their ten year anniversary; and

**BE IT FURTHER RESOLVED**, that the City of Sturgis will continue to work with the Human Services Commission in their efforts, such as stopping the proliferation of Meth, and in their advocacy for the families of St. Joseph County.

Cheryl Jordan of Precinct 2 asked when the next town hall meeting will take place. Mayor Haas explained that the Commission wanted to bring the new City Manager up to speed on many issues before the next town hall meeting. He further explained that the next meeting will be scheduled very soon. 9

Moved by Comm. Littman and seconded by Comm. Mayer to approve the Consent Agenda of September 14, 2005 as presented. 9

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

1. APPROVAL of the minutes from the August 24, 2005 work session as presented.
2. APPROVAL of the minutes from the August 24, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$1,348,829.74 as presented. 12
2. RATIFY the Hospital bills in the amount of \$2,315,594.38 as presented.

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Mayor Haas opened the Public Hearing related to an EDC loan to Miksani Polymer Technologies. Economic Development Director John Hayes provided information to the Commission on the activities of Miksani Polymer Technologies and details on the proposed loan. 16  
There were no comments from the public.  
Mayor Haas closed the Public Hearing.

Moved by Comm. Littman and seconded by Comm. Fisher to accept the recommendation of the Sturgis Economic Development Corporation Board, to support approval of the application of Miksani Polymer Technologies to the Michigan Economic Development Corporation, for a subordinate loan in the amount of \$73,000 to finance asset and operations purchase of Sturgis Technologies, and that the terms of the loan be at a rate of 7% interest for a period of 84 months, with payments beginning October 1, 2005. 16

**Voting yea: Seven**

**Voting nay: None**

**Abstain: Sisson**

**MOTION CARRIED**

City Controller Michael Vance provided the details of the bids that were taken for the financing of the Vac-All Sweeper. He also explained that the sweeper is on site and is being checked to ensure that it meets specifications. 3

Moved by Comm. Brew and seconded by Comm. Austermann to approve the financing for the installment purchase of the Vac-All Sweeper from Citizens Bank, based on their lowest quote of 3.625% for a 60 month term, and authorize the City Controller to sign all necessary documents subject to review by the City Attorney. 3

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Electric Department Superintendent John Griffith provided history on the department's activities related to the extension of overhead facilities. 17

Moved by Comm. Fisher and seconded by Comm. Malone to adopt the proposed line extension policy as proposed in Utility Financial Solution's proposal dated July 15, 2005. 17

**Voting yea: Eight**

**Voting nay: None**

**MOTION CARRIED**

Electric Department Superintendent John Griffith provided some history on the electric circuits in the Cato Lane history and explained the bids received and the details of the project. 17

Moved by Comm. Austermann and seconded by Comm. Fisher to award the bid for the Cato Lane circuit construction to Bryant Excavating, Portage, MI, for an amount not-to-exceed \$89,735.00. 3

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

John Hayes introduced Aaron Miller, Sturgis High School Senior, who is working at City Hall as an intern. 24

Mr. Miller explained the details of his work at City Hall and the upcoming Homecoming Parade.

Moved by Comm. Brew and seconded by Comm. Austermann to authorize the Sturgis High School to hold its annual Homecoming Parade on Friday, September 30, 2005 at 5:30 p.m. on Chicago Road from S. Clay to S. Maple, south to Congress, and east to the high school.

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

Doug Smith informed the Commission that Sturgis Youth and Family will present a program on Meth Awareness on September 26, 2005 at 7:00 pm at the Sturges-Young Auditorium.

City Attorney Roger Bird explained that R. Smith and Sons, owners of the gravel pit on the east side of the city, had been heard at the Zoning Board of Appeals for a variance related to a setback requirement which was denied. A special land use request is still pending in front of the Planning Board.

City Manager Michael Hughes informed the Commission that the City received the reimbursement check for the sewer project related to Sturgis Molded Products. He also explained that the Michigan Air Tour arrived at the Kirsch Municipal Airport on Saturday morning with a contingent of 34 planes. He explained that it was a nice event and that the group presented the City with a plaque.

Mayor Haas adjourned the meeting at 8:13 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, SEPTEMBER 28, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas  
Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, Economic Development Director, City Clerk

Mayor Haas greeted each of the candidates for the vacancy for 2<sup>nd</sup> Precinct Commissioner and the public. He explained the parameters of the appointment as Commissioner.

The Commissioner interviewed Kurt Esseltine.

The Commission interviewed Ronald Richards.

Meeting was adjourned at 7:10 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, SEPTEMBER 28, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Randy Wojciechowski, Grace Christian Fellowship

Commissioners present: Austermann, Mayer, Brew, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Economic Development Director, City Controller, Director of Parks and Recreation, City Clerk

The Mayor thanked all of the citizens who applied to fill the 2<sup>nd</sup> Precinct Commissioner vacancy. 9  
Mayor Haas provided some background on Charles Leis who was unable to attend.

The Mayor asked for a roll call vote of the Commission to fill the vacancy and to appoint the 2<sup>nd</sup> Precinct Commissioner. 27  
Voting for Esseltine: Fisher, Haas  
Voting for Leis: None  
Voting for Richards: Malone, Littman, Mayer, Austermann, Brew, Sisson

**Ronald Richards II was appointed as 2<sup>nd</sup> Precinct Commissioner.**

City Clerk/Treasurer administered the Oath of Office to Ronald Richards and he took his seat with the commissioners.



Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of September 28, 2005 as presented. 9

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

APPROVAL of the minutes from the September 14, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$1,695,384.59 as presented. 12
2. RATIFY the Hospital bills in the amount of \$1,945,143.82 as presented.

**C. Transformer Bids**

1. APPROVE the purchase of one (1) lot of pole mounted transformers from Reed City Power Line Supply in the amount of thirty three thousand fifty one dollars and 24 cents (\$33,051.24). 3
2. APPROVE the purchase of one (1) lot of pad mounted transformers from Reed City Power Line Supply in the amount of eight thousand nine hundred seventy one dollars and 89 cents (\$8,971.89).

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Controller Michael Vance detailed the amendments to the 2004-2005 City of Sturgis budget. He explained that the General Fund would be reduced by approximately \$109,000. Other funds have been adjusted to match the increase or decrease in revenues and expenditures. The Commission asked for a plan on how to address expenditures and a loss of fund balance. The City Manager emphasized a greater adherence to the limitations of the budget. 12

Moved by Comm. Austermann and seconded by Comm. Brew to amend the 2004-2005 City of Sturgis budget as presented in accordance with the Uniform Budgeting and Accounting Act of 1978.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Engineer Thomas Seymour detailed the overband crack fill program for city streets for the current year. 11

Moved by Comm. Brew and seconded by Comm. Austermann to award the contract for the 2005 Overband Crack Fill to Scodeller Construction, Inc. of South Lyon, Michigan for the unit price contract amount of \$98,100.00 and authorize the City Manager to sign the contract. 3

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Engineer Thomas Seymour detailed the city street repair program for the current year. 11

Moved by Comm. Fisher and seconded by Comm. Malone to award the contract for the 2005 Street Improvements to Aggregate Industries of Kalamazoo for the unit price contract amount of \$97,642.80 and authorize the City Manager to sign the contract. 3

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone to approve the issuance of a change order to the contract for the 2005 Street Improvements in the approximate amount of \$126,000. 3

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone to set a Public Hearing to consider granting an Industrial Facilities Exemption Certificate to VCI, Inc. on Wednesday October 12, 2005 at 7:30 PM in the Wiesloch Raum of City Hall. 16

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Brew to set a Public Hearing to consider granting an Obsolete Property Rehabilitation Exemption Certificate to Bucephalus of Sturgis on Wednesday October 12, 2005 at 7:30 PM in the Wiesloch Raum of City Hall. 16

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Malone to accept the resignation of Charles Ellis from the Sturgis Housing Commission and send a letter of recognition for his service. 27

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Mayor Haas opened the nominations to appoint a new resident member of the Sturgis Housing Commisison.

Comm. Austermann nominated Carolyn Everitt.

Mayor Haas closed the nominations.

Moved by Comm. Brew and seconded by Comm. Malone to appoint Carolyn Everitt to fill the vacancy of Charles Ellis on the Sturgis Housing Commission through May 2006. 27

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Clerk/Treasurer Kenneth Rhodes informed the Commission on the candidates for the upcoming election as follows: 9

Precinct 1 – Caralee Mayer; Precinct 2 – Karen Stephens (Write-In); Precinct 3 – Lee Fraim and Kenneth Malone; Precinct 4 – Karl Littman; At-Large – Robert Sisson.

Interim Library Director announced that Sherman Township passed the resolution related to support of a District Library millage vote. Sturgis Township will be addressing this at their next meeting. 22

The City of Sturgis will be holding a Town Hall Meeting at the Sturges-Young Auditorium on October 19, 2005 at 7:00 p.m. All are invited. 9

City Manager Michael Hughes discussed the request from the Downtown Sturgis Association to close U.S. 12 during the Halloween Trick-Or-Treating. The issue will be an agenda item for the next meeting. 16

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

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, OCTOBER 12, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Captain Bill Brubaker, Salvation Army

Commissioners present: Austermann, Mayer, Richards, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Brew

Also present: City Manager, City Attorney, Assistant City Manager, Economic Development Director, DDA Director, Deputy Fire Chief, Director of Parks and Recreation, City Clerk

Jeff Miller, 406 E. West Street would like the Commission to review the possibility of abandonment of an alley. City Staff will review the situation and will report back on the matter. **13**

Moved by Comm. Littman and seconded by Comm. Mayer to approve the Consent Agenda of October 12, 2005 as presented. **9**

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

1. APPROVAL of the minutes from the September 28, 2005 work session as presented.
2. APPROVAL of the minutes from the September 28, 2005 regular meeting as presented.

**B. Pay Bills** **12**

1. AUTHORIZE the payment of the City bills in the amount of \$649,452.43 as presented.
2. RATIFY the Hospital bills in the amount of \$1,796,496.46 as presented.

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

Deputy Fire Chief Scott Hopkins reported on the differences in Fire Department ISO ratings. **18**

Moved by Comm. Fisher and seconded by Comm. Malone to approve the Fire Department to pursue a class 5 ISO Rating.

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

Parks and Recreation Director Doug Smith explained the changes to rules governing the use of Franks Park. 28

Moved by Comm. Sisson and seconded by Comm. Malone to adopt the policy as presented to make unauthorized uses of Franks Park a Civil Infraction pursuant to previously adopted City Ordinances. 14

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

Mayor Haas opened the Public Hearing regarding the award of an IFEC to VCI, Inc. 16  
EDC Director John Hayes provided details on VCI's business and the upcoming project.  
Comm. Littman explained that the tour of VCI and their new equipment was very impressive.  
Mayor Haas closed the Public Hearing

Moved by Comm. Littman and seconded by Comm. Austermann to adopt the resolution as presented awarding an Industrial Facilities Exemption Certificate, not-to-exceed \$850,000.00 to VCI, Inc. for a period of 12 years, beginning on January 1, 2006 and an ending date of December 31, 2017.

**WHEREAS**, VCI, 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 VCI, Inc., and

**WHEREAS**, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of VCI, Inc. and

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

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

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

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and  
**WHEREAS**, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years with an ending date of December 31, 2017.

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

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

Mayor Haas opened the Public Hearing regarding the award of an OPRA Certificate to Bucephalus. 16  
EDC Director John Hayes provided details of the Obsolete Property Rehabilitation Act on

Bucephalus' business and the upcoming project.

Mary Loudenslager, owner of Bucephalus of Sturgis, LLC, explained that their ability to obtain a loan from the bank was dependent on the anticipated award of an OPRA Exemption Certificate.

Moved by Comm. Austermann and seconded by Comm. Sisson to adopt the resolution awarding an Obsolete Property Rehabilitation Exemption Certificate to Bucephalus of Sturgis, LLC, for a period of twelve (12) years, beginning on January 1, 2006 and an ending date of December 31, 2017.

**WHEREAS**, the City of Sturgis is a Qualified Local Governmental Unit, and

**WHEREAS**, the Obsolete Property Rehabilitation District was legally established on July 13, 2005 after a public hearing on the same day as provided by section 3 of P.A. 146 of 2000; and

**WHEREAS**, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit; and

**WHEREAS**, that exceeding 5% will not have the effect of substantially impeding the operation of the City of Sturgis Unit or of impairing the financial soundness of an affected taxing unit; and

**WHEREAS**, the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 on October 12, 2005; and

**WHEREAS**, Bucephalus of Sturgis, LLC is not delinquent in any taxes related to the facility; and

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

**WHEREAS**, Bucephalus of Sturgis, LLC is authorized by the City of Sturgis for completion of the rehabilitation through March 31, 2006; and

**WHEREAS**, the items described on line 9 under "Instructions"(a) through (f) of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Sturgis by Bucephalus of Sturgis, LLC; and

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

**WHEREAS**, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district; and

**WHEREAS**, that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment; and

**WHEREAS**, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P.A. 146 of 2000.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby approve the application of Bucephalus of Sturgis, LLC for an "Obsolete Property Rehabilitation Exemption Certificate".

**Voting yea: Eight**

**Voting nay: None**

**Absent: Brew**

**MOTION CARRIED**

City Manager Michael Hughes explained the details of the request from the DSA to close US 12 for the downtown Halloween Trick-Or-Treating and the costs associated with such an action. 16  
23  
Commissioners discussed the costs, safety, traffic and other associated issues.

Moved by Comm. Fisher and seconded by Comm. Malone to deny the request to close U.S. 12 between Nottawa St. and Clay St. and Pleasant Ave. and North St. for Trick-or-Treating. 23  
**Voting yea: Eight      Voting nay: None      Absent: Brew      MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Sisson to authorize the temporary closing of North Street between U.S. 12 and the alley, along with Pleasant Street between U.S. 12 and the alley on Monday, October 31st from 4 to 6 p.m. for Downtown Trick-or-Treating. 23  
**Voting yea: Eight      Voting nay: None      Absent: Brew      MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Austermann to set a Public Hearing to spread the assessment roll for the 2004-2005 Sidewalk Repair Program on Wednesday October 26, 2005 at 7:30 PM in the Wiesloch Raum of City Hall. 6  
**Voting yea: Eight      Voting nay: None      Absent: Brew      MOTION CARRIED**

Doug Smith explained that Sturgis Youth and Family won a 2005 Level 2 Award from the Governor's Council of Physical Fitness, Health, and Sports. 23

Jane Beamish, 107 West Chicago Road, explained the details of a potential sale of her property and the limitations regarding new service businesses in the downtown district. Mayor Haas explained that the issue has been previously directed to the Planning Board for their review. He suggested that Mrs. Beamish present her thoughts directly to the Planning Board. The next Planning Board meeting is scheduled for Tuesday, October 18, 2005. 21

Interim Library Director Barbara Rowe explained that Fawn River Township passed the resolution in support of placing a district library millage on a ballot. The City Commission will hold a work session to discuss details of a district library on Wednesday, October 26, 2005 in the Wiesloch Raum of City Hall. 22

City Manager Michael Hughes explained that the 2005 Street Improvement Program has begun. A notice was sent out to affected owners. 11

The City Commission will host a Town Hall Meeting on Wednesday, October 19, 2005 at 7:00 pm at the Sturges-Young Auditorium. 9

Moved by Comm. Littman and seconded by Comm. Malone to go into closed session for the purpose of discussing ongoing litigation.  
**Voting yea: Austermann, Mayer, Richards, Fisher, Malone, Littman, Sisson, Haas**  
**Voting nay: None      Absent: Brew      MOTION CARRIED**

The meeting recessed at 8:37 p.m.  
The meeting reconvened at 8:54 p.m.

Mayor Haas adjourned the meeting at 9:39 p.m.

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

**WORK SESSION - STURGIS CITY COMMISSION**  
**WEDNESDAY, OCTOBER 26, 2005**  
**WIESLOCH RAUM - CITY HALL**

Vice-Mayor Sisson called the meeting to order at 6:00 p.m.

Commissioners present: Austermann, Mayer, Richards, Fisher, Malone, Vice-Mayor Sisson  
Commissioners absent: Brew, Littman, Haas

Also present: City Manager, Assistant City Manager, City Controller, Library Director, City Clerk

City Manager Michael Hughes began the discussion regarding the details of the proposed district library. The Commission expressed the notion of decreasing the City's operating millage rate by an amount equal to the current contribution to the Library Fund from the General Fund. The Commission also expressed the importance of communicating the positive attributes for regionalism in public services.

Mayor Haas and Commissioner Littman joined the meeting at 6:15 pm

Mr. Hughes provided details related to costs for legal services. There was also discussion regarding the date of an election and potential members of the District Library Board.

Mr. Hughes also began the discussion regarding a potential lease agreement between the City and the District Library. Topics such as space, utilities, lease payments, maintenance, and the collection were discussed.

Mayor Haas adjourned the meeting at 7:00 p.m.

The Commission toured the current Library facility.

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



**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, OCTOBER 26, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Brian Bowen, Potters House Church

Commissioners present: Austermann, Mayer, Richards, Fisher, Malone, Littman, Vice-Mayor Sisson, Mayor Haas

Commissioners absent: Brew

Also present: City Manager, Assistant to the City Attorney, Assistant City Manager, Economic Development Director, DDA Director, Deputy Police Chief, Electric Department Superintendent, Human Resources Director, City Engineer, City Clerk

Heinz Hayen asked for a clarification regarding the decision related to the permitted uses of a downtown building. Mayor Haas explained that the Planning Board has previously considered and ruled on the issue only allowing retail use on the first floor in the downtown district. Eileen Hayen inquired about the number of new businesses that have opened in downtown Sturgis since the adoption of the ordinance restricting new businesses to retail use. Jane Beamish commented on her interpretations of the current ordinance. Mayor Haas explained that the Zoning Board of Appeals is the only group that has the authority to interpret the zoning ordinances. **14**

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of October 26, 2005 as presented. **9**

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

APPROVAL of the minutes from the October 12, 2005 regular meeting as presented.

**B. Pay Bills**

1. AUTHORIZE the payment of the City bills in the amount of \$618,957.04 as presented.
2. RATIFY the Hospital bills in the amount of \$2,352,622.57 as presented.

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

Mayor Haas opened the Public Hearing regarding the spread of Special Assessments for the 2004-2005 Sidewalk Repair Program. 6

Jack Devlin, 121 S. Maple, questioned the damage to the front terrace area. City staff will be reviewing the situation to determine the proper repair action. 13

Mayor Haas closed the Public Hearing.

Moved by Comm. Austermann and seconded by Comm. Sisson to approve the spread of Special Assessments for the 2004-2005 Sidewalk Repair Program as presented. 6

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

City Manager Michael Hughes and Electric Department Superintendent John Griffith provided details regarding the installation of a security light for Trojan Timbers. Discussion followed. The City Commission asked City staff to continue to explore the issue to determine if a cost effective solution can be found. 17

Moved by Comm. Littman and seconded by Comm. Malone to adopt the attached resolution transferring a property (75-015-002-063-20) from Sturgis Township into the City as presented. 13

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

**WHEREAS**, the Township of Sturgis ("Township") and the City of Sturgis ("City") 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**, Edward and Brenda K. Iannarelli are property owners within District II and have 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.

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

City Engineer Tom Seymour explained that this year's street program has been completed.

Mayor Haas adjourned the meeting at 8:23 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, NOVEMBER 16, 2005**  
**STURGES-YOUNG AUDITORIUM – MAIN DINING ROOM**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Stephen Canter, Whole Life Christian Fellowship

Commissioners present: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Vice-Mayor Mayer, Mayor Sisson

Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Economic Development Director, DDA Director, Deputy Police Chief, Electric Department Superintendent, City Engineer, Director of Parks and Recreation, Hospital CEO, DPS Supervisor, City Controller, Senator Cameron Brown, City Clerk

Deputy Chief of Police David Ives explained the origin of the national and the Sturgis Volunteers in Policing Program (VIPs). He explained their activities and introduced the VIPs. The Commission applauded the VIPs for their service. **9**  
**18**

Robert LaBarge, Sturgis Hospital CEO, explained the purpose of the iCad Second Look Computer Aided Diagnosis System for the medical imaging department and its advantages. Discussion followed. **20**

Moved by Comm. Littman and seconded by Comm. Malone to approve the purchase of the iCad Second Look Computer Aided Diagnosis System, for Sturgis Hospital, from Kalamazoo X-Ray Sales, Portage, MI, in the amount of \$78,000.00. **3**

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Richards to approve the Consent Agenda of November 16, 2005 as presented. 9

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

APPROVAL of the minutes from the October 26, 2005 work session as presented.

APPROVAL of the minutes from the October 26, 2005 regular meeting as presented.

APPROVAL of the minutes from the November 9, 2005 work session as presented.

**B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$1,940,672.59 as presented.

RATIFY the Hospital bills in the amount of \$3,199,875.22 as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

12

City Manager Michael Hughes provided a history of events surrounding the 2006 U.S. 12 Reconstruction Project. He provided information regarding the uses of traffic islands and presented a number of examples. He presented the drawings of the current plans for the traffic islands. 11

Moved by Comm. Fisher and seconded by Comm. Malone to eliminate the traffic island from Jean to Michigan in the plans for the U.S. 12 Reconstruction Project. 11

Comm. Haas asked why the Commission would review this issue after it was recently decided upon. Comm. Fisher explained that the nearby residents are not in favor of the island and that the City would be responsible for the maintenance. Comm. Haas explained that all this information was available at the time that this issue was discussed and decided upon. 11

Steven Shevick, 302 S. Lakeview, explained that the islands are a bad idea and suggested a bypass. Jeff Brazo, Burr Oak Township resident, explained that his understanding is that the City will make the final decision regarding the islands. Tom McLaughlin, downtown business owner, felt that islands are not needed but wants more security and high speed internet downtown. Chuck Baber, downtown business owner, explained that he was in favor of the islands because of the aesthetic value and safety concerns. John Davis of Central Florist is in favor of the islands because of the aesthetic value and safety concerns. Dena Schlack, 606 E. Chicago, explained that although she was in favor of downtown islands, she was not in favor of the island between Jean and Michigan. Todd Maynard, 1128 Constitution and owner of Willer's Shoes, explained that he was in favor of the downtown islands because they will slow the traffic, make it safer, and make it more conducive to living downtown. Dr. Wilbur Kotcher, 206 Michigan, explained that other areas use the U-Turn and they are not used in Sturgis and felt that the islands may give a false sense of safety. Ed Birch, 500 Liberty, had concerns about the reduction of lanes and potential snow removal. City Manager Michael Hughes explained some of the options related to snow removal. Jim Moshier, 207 Michigan, explained that in his travels through southwest Michigan he has not seen the use of traffic islands. Cindy Conrod, owner of TC Appliance, inquired about the costs of irrigation and explained that a survey she presented showed many people not in support of the islands. Frank Krantz, owner of a Sturgis real estate office, explained that the pictures he viewed do not show islands with only one lane of traffic in each direction and questioned the loss of parking spots near 11

the post office. Don Lampe, 28501 Fawn River Road and DDA Board Member, explained that the traffic downtown needs to be slowed and felt that the islands may accomplish this. Ken Gearhardt, 1504 Griffith, thanked individuals for their assistance in his formation of drawings and explanation of the plan and supported the downtown islands but not the one between Jean and Michigan. Patty Jernagan, Chicago Road resident, is against the Jean and Michigan island and is in support of the beautification downtown but was concerned about the island near Pleasant Street. City Manager Michael Hughes explained that there will be a left hand turn lane at Nottawa Street. Gary Bowersox, 601 N. Fourth, explained that he has not observed a police presence downtown. Dennis Baker, 10305 Carls Road, was concerned about the large trailers going through town and suggested a small island and a crosswalk at Pleasant Street. Brian Tallmadge, 121 S. Nottawa, explained that he was originally against the islands but has become in favor because of the enhancements for downtown. Carl Probst, Sherman Township resident, inquired as to the possibilities of a bypass for M-66 and U.S. 12. City Manager Michael Hughes explained that the City continues to work on an M-66 bypass. Frank Ianarrelli, president of the Sturgis DDA, provided his comments regarding the benefits of the downtown islands. Ted Modert, owner of Barnells Carpets, questioned the aesthetics. John Brubaker, 600 Buckingham, talked about a bypass. Ina Taulbe, 511 W. Congress, asked about the boundaries of the downtown district. DDA Director Kim Musolff explained that the downtown district extends to Centerville Road. Jane Beamish, 107 W. Chicago, was concerned about the effect of the downtown from the islands. Jim Brown, owner of Brown's, questioned who will pay to remove the islands if necessary.

Comm. Haas explained that the same positive attributes for the downtown islands are translated to the island between Jean and Michigan. Comm. Littman explained that he was not present at the time of the previous discussion and looked at the removal of this island as a compromise. Comm. Haas explained that the previous discussion included the compromise of removing an additional island east of Lakeview. Comm. Fisher explained that the costs of this island were not fully outlined previously and questioned the City's portion of the cost.

11

*The City Clerk reread the current motion:*

*Moved by Comm. Fisher and seconded by Comm. Malone to eliminate the island from Jean to Michigan in the plans for the U.S. 12 Reconstruction Project.*

11

**Voting yea: Stephens, Malone, Richards, Fisher, Littman, Mayer**

**Voting nay: Haas, Austermann, Sisson**

**MOTION CARRIED**

Mayor Sisson recessed the meeting at 9:10 pm

Mayor Sisson reconvened the meeting at 9:20 pm

DPS Supervisor Jeannette Fenner explained the basic processes at the wastewater treatment plant and the necessary cleaning.

26

Moved by Comm. Littman and seconded by Comm. Richards to approve the Merrell Bros., Inc. proposal to perform Wastewater Plant digester cleaning as proposed.

26

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Austermann to approve the bid from Thomasson Lumber Company, Philadelphia, Mississippi, for 83 poles in the amount of \$23,486.00 as presented. 3

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Electric Department Superintendent John Griffith and GIS Director Janet Floirendo explained the City's current use of their Geographic Information System. 17

Moved by Comm. Austermann and seconded by Comm. Malone to approve the fee schedule for Geographic Information Systems services as presented effective November 21, 2005. 17

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Malone to accept the resignation of Barbara Nusbaum and appoint Michael Golden to serve as the school's representative on the Sister City Committee through May 2006. 27

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Malone to go into closed session for the purpose of discussing ongoing litigation and labor negotiations.

**Voting yea: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Mayer, Sisson**

**Voting nay: None**

**MOTION CARRIED**

The meeting recessed at 9:35 p.m.

The meeting reconvened at 10:01 p.m.

Moved by Comm. Littman and seconded by Comm. Malone to discharge the mortgage for FLP Holdings. 12

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Littman and seconded by Comm. Richards to adjourn the meeting.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

The meeting was adjourned at 10:06 p.m.

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

**WORK SESSION - STURGIS CITY COMMISSION  
WEDNESDAY, NOVEMBER 30, 2005  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Vice-Mayor Mayer, Mayor Sisson

Commissioners absent: None

Also present: City Manager, Assistant City Manager, City Controller, DPS Supervisor, Wastewater Treatment Plant Supervisor, City Clerk

Wastewater Treatment Plant Supervisor Tom Sikorski showed a film developed by the Michigan Department of Environmental Quality concerning Biosolids.

Discussion followed.

Mayor Sisson adjourned the meeting at 7:22 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**WEDNESDAY, NOVEMBER 30, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Lorraine Bolley, Gateway Church of God

Commissioners present: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Vice-Mayor Mayer, Mayor Sisson  
Commissioners absent: None

Also present: City Manager, Assistant to the City Attorney, Assistant City Manager, Economic Development Director, Police Chief, Electric Department Superintendent, City Engineer, Hospital CEO, DPS Supervisor, City Controller, , City Clerk

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of November 30, 2005 as presented. **9**

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

APPROVAL of the minutes from the November 14, 2005 organizational meeting as presented.

APPROVAL of the minutes from the November 16, 2005 regular meeting as presented.

**B. Pay Bills**

AUTHORIZE the payment of the City bills in the amount of \$932,577.56 as presented. **12**

RATIFY the Hospital bills in the amount of \$3,471,788.97 as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Comm. Austermann presented a report from the Commission subcommittee on board liaisons. City Manager Michael Hughes provided a history of the interaction between the City Commission and the City's various boards. The Commission discussed the various options in communicating with the boards. **9**

Moved by Comm. Austermann and seconded by Comm. Haas to direct the City Manager to prepare a resolution: 1) eliminating non-voting City Commission liaisons to volunteer boards/commissions; 2) requiring volunteer boards/commissions to provide bi-annual reports to the City Commission; and 3) Combine City Commission Committee appointments as follows: a) Bid Opening/ Finance; b) Idle Buildings/IFEC; and c) St. Joseph County Transportation/Traffic. **9**

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**



Sturgis Hospital CEO Robert LaBarge explained the use of the mobile workstations at the hospital. 20

Moved by Comm. Littman and seconded by Comm. Fisher to approve the request from Sturgis Hospital to purchase ten (10) Mobile Workstations for Bedside Medication Verification in the amount of \$111,709.70. 3

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Manager Michael Hughes, along with City Engineer Tom Seymour and DPS Supervisor Jeannette Fenner, presented the updated Water, WWTP, Sanitary Sewer Capital Improvement Plans. Discussion followed. Ms. Fenner also provided information on the Wastewater Treatment Plant digester cover. 26

Moved by Comm. Haas and seconded by Comm. Austermann to approve the Water, Wastewater Treatment Plant, and Sanitary Sewer Capital Improvement Plans as presented. 26

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Manager Michael Hughes provided the Commission with information regarding the State Sanitary and Water Revolving Loan Fund and the City projects that would be funded from this. 15

Moved by Comm. Stephens and seconded by Comm. Malone to approve Task Order #7 in the amount of \$56,100 to the Master Agreement for Professional Services between the City of Sturgis and Fleis & VandenBrink Engineering, Inc. and authorize the City Manager to sign the Task Order on behalf of the City. 12

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Manager Michael Hughes provided the Commission with information regarding the U.S. 131 Construction of a Limited Access Highway. 15

Moved by Comm. Fisher and seconded by Comm. Richards to approve the letter in support of constructing a portion of U.S. 131 as a limited access highway from the Village of Schoolcraft to the Indiana border. 15

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

IT Manager Jeannette Fenner provided the Commission with information regarding the necessity for a new server for the City's financial software. 33

Moved by Comm. Austermann and seconded by Comm. Malone to approve the purchase of a Dell server in the amount of \$5,602.20 and installation services from CMI in the amount of \$10,500. 3

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Electric Department Superintendent John Griffith provided the Commission information regarding the request to terminate the internet connection contract with Parma Tube. Discussion followed. 18  
33

Moved by Comm. Haas and seconded by Comm. Austermann to approve the request from Parma Tube Corporation to terminate their Internet connection agreement and allow the City Manager to review the rate structure with the potential of renegotiating a new agreement.

**Voting yea: Austermann, Richards, Stephens, Fisher, Malone, Haas, Sisson**

**Voting nay: Mayer, Littman**

**MOTION CARRIED**

Acting Library Director Barbara Rowe explained that the plans for a District Library continue to progress and that a vote on a millage would most likely appear on the August 2006 ballot. 22

Electric Department Superintendent John Griffith explained that negotiations between the City and AEP towards a new power supply contract continue to go forward and that progress is being made. 17

City Manager Michael Hughes said there will be a joint meeting between the City Commission and Sturgis School Board on January 23, 2006. 9  
24

Comm. Austermann provided information about the adult exchange with Wiesloch, Germany in the Summer of 2006. 25

Moved by Comm. Haas and seconded by Comm. Austermann to adjourn the meeting.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

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

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

**WORK SESSION - STURGIS CITY COMMISSION**  
**MONDAY, DECEMBER 12, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Mayor Sisson

Commissioners absent: Vice-Mayor Mayer

Also present: City Attorney, Assistant City Manager, Director of Public Safety, City Controller, City Clerk

Director of Public Safety David Northrop provided information to the Commission regarding the new computer laptops which are now being carried in each patrol car. He also provided information regarding the new tasers that are being used by the department. He showed a video of their usage and gave a demonstration. Discussion followed.

Mayor Sisson adjourned the meeting at 7:23 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**MONDAY, DECEMBER 12, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Roger Moyer, Sturgis Evangelical

Commissioners present: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Mayor Sisson

Commissioners absent: Vice-Mayor Mayer

Also present: City Attorney, Assistant City Manager, Economic Development Director, Director of Public Safety, Electric Department Superintendent, City Controller, City Clerk

Mayor Sisson presented the following Proclamation:

23

WHEREAS, Sophie Johanna Herman was born on December 9, 1902 in Chicago, Illinois; and  
WHEREAS, Sophie took advantage of an opportunity and married Glen Payne on June 27, 1922;  
and

WHEREAS, Sophie and Glen were blessed with their daughters Gertrude and Evelyn, as well as seven grandchildren, twelve great-grandchildren, and eleven great-great-grandchildren; and  
WHEREAS, Sophie and Glen worked many years together running a grocery store, a farm, a truck stop, and two restaurants; and

WHEREAS, after spending some time in retirement in Florida, the couple returned to St. Joseph County in 1985; and

WHEREAS, Sophie, who prefers to now to go as Sue, was blessed with sixty-nine years of marriage to Glen and now enjoys bingo, her five cats, her friends at the Senior Center, and the beloved Chicago Cubs; and

WHEREAS, there are many lucky people in Sturgis who have been able to enjoy Sue's cookies which she has so generously shared with the community.

NOW, THEREFORE, BE IT RESOLVED, as Mayor of the City of Sturgis, and on behalf of the Sturgis City Commission, I would like to wish Sue Payne a very Happy 103rd Birthday and hope that she will enjoy many more to come.

State Representative Rick Shaffer presented Mrs. Payne with a Special Tribute from the State of Michigan.

23

Everyone applauded Mrs. Payne on her birthday.

Officer Aaron Moore presented the Police Department's new member, Spyke the German Shepherd, and provided details regarding their activities. Discussion followed. The Commission thanked Officer Moore and Spyke for their service. 18

Cheryl Jordan, 310 South Clay, commented on the snow plowing on Rose Court. 31

Moved by Comm. Littman and seconded by Comm. Austermann to approve the Consent Agenda of December 12, 2005 as presented. 9

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

APPROVAL of the minutes from the November 30, 2005 work session as presented.

APPROVAL of the minutes from the November 30, 2005 regular meeting as presented.

**B. Pay Bills** 12

AUTHORIZE the payment of the City bills in the amount of \$1,580,743.34 as presented.

RATIFY the Hospital bills in the amount of \$1,697,052.31 as presented.

**C. Finance Committee Authority**

AUTHORIZE the Finance Committee to authorize the payment of the City bills and ratification of the Hospital bills, which would normally be prepared for Commission meeting held on the fourth Wednesday of the month, at their next meeting. 12

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

Electric Department Superintendent John Griffith provided information to the Commission regarding a previous bid for electric poles in which the winning bidder apparently did not quote the proper materials. Thomasson Lumber provided a new bid on the proper materials, but they were no longer the low responsible bidder. 3  
17

Moved by Comm. Haas and seconded by Comm. Malone to rescind the 11/16/05 award to Thomasson and accept the bid from Reed City Power Line Supply, Reed City, MI, for 83 poles in the amount of \$25,598.00 3

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

Moved by Comm. Austermann and seconded by Comm. Fisher to approve the amendments to the Sister City Committee by-laws as presented. 25

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

Assistant City Manager Todd Campbell provided details on the efforts of the City Commission Subcommittee reviewing the Commission liaisons. 9

Moved by Comm. Austermann and seconded by Comm. Littman to approve the resolution regarding City Commission liaisons as presented. 9

**COMMISSION LIAISONS**

WHEREAS, the City of Sturgis Commission desires to increase communication between themselves and the City's volunteer boards; and

WHEREAS, a constant flow of communication provides for a healthy and strong working relationship; and

WHEREAS, the City Commission truly appreciates the dedication shown by the board members and thanks them for all the important work that they do.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis Commission eliminate non-voting City Commission liaisons to the City's volunteer boards/commissions; and

BE IT FURTHER RESOLVED, that a member of each of the volunteer boards/commissions provide a semi-annual report at a regular City Commission meeting; and

BE IT FURTHER RESOLVED, that the City of Sturgis Commission combine the appointments of the City Commission Bid Opening/ Finance and Idle Buildings/IFEC subcommittees.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Mayer**

**MOTION CARRIED**

Mayor Sisson distributed the Commission appointments to the various boards and commissions as follows:

27

<b>Board</b>	<b>Commissioner(s)</b>
Auditorium	Stephens
EDC/Brownfield	Mayer
Employee Retirement	Sisson, Littman
Housing Project Review	Fisher
Sister City	Austermann
Ambulance	Austermann
St. Joseph County Transportation	Haas
St. Joseph County Traffic	Malone
Corridor Development Team	Haas, Richards
Bid/Finance	Littman, Malone, Mayer
Health Insurance	Haas, Fisher
Idle Buildings/IFEC	Littman, Richards, Stephens, Malone
Investment	Sisson, Fisher, Austermann

Assistant City Manager Todd Campbell explained the history and purpose of the proposed Internal Loan Policy for the City.

9

Moved by Comm. Littman and seconded by Comm. Richards to approve the Internal Loan Policy as presented.

9

It shall be the policy of the City of Sturgis, that whenever approved by the City Commission, funds may be transferred (Loaned) from one fund to another for a specific public purpose.

The interest rate for internal loans will be the most recent Statutory Judgment rate as established by the State of Michigan (rate is adjusted semi-annually).

The City Commission will ensure that an adequate fund balance is maintained in the lending fund.

In addition, loans will not exceed the expected life of the capital improvement, project, etc.

The proposed borrowing shall be presented in the form of a resolution to the City of Sturgis Commission or approved during the annual budget process. The resolution shall contain the following information:

- Purpose of the lending
- Amount to be loaned

- Fund(s) making the loan
- Fund(s) receiving the loan
- Rate of Interest to be paid
- Loan repayment terms (including start date)

**Voting yea: Eight**

**Voting nay: None**

**Absent: Mayer**

**MOTION CARRIED**

Moved by Comm. Fisher and seconded by Comm. Littman to adopt the 2006 City Commission meeting schedule as presented.

**9**

Wednesday, January 11, 2006, 7:30 pm

Wednesday, January 25, 2006, 7:30 pm

Wednesday, February 8, 2006, 7:30 pm

Wednesday, February 22, 2006, 7:30 pm

Wednesday, March 8, 2006, 7:30 pm

Monday, March 20, 2006, 7:30 pm

Wednesday, April 12, 2006, 7:30 pm

Wednesday, April 26, 2006, 7:30 pm

Wednesday, May 10, 2006, 7:30 pm

Wednesday, May 24, 2006, 7:30 pm

Wednesday, June 14, 2006, 7:30 pm

Wednesday, June 28, 2006, 7:30 pm

Wednesday, July 12, 2006, 7:30 pm

Wednesday, July 26, 2006, 7:30 pm

Wednesday, August 9, 2006, 7:30 pm

Wednesday, August 23, 2006, 7:30 pm

Wednesday, September 13, 2006, 7:30 pm

Monday, September 25, 2006, 7:30 pm

Wednesday, October 11, 2006, 7:30 pm

Wednesday, October 25, 2006, 7:30 pm

Monday, November 13, 2006, 8:00 pm (Org. Mtg.)

Wednesday, November 8, 2006, 7:30 pm

Monday, November 20, 2006, 7:30 pm

Wednesday, December 13, 2006, 7:30 pm

Wednesday, December 20, 2006, 7:30 pm

**Voting yea: Eight**

**Voting nay: None**

**Absent: Mayer**

**MOTION CARRIED**

Assistant City Manager Todd Campbell provided an update on the City's discussions regarding the railroad cars. Discussion followed.

**1**

Commissioner Stephens commented on the recent Library fundraisers and said that the new community cookbook is now available for seven dollars.

**22**

Moved by Comm. Richards and seconded by Comm. Malone to adjourn the meeting.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Mayer**

**MOTION CARRIED**

The meeting was adjourned at 8:30 p.m.

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

**REGULAR MEETING - STURGIS CITY COMMISSION**  
**MONDAY, DECEMBER 19, 2005**  
**WIESLOCH RAUM - CITY HALL**

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

The Pledge of Allegiance was said by all present.

A moment of silence was held in lieu of an Invocation.

Commissioners present: Austermann, Richards, Stephens, Fisher, Malone, Haas, Littman, Vice-Mayor Mayer, Mayor Sisson  
Commissioners absent: None

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

Mayor Sisson presented Commissioner Haas with a plaque commemorating his service as Mayor and thanked him for his guidance during a difficult year. The Commission applauded Mayor Haas for his service.

Ina Taulbe, 511 West Congress, thanked the Commission for their help in cleaning a home in her area.

Moved by Comm. Littman and seconded by Comm. Austermann to approve the Consent Agenda of December 19, 2005 as presented.

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

APPROVAL of the minutes from the December 12, 2005 work session as presented.

APPROVAL of the minutes from the December 12, 2005 regular meeting as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Electric Department Superintendent John Griffith provided information to the Commission explaining that on November 17, 2005 the board of directors of the Michigan Municipal Electric Association established the Coordinated Energy Partnership Committee (CEPC) to explore long term power supply options.

Moved by Comm. Fisher and seconded by Comm. Malone to approve the Resolution Regarding Confidentiality of Certain Documents and Information of Coordinated Energy Partnership Committee as presented.

WHEREAS, the City of Sturgis by membership in the Michigan Municipal Electric Association ("Association") Coordinated Energy Partnership Committee ("Committee") intends to research the benefits of consolidating or aggregating resources among Committee members, which may include, but is not limited to, the investigation into new power supply ownership, wholesale contracts, transmission agreements, dispatch services and the pooling of existing power supply resources and loads; and



WHEREAS, the City of Sturgis by membership in the Committee will receive information and documents related to power supply offers which contain specific pricing or other confidential or proprietary information, which the City of Sturgis, Association, and Committee desire to keep confidential and exempt from any public disclosure requirements;

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City of Sturgis finds and determines that pursuant to 2000 PA 141 [Section 10y(12)], it is in its best interest to keep and maintain all contracts, records and reports received and to be received, in connection with the acquisition of electric power by the City of Sturgis through its membership in the Committee confidential, as such information pertains to the sale of electricity and contains specific pricing or other confidential or proprietary information which the City of Sturgis, Association, and Committee, desire to keep confidential and exempt from any public disclosure requirements.

2. The City of Sturgis and employees of the City of Sturgis shall keep such information confidential, unless required by law and otherwise directed by a court of competent jurisdiction.

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Electric Department Superintendent John Griffith provided information to the Commission regarding ongoing discussions with Indian and Michigan Electric Company (I&M) and a tentative agreement providing an extension to the City's current contract. I&M has conditionally offered to sell power to Sturgis for the six (6) month gap period which is not aligned with the rest of Indiana Michigan Municipal Distributors Association's members.

Moved by Comm. Richards and seconded by Comm. Littman to authorize the City Manager to execute the six (6) month power supply contract extension pending favorable review by the City Attorney as well as IMMDA's attorneys and consultants.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Manager Michael Hughes and City Controller Michael Vance provided highlights to the budget amendments for the current fiscal year. Mr. Hughes explained that budget amendments will be brought before the Commission on a regular basis as needed.

Details of the budget amendment are as follows:

	Original Budget	Increase/(Reduction)	Amended Budget
<b>General Fund 101</b>			
Revenue			
101.000.574000 State Shared Revenue	\$ 1,000,000.00	\$ 95,000.00	\$1,095,000.00
Net Revenue Increase/(Decrease)		\$ 95,000.00	
Expense			

101.101.702000 (City Commission)	\$ 50,254.00	\$ -	\$ 50,254.00
101.172.702000 (City Manager)	\$ 215,755.00	\$ 1,000.00	\$ 216,755.00
101.191.702000 (Elections)	\$ 20,000.00	\$ -	\$ 20,000.00
101.209.702000 (Assessor)	\$ 53,300.00	\$ -	\$ 53,300.00
101.210.700000 (City Attorney)	\$ 90,000.00	\$ -	\$ 90,000.00
101.223.702000 (City Controller)	\$ 338,058.00	\$ 1,000.00	\$ 339,058.00
101.253.702000 Clerk/Treasurer)	\$ 204,857.00	\$ 1,100.00	\$ 205,957.00
101.265.956000 (City Hall & Grds)	\$ 50,000.00	\$ -	\$ 50,000.00
101.301.702000 (Police Dept.)	\$ 2,013,237.00	\$ 22,500.00	\$2,035,737.00
101.336.702000 (Fire Dept)	\$ 1,163,378.00	\$ 20,500.00	\$1,183,878.00
101.338.702000 Prop. Maintenance	\$ 102,691.00	\$ 600.00	\$ 103,291.00
101.400.801000 (Zoning)	\$ 96,486.00	\$ 700.00	\$ 97,186.00
101.447.702000 (Engineering)	\$ 181,400.00	\$ 1,000.00	\$ 182,400.00
101.528.956000 (Spring Clean-Up)	\$ -	\$ -	\$ -
101.537.920000 (Airport -utilities)	\$ 84,030.00	\$ -	\$ 84,030.00
101.538.702000 (Parking Lots)	\$ 49,650.00	\$ -	\$ 49,650.00
101.448.956000 (Street Lighting)	\$ 72,000.00	\$ -	\$ 72,000.00
101.806.700003 (425 Millage Ieimb.)	\$ -	\$ -	0.00
101.850.700004 (Information Tech.)	\$ 50,000.00	\$ 500.00	\$ 50,500.00
101.890.960000 (Tax Tribunal)	\$ 2,000.00	\$ -	\$ 2,000.00
101.890.700000 (Contingencies)	\$ 60,000.00	\$ -	\$ 60,000.00
101.890.700000 Urban Land Assembly Paym't	\$ -	\$ 24,000.00	\$ 24,000.00
101.672.700008 Senior Transportation	\$ 2,500.00	\$ -	\$ 2,500.00
101.890.700007 (Comm Information)	\$ 24,000.00	\$ -	\$ 24,000.00
101.965.999000 (Transfer to Other Funds	\$ 915,000.00	\$ -	\$ 915,000.00
101.999.931001 (Auditorium Loan)	\$ 46,100.00	\$ -	\$ 46,100.00
101.965.999008 Contr. To Econ. Enhancem't	\$ 69,500.00	\$ -	\$ 69,500.00
101.965.999014 Contr. To Housing	\$ 10,000.00	\$ -	\$ 10,000.00
101.965.999016 Contr. To Street Repair	\$	\$	\$

Fund	264,767.00	-	264,767.00
101.965.999025 Contr. To Capital Reserve	\$ 50,000.00	\$ -	\$ 50,000.00
101.900.970000 (Capital Outlay)	\$ 68,000.00	\$ -	\$ 68,000.00
TOTAL(S)	\$ 6,346,963.00	\$ 72,900.00	\$ 6,419,863.00
Net Expense Increase/(Decrease)		\$ 72,900.00	
<b>Change in Fund Balance</b>	<b>\$ 1,433,249.00</b>	<b>\$ 22,100.00</b>	<b>\$ 1,455,349.00</b>
		<b>increase</b>	
<b>Major Street 202</b>			
Expense			
202.450.956000 Pavement Preservation	\$ 50,000.00	\$ 50,000.00	\$ 100,000.00
202.451.956000 (Construction)	\$ 60,000.00	\$ 55,000.00	\$ 115,000.00
202.463.702000 Wages	\$ 252,000.00	\$ 2,500.00	\$ 254,500.00
Net Expense Increase/(Decrease)		\$ 107,500.00	
<b>Change in Fund Balance</b>	<b>\$ 296,038.00</b>	<b>\$ (107,500.00)</b>	<b>\$ 188,538.00</b>
		<b>decrease</b>	
<b>Local Street 203</b>			
Expense			
203.450.956000 Pavement Preservation	\$ 250,000.00	\$ 50,000.00	\$ 300,000.00
203.451.956000 (Construction)	\$ -		\$ -
203.463.702000 Wages	\$ 240,000.00	\$ 2,500.00	\$ 242,500.00
Net Expense Increase/(Decrease)		\$ 52,500.00	
<b>Change in Fund Balance</b>	<b>\$ 552,085.00</b>	<b>\$ (52,500.00)</b>	<b>\$ 499,585.00</b>

		decrease	
<b>Cemetery Fund 209</b>			
Expense			
209.000.702000 Wages	\$ 111,859.00	\$ 500.00	\$ 112,359.00
Net Expense Increase/(Decrease)		\$ 500.00	
<b>Change in Fund Balance</b>	<b>\$ 20,438.00</b>	<b>\$ (500.00)</b>	<b>\$ 19,938.00</b>
		decrease	
<b>Building Department Fund 249</b>			
Expense			
249.000.702000 Wages	\$ 97,365.00	\$ 500.00	\$ 97,865.00
<b>Change in Fund Balance</b>	<b>\$ 4,815.00</b>	<b>\$ (500.00)</b>	<b>\$ 4,315.00</b>
		decrease	
<b>Sturges Civic Auditorium Fund 261</b>			
Expense			
261.000.702000 (Wages)	\$ 312,539.00	\$ 1,100.00	\$ 313,639.00
Net Expense Increase/(Decrease)		\$ 1,100.00	
<b>Change in Fund Balance</b>	<b>\$ 17,334.00</b>	<b>\$ (1,100.00)</b>	<b>\$ 16,234.00</b>
		decrease	
<b>Park &amp; Recreation Fund 264</b>			
<b>Park</b>			
Expense			
264.751.702000 (Wages)	\$ 76,835.00	\$ 500.00	\$ 77,335.00

<b>Recreation</b>			
Expense			
264.752.702000 (Wages)	\$ 92,074.00	\$ 500.00	\$ 92,574.00
Net Expense Increase/(Decrease)		\$ 1,000.00	
<b>Change in Fund Balance</b>	<b>\$ 8,616.00</b>	<b>\$ (1,000.00)</b>	<b>\$ 7,616.00</b>
		<b>decrease</b>	
<b>Doyle Comm. Center Fund 265</b>			
Expense			
265.000.702000 (Wages	\$ 204,285.00	\$ 750.00	\$ 205,035.00
Net Expense Increase/(Decrease)		\$ 750.00	
<b>Change in Fund Balance</b>	<b>\$ 30,526.00</b>	<b>\$ (750.00)</b>	<b>\$ 29,776.00</b>
		<b>decrease</b>	
<b>Ambulance Fund 505</b>			
Expense			
505.000.702.000 (Wages & Benefits)	\$ 523,320.00	\$ 13,500.00	\$ 536,820.00
Net Expense Increase/(Decrease)		\$ 13,500.00	\$ -
			\$ -
<b>Change in Surplus/(deficit)</b>	<b>\$ 125,539.00</b>	<b>\$ (13,500.00)</b>	<b>\$ 112,039.00</b>
		<b>decrease</b>	
<b>Electric Fund</b>			

Expense			
582.536.702000 Wages	\$ 578,969.00	\$ 1,200.00	\$ 580,169.00
582.536.809000 Wages	\$ 46,400.00	\$ 300.00	\$ 46,700.00
582.539.702000 Wages	\$ 337,738.00	\$ 1,000.00	\$ 338,738.00
582.571.702000 Wages	\$ 404,298.00	\$ 800.00	\$ 405,098.00
582.591.702000 Wages	\$ 140,002.00	\$ 800.00	\$ 140,802.00
Net Expense Increase/(Decrease)		\$ 4,100.00	
<b>Change in Surplus/(deficit)</b>	<b>\$ 793,199.00</b>	<b>\$ (4,100.00)</b>	<b>\$ 789,099.00</b>
		<b>decrease</b>	
<b>Sewer Fund</b>			
Expense			
590.524.702000 Wages	\$ 96,664.00	\$ 700.00	\$ 97,364.00
590.525.702000 Wages	\$ 335,336.00	\$ 2,100.00	\$ 337,436.00
Net Expense Increase/(Decrease)		\$ 2,800.00	
<b>Change in Surplus/(deficit)</b>	<b>\$ (447,219.00)</b>	<b>\$ (2,800.00)</b>	<b>\$ (450,019.00)</b>
		<b>decrease</b>	
<b>Water Fund</b>			
Expense			
590.545.702000 Wages	\$ 110,000.00	\$ 1,000.00	\$ 111,000.00

Net Expense Increase/(Decrease)		\$ 1,000.00	
<b>Change in Surplus/(deficit)</b>	<b>\$ (66,130.00)</b>	<b>\$ (1,000.00)</b>	<b>\$ (67,130.00)</b>
		<b>decrease</b>	

## **EXPLANATION OF PROPOSED BUDGET ADJUSTMENTS:**

Since the passage of the 2005-2006 city budget, the State of Michigan has reaffirmed its estimates of revenue it distributes to units of government as state shared revenue. The city chose to be conservative and used a figure of around 90% of what was being estimated at the time the budget was passed. At this point the estimates are more certain compared to June or July of 2005. For that reason, I believe it is reasonable to increase the revenue sharing estimate to the updated figure, thus offsetting the additional costs detailed below.

Since the passage of the 2005-2006 City Budget, the City received the annual actuarial update for the Sturgis retirement System. Typically, the contribution rates have been growing annually, but in small increments. The last study completed, as of the end of December 2004, reflects contribution increases that are larger than we've historically experienced. The actuaries have suggested that the normal pattern is for the contribution rates to rise over time to the level of what is normal for the age and makeup of the retirement system. Although the majority of the departments will be affected minimally, the Police and Fire Departments will be affected to a larger extent because of the large numbers of personnel in those operations coupled with their age and lower retirement requirements. Those two departments will experience an additional \$45,000 in retirement contributions as a minimum, based on their budgeted officers and firefighters. The other department that will be affected in significant way is the Ambulance operation. Paramedics and EMTs are classified the same as firefighters for retirement purposes, as they are part of the Fire Collective Bargaining Agreement. At the same time they do not fall under the exemption that allowed the city to opt out of FICA contributions for police and fire, therefore their retirement factor is the same as firefighters and that creates a considerably higher contribution rate than was originally anticipated in the budget. The additional contribution cost for those personnel is estimated at \$13,500.

The other situation being corrected through this budget amendment relates to the Americraft Urban Capital Assembly project that was approved last fiscal year by the City Commission. When the project was approved, the city was under the impression that Americraft would begin planning, design and construction immediately and therefore Tax Capture on the development could begin with this tax year. The resulting captured tax funds would provide the necessary monies to meet the repayment requirements of the loan agreement the city signed with the State of Michigan, to obtain the seed money to fund the purchase of property for the Americraft expansion. The project time table has been delayed to the extent that the city was required to start the repayment of the loan prior to the capture of taxes occurring. It is anticipated that the General Fund will make the monthly payments and be reimbursed when the tax capture begins.

The final item being addressed by this budget amendment is to provide additional funding for street repairs during this fiscal year. The street repair monies set aside in the estimated 9/30/2005 budget to do repair

work in the last fiscal year were not expended by the end of that fiscal year. Those monies reverted to the fund balances of the Major and Local Street Funds and are available for appropriation in the 2005-2006 Budget year. This will allow us to complete the amount of street work originally planned for last and current fiscal years.

Moved by Comm. Stephens and seconded by Comm. Malone to authorize the budget amendments for Fiscal Year 2005-06 as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

City Manager Michael Hughes provided information to the Commission regarding comments made during a recent public hearing for the U.S. 12 reconstruction project related to subjects such as island removal, a five versus three lane configuration, a dedicated turning light at Nottawa, and an M-66 bypass. City staff will be seeking written confirmation from MDOT regarding many of these issues.

IMMDA will be having a general membership meeting on January 11, 2006 in Mishawaka, IN at 11:00 am.

Moved by Comm. Malone and seconded by Comm. Littman to adjourn the meeting.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

The meeting was adjourned at 8:05 p.m.

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



