

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 8, 2020
WIESLOCH RAUM – CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Mullins

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak,
Mayor Hile
Commissioners absent: Littman

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

Moved by Comm. Good and seconded by Comm. Dvorak to approve the agenda as presented.

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

Moved by Comm. Good and seconded by Comm. Dvorak to approve the Consent Agenda of January 8, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 18, 2019 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$626,969.78 as presented.

8C. Winter Blues

APPROVE the requests for Winter Blues on January 17, 2020 as presented.

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

City Manager Michael Hughes explained that as part of the approval of Adult-Use Recreational marihuana, fines were established for violations of Section 38-93 Adult Use Marihuana Establishments. These fines include a misdemeanor with a fine up to \$500.00 or a civil infraction with fine of \$5,000.00. In order to accurately reflect these fines within the Code of Ordinances, the Fine Schedule (Appendix B of the Code of Ordinances) needs to be updated.

Moved by Comm. Good and seconded by Comm. Dvorak to consider this the first reading of an amendment to the City Code of Ordinances Appendix B, Fine Schedule pertaining to fines for Adult Use Marihuana as presented.

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

City Manager Michael Hughes explained that neighboring owners in City Subdivision I have requested to purchase and split lot 19. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to go into Closed Session to discuss the potential purchase of property.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Good, Dvorak, Hile

Voting nay: None

Absent: Littman

MOTION CARRIED

Meeting recessed at 6:20 p.m.

Meeting reconvened at 7:00 p.m.

Moved by Comm. Good and seconded by Comm. Dvorak to sell lot 19 in City Sub I to the adjacent property owners for the amount of \$5,000.00 plus all related costs.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

The meeting was adjourned at 7:15 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 22, 2020
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Larry Matro, Trinity Lutheran Church

Commissioners present: Mullins, Wickey, Good, Vice-Mayor Dvorak, Mayor Hile

Commissioners absent: Bir, Klinger, Malone, Littman

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Electric Department Superintendent, Facilities Manager, City Clerk

Moved by Comm. Good and seconded by Comm. Dvorak to approve the agenda as presented.

Voting yea: Five

Absent: Bir, Klinger, Malone, Littman

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Dvorak to approve the Consent Agenda of January 22, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 8, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,428,152.77 as presented.

8C. MDOT State Trunkline Maintenance Contract

AUTHORIZE City Manager Michael Hughes to sign the MDOT State Trunkline Maintenance Contract.

8D. Amendment to Fine Schedule Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the City Code of Ordinances Appendix B, Fine Schedule pertaining to fines for Adult Use Marihuana as presented.

AMENDMENTS TO THE CITY CODE OF ORDINANCES FINE SCHEDULE
PERTAINING TO ADULT USE MARIHUANA

An ordinance to amend Appendix B – Fine Schedule, Chapter 38. - OFFENSES AND MISCELLANEOUS PROVISIONS, of the Code of Ordinances of the City of Sturgis to provide for fines related to the authorization and permitting of adult use recreational marihuana establishments.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to modify the City Code of Ordinances to provide for adult use recreational marihuana establishments and fines associated with the enforcement of those ordinances;

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

Appendix B, Chapter 38 of the City Code of Ordinances is amended effective as of February 11, 2020.

APPENDIX B - FINE SCHEDULE FOR MUNICIPAL CIVIL INFRACTIONS

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CHAPTER 38. – OFFENSES AND MISCELLANEOUS PROVISIONS

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Adult-Use Recreational Marihuana

Misdemeanor offense up to 500.00

Civil infraction 5,000.00

Voting yea: Five

Absent: Bir, Klinger, Malone, Littman

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the changes to the pole attachment rates. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the pole attachment rates for telecommunications providers and cable providers as presented.

Voting yea: Five

Absent: Bir, Klinger, Malone, Littman

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on inventories that will be done on poles and other department assets. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve a bid waiver and the proposal from McLean Engineering to conduct the pole attachment inventory for the not to exceed cost of thirty thousand dollars (\$30,000.00) as presented.

Voting yea: Five

Absent: Bir, Klinger, Malone, Littman

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Wickey to approve a bid waiver and the proposal from McLean Engineering to conduct the GIS asset inventory for the not to exceed cost of thirty-five thousand dollars (\$35,000.00) as presented.

Voting yea: Five

Absent: Bir, Klinger, Malone, Littman

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on additional work that will be done on the City's Rural Transmission Line project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to approve the right-of-way proposal from Contract Land Staff to review an additional transmission route in the amount of twenty-five thousand dollars (\$25,000.00) as presented.

Voting yea: Five

Absent: Bir, Klinger, Malone, Littman

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided details on the proposed amendment to the Retiree Insurance Policy. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to deny the amendment to the Retiree Insurance Policy as presented.

Voting yea: Four

Absent: Bir, Klinger, Malone, Littman

Voting nay: Wickey

MOTION CARRIED

Facilities Manager Dan Root and representatives of BYCE and Associates and The Garland Company, Inc., provided information on the replacement of the City Hall roof. Discussion followed.

The meeting was adjourned at 7:35 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 12, 2020
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor George Cleverley, Church of Christ

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: Littman

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Electric
Department Superintendent, Facilities Manager, City Clerk

Mayor Hile read the following Proclamation:

WHEREAS, Sturgis is blessed with the Sturges Young Center for the Arts - an essential part of the cultural, social, and spiritual fabric that is Sturgis; and

WHEREAS, Sturgis recognizes the Arts are a part of strong communities; and

WHEREAS, everyone has a role to play in including the arts in neighborhood organizations, businesses, nonprofit agencies, policymakers, and, education; and;

WHEREAS, during 2020 we all should take time to honor the importance of the arts, and recognize the special connections that support and strengthen our community; and

WHEREAS, with the assistance and resources of agencies and organizations such as the Sturges Young Center for the Arts, we can help people of all ages create a better future for all of Sturgis;

NOW THEREFORE BE IT RESOLVED, as Mayor of the City of Sturgis I do hereby proclaim 2020, as THE YEAR OF THE ARTS.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the agenda as presented.

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

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the Consent Agenda of February 12, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 8, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,183,791.27 as presented.

8C. Public Hearings of Necessity for Sidewalks

SET Public Hearings of Necessity for a New Sidewalk Assessment District on E. Jerolene Street and Sidewalk Repair Assessment Districts on E. Jerolene and Pleasant Avenue for the March 11, 2020 City Commission meeting at 6:00 pm in the Wiesloch Raum.

8D. Resignation of DDA Board Member

ACCEPT the letter of resignation of Barry Summey from the Downtown Development Authority Board.

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

City Clerk/Treasurer Kenneth Rhodes provided information on a request for a recommendation for a tasting room license for a new microbrewery. Jack Rupert provided information on his project which will be located at the former Coney Island Pizza location. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Dvorak to recommend the application of Coney Island Pizza, LLC for a New On-Premises Tasting Room Permit at 1507 E. Chicago Road, Sturgis, MI be considered for approval by the Michigan Liquor Control Commission.

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

Facilities Manager Dan Root provided a recommendation after the previous meeting's discussion regarding the City Hall roof replacement project. Discussion followed.

Moved by Comm. Dvorak and seconded by Comm. Klinger to approve development and release of bid documents for the 2-Ply Built Up Roof Retrofit Option for City Hall's roof as presented.

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

Electric Department Superintendent John Griffith provided details on the changes to the department's Economic Development Rider. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the amendment to the Electric Department Economic Development Rider No. 1 as presented.

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

Electric Department Superintendent John Griffith provided details on the request by the department to have Power System Engineering (PSE) provide professional services to assist in the deployment of the new SCADA system. Discussion followed.

Moved by Comm. Good and seconded by Comm. Dvorak to approve a bid waiver for and the proposal of Power System Engineering for professional services for SCADA deployment in the amount of fifty-five thousand dollars (\$55,000) plus travel expenses as presented.

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

Electric Department Superintendent John Griffith provided details on necessary substation relay upgrades related to the new SCADA system. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to approve a bid waiver for and the quote from PKM Consulting for substation relay upgrades in an amount not-to-exceed one hundred and eighteen thousand, two hundred and six dollars (\$118,206.00) as presented.

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

Electric Department Superintendent John Griffith provided details on replacement of water well and tower control systems as part of the new SCADA system. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve a bid wavier for and the proposal of Power System Engineering for professional services related to replacement of water well and tower control systems in the amount of thirty-eight thousand dollars (\$38,000) as presented.

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

Moved by Comm. Good and seconded by Comm. Dvorak to approve a bid wavier for and the proposal of Midwest Communication Services for fiber connections to City water well houses and water tower in the amount of thirty-five thousand, three hundred and ninety-nine dollars (\$35,399.00) as presented.

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

City Clerk/Treasurer Kenneth Rhodes provided information on the applications for the EDC/BRA board vacancy.

Moved by Comm. Good and seconded by Comm. Dvorak to appoint Kirby Baker to the EDC and BRA Board of Directors through May 2024.

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

Moved by Comm. Klinger and seconded by Comm. Mullins to go into Closed Session to discuss the potential purchase of property.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Good, Dvorak, Hile

Voting nay: None Absent: Littman MOTION CARRIED

Meeting recessed at 7:03 p.m.

Meeting reconvened at 7:32 p.m.

The meeting was adjourned at 7:32 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 26, 2020
WIESLOCH RAUM – CITY HALL**

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Wickey

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Good, Vice-Mayor Dvorak,
Mayor Hile

Commissioners absent: Littman

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City
Controller, Community Development Director, Public Safety Director, City Engineer, City Clerk

Deputy County Treasurer Kathy Humphries provided her qualifications as a candidate for St. Joseph
County Treasurer.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the agenda as presented.

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

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the Consent Agenda of
February 26, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the February 12, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,744,110.60 as presented.

8C. 2020 Cross Walk

APPROVE the 2020 Cross Walk as presented.

8D. 2020 DDA Event Requests

APPROVE the requests for the 2020 DDA events as presented.

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

City Engineer Barry Cox explained The City of Sturgis and the St. Joseph County Road Commission
have been discussing the transfer of jurisdiction for several Act 51 street segments currently under the
Road Commission's jurisdiction within the Maplecrest plat. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to adopt the Resolution for Act 51

Jurisdictional Transfer of Streets in the Maplecrest Plat as presented.

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

Community Development Director Will Prichard explained that a zoning district change has been requested by Spire Development for the property located at 303 St. Joseph Street who proposes to construct high density apartments on the site. High density apartments are permitted in the R-4 zoning district as a special use. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of an amendment to the Zoning Code, Article III pertaining to rezoning of 303 St. Joseph St. from R-3 Residential to R-4 Residential as presented.

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

Assistant City Manager Andrew Kuk provided details on a proposed Payment in Lieu of Tax for a new housing development at 303 St. Joseph St. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading of an amendment to Chapter 2, Article IV, Division 1 of the Ordinances of the City of Sturgis adding Section 2-307. - Tax exemption for St. Joseph Street Lofts and fee in lieu of taxes.

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

Assistant City Manager Andrew Kuk provided details on a proposed Payment in Lieu of Tax for a new housing development at 200 E. Chicago Rd. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of an amendment to Chapter 2, Article IV, Division 1 of the Ordinances of the City of Sturgis adding Section 2-308. - Tax exemption for Monroe Street Lofts and fee in lieu of taxes.

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

City Manager Michael Hughes provided information and a timeline of creation of a new splash pad. Discussion followed. Commissioners Klinger and Malone volunteered to serve on an ad-hoc committee.

Moved by Comm. Klinger and seconded by Comm. Mullins to establish an ad-hoc splash pad committee and approve the project timeline as presented.

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

The meeting was adjourned at 7:20 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 11, 2020
WIESLOCH RAUM – CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Wickey

Commissioners present: Mullins, Bir, Wickey, Malone, Good, Mayor Hile

Commissioners absent: Klinger, Littman, Vice-Mayor Dvorak

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Community Development Director, Electric Department Superintendent, DPS Supervisor, City Clerk

Mayor Hile presented the family of Connie Pagels with the Outstanding Community Service Award for her 50 years of service as a 4-H Leader and her involvement with the St. Joseph County Fair.

Moved by Comm. Mullins and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Good to approve the Consent Agenda of March 11, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the February 26, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,414,787.77 as presented.

8C. 303 St. Joseph Rezoning Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the Zoning Code, Article III pertaining to rezoning of 303 St. Joseph St. from R-3 Residential to R-4 Residential as presented.

AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP

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

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of 303 St. Joseph St., Parcel # 75-052-040-101-00, from the R-3 Residential to the R-4 Apartment zoning district.

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

Article III of the Zoning Ordinance is hereby modified as follows, effective as of March 31, 2020.

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the entirety of the following described property shall be in the R-4 Apartment zoning district:

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

303 St. Joseph Street
Parcel No. 75-052-040-101-00.

Voting yea: Six
Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the small modifications made to the proposed PILOT ordinance for the St. Joseph Street Lofts. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the second reading of and approve an amendment to Chapter 2, Article IV, Division 1 of the Ordinances of the City of Sturgis adding Section 2-307. - Tax exemption for St. Joseph Street Lofts and fee in lieu of taxes effective March 31, 2020.

Voting yea: Six
Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

**AMENDMENT TO THE ORDINANCES OF THE CITY OF STURGIS ADDING A TAX
EXEMPTION FOR ST. JOSEPH STREET LOFTS AND FEE IN LIEU OF TAXES**

An ordinance to amend Chapter 2, Article IV, Division 1 of the Ordinances of the City of Sturgis adding a tax exemption for St. Joseph Street Lofts and fee in lieu of taxes 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 add a tax exemption and fee in lieu of taxes for St. Joseph Street Lofts, a development providing housing for individuals and/or families of low to moderate income.

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

Part II – Chapter 2, Article IV, Division 1 is hereby amended to add Section 2-307 as follows, effective as of March 31, 2020:

Section 2-307. – Tax exemption for St. Joseph Street Lofts and fee in lieu of taxes.

- (a) *Purpose.* It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Sturgis is authorized by this Act to establish or

change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City of Sturgis will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the Housing Development that is constructed or rehabilitated with financing extended in reliance on such tax exemption.

The City of Sturgis acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to construct, own and operate a Housing Development identified as St. Joseph Street Lofts on certain property located at 303 St. Joseph Street, parcel identification number 052-040-101-00 in the City of Sturgis to serve Low Income Persons and Families, and that the Sponsor has offered to pay the City on account of this Housing Development an annual service charge for public services in lieu of all *ad valorem* property taxes.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of the Housing Development representing rent or occupancy charges, exclusive of Utilities.

Authority means the Michigan State Housing Development Authority.

City means the City of Sturgis, a Michigan municipal corporation.

Housing Development means the St. Joseph Street Lofts; a development that contains a significant element of housing for individuals and/or families of low to moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority has determined improves the quality of the development as it relates to housing for persons of low income.

LIHTC Program means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

Low Income Persons and Families means persons and families eligible to move into the Housing Development constructed and maintained by the Sponsor.

Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a Housing Development, and secured

by a mortgage on the Housing Development.

PILOT means “payment in lieu of tax” or a service charge in lieu of property taxes in accordance with the Act.

Sponsor means St. Joseph Street Lofts Limited Dividend Housing Authority L.P., a Michigan limited partnership, which has or intends to apply to the Authority for an allocation of Low Income Housing Tax Credits to finance a Housing Development, and any entity that receives or assumes a Mortgage Loan.

Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

- (c) *Class of Housing Projects.* It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be Housing Developments for Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that St. Joseph Street Lofts is of this class. Passage of this section shall not be deemed precedent for other similar PILOT ordinances.
- (d) *Establishment of annual service charge.* The Housing Development identified as St. Joseph Street Lofts and the property on which it will be located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction. The City of Sturgis acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the Housing Development for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct and operate the Housing Development the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes subject to the requirements of subsections (g) and (h) hereto. Subject to receipt of a Mortgage Loan for the Housing Development, the annual service charge shall be equal to nine percent (9%) of the Annual Shelter Rents actually collected by the housing project but not less than \$18,000.00 during each operating year.
- (e) *Limitation on the payment of annual service charge.* Notwithstanding subsection (d), the service charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt but which is occupied by other than Low Income Persons or Families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.
- (f) *Contractual effect of section.* Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City of Sturgis and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this section.
- (g) *Verification of annual shelter rent.* The Sponsor shall verify annual shelter rent revenues to the

City with a statement of profit and loss of the Housing Development as reported to the Authority by an independent certified public accountant or such other form of financial documentation deemed suitable by the City. The statement of profit and loss, or such other form of financial documentation acceptable to the City, together with a statement describing the methodology by which the Sponsor calculated the service charge, shall be submitted to the City Treasurer by April 30 each year.

- (h) *Duration.* This Ordinance shall remain in effect and shall not terminate so long as all of the following are true:
 - (1) The Housing Development remains subject to income and rent restrictions under the LIHTC Program.
 - (2) Construction of the Housing Development commences within one year from the award of a Low-Income Housing Tax Credit for the Housing Development from the Authority and is completed within eighteen (18) months from commencement of construction unless extensions are approved by resolution of the Sturgis City Commission.
- (i) *Payment of service charge.* The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. An exception to this is that the annual payment for each operating year shall be paid on or before June 1st of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*), including applicable provisions of the Charter and Ordinances for the City of Sturgis, with respect to such payment, including, but not limited to the provisions providing for interest and penalties on late payments, return of delinquent taxes, and the sale of the lands for delinquent taxes.
- (j) *Termination.* The tax exemption extended hereunder may be terminated and the property restored to the tax rolls by resolution duly adopted by the City in any of the following events. Any default must be noticed in writing to the Sponsor and the Authority by certified mail (return receipt requested) or by nationally recognized overnight carrier (with receipt acknowledged in writing) to the address on file with the Department of Labor and Economic Growth or any successor department. Termination can only progress if there is failure by the Sponsor to cure the default within 30 days following delivery of written notice to the Sponsor. Determinations of the event and continuing existence of default and the sufficiency of actions taken to cure default shall be in the sole judgment of the City.
 - (1) Failure of the Sponsor or the Housing Development to remain in compliance with the terms of this section or the Act.
 - (2) Failure of the Sponsor to complete construction as provided in subsection (h)(3) hereof.
 - (3) Failure of the sponsor to provide such reports and documentation as may be required by subsection (g) hereof.

- (k) *Severability.* The various subsections and provisions of this section shall be deemed to be severable, and should any subsection or provision of this section be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this section as a whole or any subsection or provision of this section, other than the subsection or provision so declared to be unconstitutional or invalid.
- (l) *Inconsistent ordinances or sections.* All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this section are repealed to the extent of such inconsistency or conflict.
- (m) *Effective date and automatic repeal.* This Ordinance section shall become effective twenty (20) days after its passage, as provided in the City of Sturgis Charter. In the event the sponsor does not receive an award of a Low-Income Housing Tax Credit for the Housing Development from the Authority on or before February 28, 2021, this section shall be automatically repealed without further action of the City.

Assistant City Manager Andrew Kuk provided information on the small modifications made to the proposed PILOT ordinance for the Monroe Street Lofts. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Good to consider this the second reading of and approve an amendment to Chapter 2, Article IV, Division 1 of the Ordinances of the City of Sturgis adding Section 2-308. - Tax exemption for Monroe Street Lofts and fee in lieu of taxes effective March 31, 2020.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

AMENDMENT TO THE ORDINANCES OF THE CITY OF STURGIS ADDING A TAX EXEMPTION FOR MONROE STREET LOFTS AND FEE IN LIEU OF TAXES

An ordinance to amend Chapter 2, Article IV, Division 1 of the Ordinances of the City of Sturgis adding a tax exemption for Monroe Street Lofts and fee in lieu of taxes 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 add a tax exemption and fee in lieu of taxes for Monroe Street Lofts, a development providing housing for individuals and/or families of low to moderate income.

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

Part II – Chapter 2, Article IV, Division 1 is hereby amended to add Section 2-308 as follows, effective as of March 31, 2020:

Section 2-308. – Tax exemption for Monroe Street Lofts and fee in lieu of taxes.

- (n) *Purpose.* It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to

encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Sturgis is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income seniors is a public necessity, and as the City of Sturgis will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this section for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this section are essential to the determination of economic feasibility of the Housing Development that is constructed with financing extended in reliance on such tax exemption.

The City of Sturgis acknowledges that the Sponsor (as defined below) has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to construct, own and operate a Housing Development identified as Monroe Street Lofts to serve Low Income Seniors, and that the Sponsor has offered to pay the City on account of this housing project an annual service charge for public services in lieu of all *ad valorem* property taxes. Monroe Street Lofts will be established on certain property located at 200 E. Chicago Road, parcel identification number 052-040-218-00, and 111 N. Monroe Street, parcel identification number 052-040-214-00, in the City of Sturgis; these parcels may in the future be combined as provided for under Michigan State law and the City of Sturgis Code of Ordinances.

- (o) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.

Annual Shelter Rent means the total collections during an agreed annual period from or paid on behalf of all occupants of the Housing Development representing rent or occupancy charges, exclusive of Utilities.

Authority means the Michigan State Housing Development Authority.

City means the City of Sturgis, a Michigan municipal corporation.

Housing Development means the Monroe Street Lofts; a development that contains a significant element of housing for seniors (defined as per the LIHTC Program) of low to moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority has determined improves the quality of the development as it relates to housing for persons of low income.

LIHTC Program means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

Low Income Seniors means senior persons and their families, as defined by the LIHTC

Program eligible to move into the Housing Development constructed and maintained by the Sponsor.

Mortgage Loan means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a Housing Development, and secured by a mortgage on the Housing Development.

PILOT means “payment in lieu of tax” or a service charge in lieu of property taxes in accordance with the Act.

Sponsor means TWG Sturgis, LP which has or intends to apply to the Authority for an allocation of Low Income Housing Tax Credits to finance a Housing Development.

Utilities means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

- (p) *Class of Housing Projects.* It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be Housing Developments for Low Income Seniors that are financed with a Mortgage Loan. It is further determined that Monroe Street Lofts is of this class. Passage of this section shall not be deemed precedent for other similar PILOT ordinances.
- (q) *Establishment of annual service charge.* The Housing Development identified as Monroe Street Lofts and the property on which it will be located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction. The City of Sturgis acknowledges that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the Housing Development for exemption from all *ad valorem* property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct and operate the Housing Development the City agrees to accept payment of an annual service charge for public services in lieu of all *ad valorem* property taxes subject to the requirements of subsections (g) and (h) hereto. Subject to receipt of a Mortgage Loan for the Housing Development, the annual service charge shall be equal to eight and one-quarter percent (8.25%) of the Annual Shelter Rents actually collected by the housing project but not less than fifteen thousand \$15,000.00 during each operating year.
- (r) *Limitation on the payment of annual service charge.* Notwithstanding subsection (d), the service charge to be paid each year in lieu of taxes for the part of the Housing Development that is tax exempt but which is occupied by other than Low Income Seniors shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.
- (s) *Contractual effect of section.* Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City of Sturgis and the Sponsor with the Authority as third

party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this section.

- (t) *Verification of annual shelter rent.* The Sponsor shall verify annual shelter rent revenues to the City with a statement of profit and loss of the Housing Development as reported to the Authority by an independent certified public accountant or such other form of financial documentation deemed suitable by the City. The statement of profit and loss, or such other form of financial documentation acceptable to the City, together with a statement describing the methodology by which the Sponsor calculated the service charge, shall be submitted to the City Treasurer by April 30 each year.
- (u) *Duration.* This Ordinance shall remain in effect and shall not terminate so long as all of the following are true:
 - (3) The Housing Development remains subject to the age requirements, income, and rent restrictions under the LIHTC Program.
 - (4) Construction of the Housing Development commences within one year from the award of a Low-Income Housing Tax Credit for the Housing Development and is completed within eighteen (18) months from commencement of construction unless extensions are approved by resolution of the Sturgis City Commission.
- (v) *Payment of service charge.* The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. An exception to this is that the annual payment for each operating year shall be paid on or before June 1st of the following year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, *et seq*), including applicable provisions of the Charter and Ordinances for the City of Sturgis, with respect to such payment, including, but not limited to the provisions providing for interest and penalties on late payments, return of delinquent taxes, and the sale of the lands for delinquent taxes.
- (w) *Termination.* The tax exemption extended hereunder may be terminated and the property restored to the tax rolls by resolution duly adopted by the City in any of the following events. Any default must be noticed in writing to the Sponsor and the Authority by certified mail (return receipt requested) or by nationally recognized overnight carrier (with receipt acknowledged in writing) to the address on file with the Department of Labor and Economic Growth or any successor department. Termination can only progress if there is failure by the Sponsor to cure the default within 30 days following delivery of written notice to the Sponsor. Determinations of the event and continuing existence of default and the sufficiency of actions taken to cure default shall be in the sole judgment of the City.
 - (1) Failure of the Sponsor or the Housing Development to remain in compliance with the terms of this section or the Act.
 - (2) Failure of the Sponsor to complete construction as provided in subsection (h)(3) hereof.

- (3) Failure of the sponsor to provide such reports and documentation as may be required by subsection (g) hereof.
- (x) *Severability.* The various subsections and provisions of this section shall be deemed to be severable, and should any subsection or provision of this section be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this section as a whole or any subsection or provision of this section, other than the section or provision so declared to be unconstitutional or invalid.
- (y) *Inconsistent ordinances or sections.* All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this section are repealed to the extent of such inconsistency or conflict.
- (z) *Effective date and automatic repeal.* This Ordinance section shall become effective twenty (20) days after its passage, as provided in the City of Sturgis Charter. In the event the sponsor does not receive an award of a Low-Income Housing Tax Credit for the Housing Development from the Authority on or before February 28, 2021, this section shall be automatically repealed without further action of the City.

Assistant City Manager Andrew Kuk provided information on a request to place a kindergarten registration banner in two City parks.

Moved by Comm. Mullins and seconded by Comm. Dvorak to approve the placement of a Banner in Memorial Park and Free Church Park by Sturgis Public Schools as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the Sidewalk Special Assessment District for Pleasant Ave.

City Manager Michael Hughes provided details on the project.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Bir and seconded by Comm. Wickey to approve Special Assessment District #2020-01 for the Pleasant Avenue Sidewalk Repair Program as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the Sidewalk Special Assessment District for Jerolene Street new sidewalks.

City Manager Michael Hughes provided details on the project.

Jamie Crites explained that he felt there were sufficient sidewalks available in the area.

Former City Commission Ken Malone explained that the one time he could recall that the new sidewalks weren't installed is on Tulip which was not a school route.

City Commissioners explained that it was in the best interest of all City residents to install new sidewalks in this area,

Mayor Hile closed the Public Hearing.

Moved by Comm. Bir and seconded by Comm. Good to approve Special Assessment District #2020-02 for the E. Jerolene Street 2020 New Sidewalk Program as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the Sidewalk Special Assessment District for Jerolene Street sidewalk repairs.

City Manager Michael Hughes provided details on the project.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Bir and seconded by Comm. Good to approve Special Assessment District #2020-03 for the E. Jerolene Street 2020 Sidewalk Repair Program as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for the closeout for the Gramby's Homestyle Restaurant Revolving Loan Fund (RLF) award.

Assistant City Manager Andrew Kuk provided information on the loan and the project.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Assistant City Manager Andrew Kuk provided information on the proposed PPD ordinance for the Monroe St Lofts project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading of a preliminary site plan for PDD-3 and an amendment to the Zoning Ordinance section 1.0501 and adding section 1.0412.2 – PDD-3 planned development district as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided details on the proposed amendments to the Land Division ordinance. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to this the first reading of an amendment to the City Code of Ordinances, Chapter 50 - Subdivisions and Other Divisions Of Land as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Bir to consider this the first reading of an amendment to the City of Sturgis Code of Ordinance Appendix B, Fine Schedule, as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Bir to approve an amendment to the City of Sturgis Fee Schedule pertaining to boundary line adjustments and land divisions as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided details on the proposed amendments to the Zoning Ordinance related to Catering Facilities and Banquet Halls within certain zoning districts. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Mullins to consider this the first reading of an amendment to the City of Sturgis Zoning Ordinance Sections 1.0202, and 1.0406 through 1.0410 pertaining to Catering Facilities and Banquet Halls as presented.

Voting yea: Five

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: Good

MOTION CARRIED

DPS Supervisor Rick Miller provided details on the mowing bids for City sites. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Mullins to approve the bids for Mowing and Trimming Maintenance of City Owned Properties for 2020, 2021, and 2022 from First Impressions Lawn Care, Great Lakes Lawnscape, and Rickett's Lawn Service as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

Electric Department Superintendent John Griffith provided details on the bids for Cemetery tree maintenance. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the bid from Midwest Tree Service for tree maintenance in Oak Lawn Cemetery in the amount of seventeen thousand seven hundred and sixty-two dollars (\$17,762.00) as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

Electric Department Superintendent John Griffith provided details on engineering, design, project management, and inspection services for Sturgis electric system upgrades related to the Electric City solar project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the bid waiver for and contract with Power System Engineering to provide professional services for the Electric City Solar Project in the amount of fifty-three thousand five hundred dollars (\$53,500.00) as presented.

Voting yea: Six

Absent: Klinger, Littman, Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

The meeting was adjourned at 7:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

RESCHEDULED MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 25, 2020
ELECTRONIC/VIRTUAL

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

City Manager Michael Hughes provided some information on the reasons and format for the electronic/virtual meeting.

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Wickey

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Mayor Hile
Commissioners absent: Vice-Mayor Dvorak

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City Controller, Community Development Director, Public Safety Director, Deputy Police Chief, City Clerk

Steve Carra, provided his qualifications for State Representative.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the agenda as presented.

Voting yea: Eight

Absent: Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the Consent Agenda of March 25, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the March 11, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,786,347.22 as presented.

8C. Land Division Ordinance Amendment Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the City Code of Ordinances, Chapter 50 - Subdivisions and Other Divisions of Land and Appendix B, Fine Schedule effective April 17, 2020.

AMENDMENT TO ORDINANCE
PERTAINING TO LAND DIVISIONS

An Ordinance to amend Chapter 50 of the Ordinances of the City of Sturgis pertaining to Land Divisions and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to modify the Ordinance with respect to Land Divisions and associated fines.

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

Chapter 50 and Appendix B of the Ordinances of the City are hereby modified as follows, effective as of April 17, 2020:

CHAPTER 50 – SUBDIVISIONS AND OTHER DIVISIONS OF LAND

ARTICLE I. – IN GENERAL

Sec. 50-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Accessibility: The lot or parcel shall be accessible by means of having frontage on a public road, a private road or an easement, providing vehicular access to an existing public road or street.

Boundary line adjustment: Means a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel. Platted lots are not subject to this Ordinance. Platted Lots subject to potential division shall be processed in accordance with the City's Platted Lot Severance Ordinance, Sec. 50-266.

Land division official: Means the City of Sturgis Zoning Administrator or their designee.

Recipient: Means the person or entity that shall own the property subject to boundary line adjustment after the boundary line adjustment is made.

Sec. 50-4. - Jurisdiction, divisions, subdivisions, boundary line adjustments and severances.

This chapter shall apply to all divisions and subdivisions of unplatted land, severances of platted lots, and boundary line adjustments all as defined in this chapter, located within the limits of the city.

- (1) No land shall be subdivided within the city until:
 - a. The subdivider or its agent has submitted a preliminary plat to the city planning board;
 - b. The plat has obtained preliminary and final plat approval from the city;
 - c. The approved final plat is filed and recorded by the county clerk/register of deeds.
- (2) No unplatted land shall be divided within the city until:
 - a. An application for land division approval has been filed with the City Land Division Official pursuant to section 50-262; and
 - b. The application has been approved pursuant to 50-264 or 50-275.
- (3) No platted land shall be severed within the city until:
 - a. An application for the severance of the platted lot has been filed with the City Land Division Official pursuant to section 50-266; and
 - b. The application has been approved pursuant to section 50-267 or 50-275.
- (4) No boundary line adjustment shall be made within the city until:

- a. An application for the boundary line adjustment has been filed with the City Land Division Official pursuant to section 50-271; and
- b. The application has been approved pursuant to section 50-273 or 50-275.

ARTICLE VI. – LAND DIVISION APPROVAL

Sec. 50-261. – Prior approval requirement for unplatted land divisions.

Land in the city shall not be divided without the prior review and approval of the City Land Division Official in accordance with this chapter and the Land Division Act.

Sec. 50-262. – Application for unplatted land division approval.

An applicant shall file all of the following with the City Land Division Official, before making any division either by deed, land contract, or lease for more than one year:

- (1) A completed application form provided by the City Land Division Official.
- (2) Proof of fee ownership of the land proposed to be divided
- (3) A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.) by a land surveyor licensed by the state and showing the dimensions and legal descriptions of parcels proposed to be created by the division and resulting parcel(s), the location of all existing structures and other land improvements to proposed and existing property lines, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads. In lieu of such survey map, at the applicant's option, the applicant may waive the 45-day statutory requirement for a decision on the application until such survey map and legal description are filed with the city, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed division and resulting parcels, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application. The City Land Division Official, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions and resulting parcel(s), however, shall at all times be required.
- (4) Proof that all standards of the Land Division Act (MCL 560.101 et seq.) and this chapter have been met
- (5) The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997.
- (6) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.

- (7) If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- (8) All divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, floodplains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on site. Divisions created for the use of essential services are exempt from this requirement.
- (9) The fee may from time to time be established by resolution of the governing body of the city for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the Land Division Act (MCL 560.101 et seq.).

Sec 50-263. – Procedure for review and approval of unplatted land division.

- 1) Upon receipt of a land division application package, the City Land Division Official shall review the application package for approval. The City Land Division Official shall approve with reasonable conditions to assure compliance with applicable ordinances and the protections of public health, safety and general welfare, or disapprove the land division applied for, within 45 days after receipt of the application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial.
- 2) Any person or entity aggrieved by the decision of the City Land Division Official may, within 30 days of such decision appeal the decision to the zoning board of appeals of the city or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of such board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of such meeting and appellate hearing.
- 3) The City Land Division Official shall maintain an official record of all approved and accomplished land divisions or transfers.

Sec. 50-264. – Standards for approval of unplatted land divisions.

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

- (1) All the resulting parcels and parcels to be created by the proposed land division fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage, width, minimum road frontage, minimum lot (parcel) area, minimum lot (parcel) width to depth ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings and structures.
- (2) The proposed land division comply with all requirements of the Land Division Act (MCL 560.101 et seq.) and this chapter.
- (3) All parcels created and remaining must be accessible.

- (4) All parcels created and remaining must have existing adequate accessibility to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, major thoroughfare plan, road ordinance or this chapter. In determining adequacy of accessibility, any ordinance standards applicable to plats shall also apply as a minimum standard whenever a parcel or tract is proposed to be divided to create four or more parcels.
- (5) The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under this chapter and parcels added to contiguous parcels that result in all involved parcels complying with such ratio, unless a different ratio is required by the applicable zoning ordinance. The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The permissible minimum width shall be as defined in the zoning ordinance.
- (6) All parcels created by a land division shall comply with the minimum standards of the city zoning ordinance.
- (7) In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:
 - a. Where accessibility is to be provided by a proposed newly dedicated public road, proof that the city engineer, county road commission or state department of transportation has approved the proposed layout and construction design of the road and of utility easements and drainage facilities connected therewith.
 - b. Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement such accessibility shall comply with the following:
 1. Where such private road or easement extends more than 660 feet from a dedicated public road, or is serving or intended to serve more than one separate parcel, unit or ownership, it shall be not less than 66 feet in right-of-way width, 22 feet in improved roadbed width with at least two feet of improved shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. It shall further be improved with not less than six inches of a processed and stabilized gravel base over six inches of granular soil, have a grade of not more than nine percent, and if dead-ended, shall have a cul-de-sac with a radius of not less than 50 feet of improved roadbed for the accommodation of emergency, commercial and other vehicles.
 2. Where the private road or easement is 660 feet or less in length, and is serving or is intended to serve not more than four separate parcels, units or ownerships, it shall not be less than 40 feet in right-of-way width, 20 feet in improved roadbed width with at least two feet of improved shoulder width on each side, and adequate drainage ditches on both sides with necessary culverts to accommodate and contain surface waters from the road area. It shall further be improved with processed and stabilized gravel and granular soil, have a grade of not more than nine percent, and a cul-de-sac where dead ended as specified in subsection (7)b.1 of this section. If such private

road or easement is serving or is intended to serve more than four separate parcels, units or ownerships, the right-of-way and development standards set forth in subsection (7)b.1 of this section shall apply.

3. If accessibility is by a private road or easement, a document acceptable to the city shall be recorded with the county register of deeds and filed with the assessor or designee specifying the method of private financing of all maintenance, improvements, and snow removal, the apportionment of these costs among those benefitted, and the right of the city to assess such costs against those properties benefitted, plus a 25 percent administrative fee, and to perform such improvements in the event of a failure of those benefitted to privately perform these duties for the health, safety and general welfare of the area.
4. Any intersection between private and public roads shall contain a clear vision triangular area as per Appendix A-Zoning Section 1.1107 Corner Clearance in the Sturgis Code of Ordinances.
5. No private road or easement shall extend for more than 1,000 feet from a public road.
6. No private road shall serve more than 25 separate parcels.

Sec. 50-265 Prior approval requirement for platted lot severing in subdivision(s).

Platted Lots in the city shall not be severed without the prior review and approval of the City Land Division Official in accordance with this chapter and the Land Division Act.

Sec. 50-266 Application for platted lot severing or severance approval in subdivision(s).

An applicant shall file all of the following with the City Land Division Official, before making any severance to a platted lot either by deed, land contract, lease for more than one year, or for building development:

- (1) A completed application form on such form as may be provided by the City Land Division Official.
- (2) Proof of fee ownership of the land proposed to be severed.
- (3) A survey map of the lot proposed to be severed, prepared pursuant to the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.) by a land surveyor licensed by the state and showing the dimensions and legal descriptions of lots proposed to be created by the severance and resulting lot(s), the location of all existing structures and other land improvements to proposed and existing property lines, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads. In lieu of such survey map, at the applicant's option, the applicant may waive the 45-day statutory requirement for a decision on the application until such survey map and legal description are filed with the city, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed severance and resulting lot(s) and showing the boundary lines, dimensions, and the accessibility of each severance from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a

final application. The City Land Division Official, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed lot severance considering the size, simple nature of the severance, and the undeveloped character of the territory within which the proposed severances are located. An accurate legal description of all the proposed lot(s) and resulting lot(s), however, shall at all times be required.

- (4) Proof that all standards of the Land Division Act (MCL 560.101 et seq.) and this chapter have been met
- (5) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- (6) All severances and resulting lot(s) shall result in "buildable" lots containing sufficient "buildable" area outside of unbuildable wetlands, floodplains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on site. Divisions created for the use of essential services are exempt from this requirement.
- (7) The fee may from time to time be established by resolution of the governing body of the city for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the Land Division Act (MCL 560.101 et seq.).

Sec 50-267. – Procedure for review and approval of platted lot severing in subdivision(s).

- (1) Upon receipt of a platted lot severance application package, the City Land Division Official shall review the application package for approval. The City Land Division Official may approve with reasonable conditions to assure compliance with applicable ordinances and the protections of public health, safety and general welfare, or disapprove the land division applied for, within 45 days after receipt of the application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial
- (2) Any person or entity aggrieved by the decision of the City Land Division Official may, within 30 days of such decision appeal the decision to the zoning board of appeals of the city or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of such board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of such meeting and appellate hearing.
- (3) The City Land Division Official shall maintain an official record of all approved and accomplished platted lot severing.

Sec. 50-268. – Standards for approval of platted lot severance in subdivision(s).

The City Land Division Official may approve the partitioning or splitting of a previously platted lot in an approved and recorded subdivision or plat in the following circumstances:

- (1) No intent to create a separate buildable lot: When the application states that the sole purpose of the requested split is to add land to adjoining existing lots or parcels and not to create a separate buildable lot, the City Land Division Official may approve the application if the requested split will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this ordinance, or the provisions of such ordinance as may be in effect at the time of such application concerning minimum lot frontage, lot width, minimum lot area, and minimum setbacks.
- (2) Intent to create new buildable lot: In situations not within the scope of the subsection (1) above, the City Land Division Official may approve one or more splits of a lot upon determining that the following criteria are met:
 - a. All of the resulting lots comply with the applicable requirements of this Ordinance, such zoning ordinance as may be in effect at the time of said application with respect to minimum lot frontage, lot width, lot area, and setbacks, and all other applicable ordinances and the Land Division Act including the number, area and width limitations of Sections 186 and 263 of such Act; or that the resulting lots comply with the applicable requirements of a zoning variance granted as to a particular lot or group of lots by the City Zoning Board of Appeals. If approval of such a platted lot split is based on a variance granted by the City Zoning Board of Appeals, the Applicant shall indicate the date on which the variance was granted and the applicant shall attach a copy of the minutes to the application for platted lot split.
 - b. Variance/Zoning Board of Appeals: No variance that has been granted by the City Zoning Board of Appeals pursuant to the City Zoning Ordinance, in association with a proposed lot split such as a setback or lot width variance, shall be interpreted as an approval of a platted lot split application. Such approval is reserved to the City Land Division Official. If a land division application is intended to create a new buildable lot and such building envelope or proposed structure requires a variance, the applicant shall first go to the Zoning Board of Appeals for variance approval prior to making the platted lot split application.
 - c. Access to such lots complies with the zoning ordinance as may be in effect at the time of such application and any other applicable ordinance.
 - d. The resulting lots will each have access to public and/or private utility services.
 - e. The resulting lots shall be accessible.
 - f. The proposed split and likely development that will result will not cause an unreasonable alteration in the essential character of the area or otherwise be detrimental to any adjoining property.
 - g. The proposed division will not for any other reason be contrary to the public health, safety, or general welfare.

Sec. 50-269. – Prohibited Actions for unplatted land divisions and platted lot severance in subdivision(s).

The following actions are prohibited:

- (1) The division or severances of a parcel or lot without prior approval of the City's Land Division Official as required by this article.

- (2) The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot or parcel that was divided or severed without prior approval of the City's Land Division Official as required by this article.
- (3) The submission of any document for recording involving the division or severance of a lot or parcel without prior approval of such division or severance by the City's Land Division Official as required by this article.

Sec. 50-270 Prior approval requirement for boundary line adjustment.

Land in the city shall not have a boundary line adjustment without the prior review and approval of the City Land Division Official in accordance with this chapter and the Land Division Act.

Sec. 50-271 Application for boundary line adjustment approval.

An applicant shall file all of the following with the City Land Division Official, before making any boundary line adjustment either by deed, land contract, lease for more than one year, or for building development:

- (1) A completed application form on such form as may be provided by the City Land Division Official.
- (2) Proof of fee ownership of the land proposed to have a boundary line adjustment.
- (3) A survey map of the parcel proposed, prepared pursuant to the survey map requirements of Public Act No. 132 of 1970 (MCL 54.211 et seq.) by a land surveyor licensed by the state and showing the dimensions and legal descriptions of the parcels and resulting parcel(s) from the boundary line adjustment, the location of all existing structures and other land improvements to proposed and existing property lines, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads. In lieu of such survey map, at the applicant's option, the applicant may waive the 45-day statutory requirement for a decision on the application until such survey map and legal description are filed with the city, and submit a tentative preliminary parcel map drawn to scale of not less than that provided for on the application form including an accurate legal description of each proposed boundary line adjustment, and showing the boundary lines, dimensions, and the accessibility of each adjustment from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the locally designated official prior to a final application. The City Land Division Official, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed boundary line adjustment considering the size, simple nature of the adjustment, and the undeveloped character of the territory within which the proposed adjustments are located. An accurate legal description of all the proposed parcel(s) and resulting parcel(s), however, shall at all times be required.
- (4) Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- (5) All adjustments shall result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, floodplains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with all required setback

provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on site. Divisions created for the use of essential services are exempt from this requirement.

- (6) The fee may from time to time be established by resolution of the governing body of the city for land division reviews pursuant to this chapter to cover the costs of review of the application and administration of this chapter and the Land Division Act (MCL 560.101 et seq.).

Sec. 50-272. – Procedure for review and approval of boundary line adjustments.

- (1) Upon receipt of a boundary line adjustment application package, the City Land Division Official shall review the application package for approval. The City Land Division Official may approve with reasonable conditions to assure compliance with applicable ordinances and the protections of public health, safety and general welfare, or disapprove the boundary line adjustment applied for, within 45 days after receipt of the application package conforming to this chapter's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial.
- (2) Any person or entity aggrieved by the decision of the City Land Division Official may, within 30 days of such decision appeal the decision to the zoning board of appeals of the city or such other board or person designated by the governing body which shall consider and resolve such appeal by a majority vote of such board or by the designee at its next regular meeting or session affording sufficient time for a 20-day written notice to the applicant (and appellant where other than the applicant) of the time and date of such meeting and appellate hearing.
- (3) The City Land Division Official shall maintain an official record of all approved and accomplished boundary line adjustments.

Sec. 50-273. – Standards for approval of boundary line adjustments.

A proposed boundary line adjustment may be approved if the following criteria are met:

- (1) All the parcels with boundary line adjustments proposed must fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage, width, minimum road frontage, minimum lot (parcel) area, minimum lot (parcel) width to depth ratio, and maximum lot (parcel) coverage and minimum setbacks for existing buildings structures.
- (2) All parcels created by a boundary line adjustment shall comply with the minimum standards of the city zoning ordinance.

Sec. 50-274. – Prohibited Actions of boundary line adjustments.

The following actions are prohibited:

- (1) No property subject to a property line adjustment may be deeded or transferred without first complying with the application and approval provisions of this Ordinance and failure to do so shall be a violation of this Ordinance.
- (2) No resulting parcel (after a boundary line transfer), shall not be considered a buildable site unless the parcel conforms to the requirements of the Land Division Act and the City Zoning Ordinance.
- (3) The commencing of construction on, or the application for a building permit for such construction on, any portion of property subject to boundary line adjustment under this Ordinance, without having received zoning and/or building code approval from the City, shall be a violation of this Ordinance.
- (4) The submission of any document for recording involving a boundary line adjustment without prior approval of such boundary line adjustment in accordance with this Section shall be a violation of this Ordinance.

Sec. 50-275. – Approval of other land divisions.

Notwithstanding disqualification from approval pursuant to this chapter, a proposed land division, severance or boundary line adjustment which does not fully comply with the applicable lot yard, accessibility and area requirements of the applicable zoning ordinance or this chapter may be approved where the zoning board of appeals has granted a variance from the lot, yard, ratio, frontage and/or area requirements.

Sec. 50-276. - Noncompliance.

Any parcel created in noncompliance with this article shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on any assessment roll. In addition, violation of this article shall be an offense.

Sec. 50-277. - Effect of approval.

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

Sec. 50-278. – Penalty.

Unless provided otherwise by law or in this article, violations of this article are a municipal civil infraction.

APPENDIX B - FINE SCHEDULE FOR MUNICIPAL CIVIL INFRACTIONS

...

CHAPTER 50. SUBDIVISIONS AND OTHER DIVISIONS OF LAND.

Violation of the Land Division Ordinance \$250.00

8D. DDA Budget Amendment

APPROVE amendments to the DDA Fiscal Year 2019-2020 budget increasing revenue by eight thousand five hundred dollars (\$8,500.00) and expenditures by five thousand three hundred and thirty dollars (\$5,330.00) as presented.

Voting yea: Eight

Absent: Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the proposed PDD ordinance.
Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the second reading of and approve a preliminary site plan for PDD-3 and an amendment to the Zoning Ordinance section 1.0501 and adding section 1.0412.2 – PDD-3 planned development district effective April 17, 2020.

Voting yea: Eight

Absent: Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE **PERTAINING TO CREATION OF PDD-3**

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to creation of a Planned Development District and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the creation of a Planned Development District.

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

Appendix A-Zoning of the Ordinances of the City is hereby modified by adding a Planned Development District and provisions for signage and regulations as follows, effective as of April 17, 2020:

ARTICLE IV. DESCRIPTION OF DISTRICTS

1.0412.2. - PDD-3 Planned Development District 3.

- (A) Intent. The PDD-3 planned development district is established to create a planned development district that accommodates high density apartments in the central business district, provides for a wide range of compatible uses for non-apartment space, and is compatible with the look, feel, and pedestrian nature of the downtown area.
- (B) Permitted uses. The following uses are permitted in the PDD-3 district.
 - (1) Banks credit unions, or similar uses.
 - (2) Business schools.
 - (3) Clinic, dental or medical.

- (4) Fast food restaurant.
- (5) Full service eating and drinking establishment.
- (6) High density apartments.
- (7) Hotels and motels.
- (8) Institutional or public uses.
- (9) Laundry and dry cleaning.
- (10) Personal services.
- (11) Printing or publishing.
- (12) Professional service offices.
- (13) Social clubs.
- (14) Stores for retail sales and retail services.
- (15) Studio.
- (16) Essential services.
- (17) Uses similar to the above uses.
- (18) Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Special land uses. The following special land uses are permitted in the PDD-3 district under the conditions of article VI [of this zoning ordinance].

- (1) Child care centers and day care centers in accord with section 1.0602 and section 1.0603(M).
- (2) Murals.
- (3) Outdoor sale areas.
- (4) Sidewalk cafes.
- (5) Transportation services.

(C) Required conditions. The following conditions are required in the PDD-3 district.

- (1) Design review. Design review as provided for in article XIII of this zoning ordinance.
- (2) Demolition of buildings. Before a demolition permit is issued for a building located in the PDD-3 district, the building department shall refer the request to the downtown development authority which will review the request, hold a public hearing, and make recommendations to the property owner for alternate potential uses of the property or to proceed with demolition. If the property owner does not withdraw the request for a demolition permit within thirty (30) days after it is submitted, the building department shall proceed to analyze the request and issue appropriate permits based upon the building and zoning ordinance requirements.

- (3) Screening dumpsters. All areas of trash storage and disposal including dumpsters must be screened as provided under the B-C district provisions of section 1.1106.
- (4) Site plan review. Site plan review and approval must be obtained for all new construction in accordance with the provisions of article XII of this zoning ordinance.
- (5) Area and bulk requirements. See article V of this zoning ordinance, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
- (6) Compatibility with adjacent properties. The following conditions shall apply to permitted and special land uses in the PDD-3 district when those uses are adjacent to residential uses or residentially zoned property:
 - (a) Rear and sideline setbacks to buildings from residential property lines shall be forty-five (45) feet.
 - (b) Off street parking areas shall be screened on all sides that abut a residential property or residential zoning district by a solid fence that is maintenance free, stained, sealed or painted six (6) feet in height, or a solid planting strip fifteen (15) feet in width and six (6) feet in height at planting.
 - (c) All exterior lighting shall be directed along exterior building walls and away from residential property.

ARTICLE X. SIGNS

1.1013. - Signs in the PDD-3 Planned Development District 3.

- (A) Signage size, location and number. Buildings in PDD-3 are allowed signage for the Primary Occupant, Secondary Tenant spaces, and one (1) building ground sign.
 - (1) Primary Occupant signage. The total area for all permitted signs for the Primary Occupant shall not exceed ten (10) percent of the first floor main face area of the building.
 - i. The Primary Occupant is defined as the business or entity that occupies more than fifty (50) percent of the floor area of building.
 - ii. The main face of the building will be determined by the zoning administrator.
 - iii. The Primary Occupant shall have a total of no more than two (2) signs attached to the building, not including signs under subsection (A)(4) of this section.
 - (2) Secondary Tenant space signage. The total area for all permitted signs for a Secondary Tenant shall not exceed ten (10) percent of the first floor front face area of the tenant space.

- i. A Secondary Tenant is defined as any business that occupies less than fifty (50) percent of the floor area of the building and has a tenant space with a public, exterior access.
 - ii. A Secondary Tenant space shall have a total of no more than two (2) signs facing upon any one street or parking area, not including signs under subsection (A)(4) of this section.
 - iii. No sign for a Secondary Tenant space shall be placed above the first floor.
- (3) Building ground sign. Each parcel is permitted one freestanding ground sign. The freestanding ground sign shall not exceed six (6) feet in height and must be set back five (5) feet from all property lines. Corner clearances must be maintained as per section 1.1107.
 - i. If promoting only the Primary Occupant, the sign shall not exceed thirty-two (32) square feet in display area per sign face.
 - ii. If promoting the Primary Occupant and at least one Secondary Tenant, the total area of the sign shall not exceed sixty (60) square feet per sign face. The sign area allowed for the Primary Occupant shall not exceed thirty-two (32) square feet per sign face and the sign area for any Secondary Tenant cannot exceed one half the sign area per sign face of the Primary Occupant.
 - iii. Sign area within the ground sign is not counted as part of the total sign area calculation for the Primary Occupant or Secondary Tenant spaces.
- (4) Additional signage allowed. The following signs are allowed and are not counted as part of the total sign area calculation in subsection (A)(1) of this section.
 - i. An additional sign for each first floor tenant space may be placed on the rear of a building, if that tenant space has an entrance at the rear of the building used by the public. This sign cannot exceed fifty (50) percent of the allowable signage.
 - ii. Window signage equal to not more than ten percent of each individual window and up to a total of twenty-five (25) square feet per tenant is allowed.
 - iii. An additional sign relating to business open and hours may be provided for each first floor tenant space of a building. These signs must be window signs subject to the regulations of section 1.1006.
 - iv. For rent, lease or property for sale signs no larger than sixteen (16) square feet in area advertising the property on which they are located are permitted provided such signs are promptly removed upon rent, lease or sale of such property.

- (5) Where a sign extends more than three (3) inches from the face of the building, the sign shall not be closer than eight (8) feet to the ground.
 - (6) The maximum width of any sign attached parallel to a wall shall not exceed sixty (60) percent of the width of the wall.
- (B) Sign area computation shall include:
- (1) The total area of the lettering and display background where the sign background is separated from the building.
 - (2) The total area encompassed by an imaginary line which can be drawn around all the lettering or designs where the lettering or signs are affixed to the wall of a building and the wall constitutes the background.
- (C) Signage types.
- (1) Awning or Canopy sign. Where a building or tenant space has a canopy constructed as an integral part of the building, signs may be placed upon the canopy if parallel to the building face.
 - i. Awning and canopy signs can be internally lighted provided that only the letters and/or logo of the sign are illuminated and are designed with a translucent and not transparent material. Any other part of the awning must be made of an opaque material.
 - (2) Grand Projecting sign. Tall, large, vertically oriented signs which project from the building perpendicular to the façade and which are structurally integrated into the building.
 - i. Only allowed as a sign for the Primary Occupant.
 - ii. Grand Projecting signs shall be no taller than thirty (30) feet from the bottom-most part of the sign to the tallest part of the sign. Shall project no more than six (6) feet from the façade of the building. Shall be no less than twelve (12) feet from the bottom-most part of the sign to the ground. No portion of the sign shall extend above the roofline.
 - iii. No portion of the sign shall be located within four (4) feet of any window of a residential unit or hotel room.
 - iv. Grand Projecting signs shall be illuminated only by steady, shielded light sources directed solely at the sign or at the sign or internal to it. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares.
 - v. No portion of a Grand Projecting sign shall be placed above the third floor of a building.

- (3) Projecting sign. Signs which are affixed to the building and oriented perpendicularly to the building façade.
 - i. No Projecting sign shall exceed sixteen (16) square feet in size.
 - ii. Projecting signs shall project no more than four (4) feet from the façade of the building.
 - iii. No portion of the sign shall be located within four (4) feet of any window of a residential unit or hotel room.
 - iv. No Projecting sign shall be placed above the first floor.
- (4) Wall Sign. Signs located on and parallel to a building wall.
- (5) Window sign. Window signage should be applied to the window or mounted on the interior of the building using high quality materials and application methods such as paint or vinyl film, wood or metal panels with applied lettering, or neon signs conforming to the other provisions of this zoning code. Illuminated tube band signs, or neon surrounding an entire window is prohibited.
- (D) If the building or any tenant space of the building has been vacant for more than one (1) year the vacant space shall immediately have all signs removed and building walls and/or grounds left in good repair. Upon failure of any person to comply with the provisions of this section, the City may effectuate compliance through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the owner of the real estate upon which the building is located and any such cost shall be a lien upon such real estate.
- (E) Sign materials and lighting shall be harmonious with the buildings in the district and in conformity with design guidelines established by the downtown development authority, a copy of which is incorporated herein by reference and which is available in the office of the city clerk. The building department shall be responsible for determining if the sign design is in conformity with those design guidelines, subject to review by the planning board or its designated design review committee.
- (F) No flashing sign, rotating or moving sign, animated sign or sign with moving lights or creating the illusion of movement shall be permitted. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every fifteen (15) seconds.
- (G) Internal and external illumination on signage in PDD-3 is allowed as regulated for signs in the B-C central business district, section 1.1006 of this zoning ordinance.
- (H) Temporary signs in PDD-3 are allowed as regulated in the B-C central business district subject to section 1.1012 of this zoning ordinance.

The building department may request a review by the planning board design review committee where

a question may exist as to the application of this section.

Article V. - SCHEDULE OF REGULATIONS

1.0501. - Table-Schedule of Regulations.

Minimum Zoning Lot Size Per Unit (k)(l)			Maximum Height of Structure (k)(l)		Minimum Yard Setback (Per Lot In Feet) (k)(l)(n)(o)(p)			Percentage of Lot Area Covered (By All Buildings)
Zoning District	Area in Square Feet	Width In Feet	In Stories	In Feet	Front	Each Side	Rear	
PDD-3 Planned Development District	—	50	4	45	0	0(r)	0(r)	80

1.0502. - Schedule of Regulations.

(r) Off-street parking shall be permitted to occupy a portion of the required front, side and rear yards provided that there is maintained a minimum obstructed landscaped setback of 5 feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

Moved by Comm. Mullins and seconded by Comm. Klinger to consider this the second reading of and approve an amendment to the City of Sturgis Zoning Ordinance Sections 1.0202, and 1.0406 through 1.0410 pertaining to Catering Facilities and Banquet Halls effective April 17, 2020.

Voting yea: Seven

Absent: Vice-Mayor Dvorak

Voting nay: Good

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE PERTAINING TO CATERING FACILITIES AND BANQUET HALLS

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to designation of Catering Facility and Banquet Hall as permitted uses and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the designation of Catering Facility and Banquet Hall as permitted uses in various zones and to provide necessary definitions.

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

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of April 17, 2020:

1.0202 Specific terms.

For the purpose of this section the following definitions shall apply unless context clearly indicates or requires a different meaning.

...

Catering facility. An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. Food and meals maybe served on site if the catering facility is in combination with a banquet hall or full service eating and drinking establishment.

1.0406. - B-OS business office service.

(B) *Permitted uses.* The following uses are permitted in the B-OS district:

...

(14) Catering facility.

(15) Accessory structures and used customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with permitted use.

(C) *Special land uses.* The following special land uses are permitted in the B-OS district, under the conditions of Article VI of this zoning ordinance.

...

(6) Banquet hall.

1.0407. - B-C central business district.

(B) *Permitted uses.* The following uses are permitted in the B-C district:

...

(12) Catering facility in combination with a full service eating and drinking establishment.

(13) Accessory structures and used customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with permitted use.

1.0408. - B-H 1 business highway 1.

(B) *Permitted uses.* The following are permitted in the B-H 1 district:

...

- (22) Catering facility in combination with a full service eating and drinking establishment.
- (23) Accessory structures and used customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with permitted use.

1.0409. - B-H 2 business highway 2.

(B) *Permitted uses.* The following are permitted in the B-H 2 district:

...

- (28) Catering facility.
- (29) Accessory structures and used customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with permitted use.

1.0410. – M manufacturing.

(B) *Permitted uses.* The following uses are permitted in the M district:

...

- (15) Catering facility.
- (16) Accessory structures and used customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with permitted use.

(C) *Special land uses.* The following special land uses are permitted in the M district, under the conditions of Article VI of this zoning ordinance.

...

- (18) Banquet hall.

City Manager Michael Hughes provided details on the Resolution Regarding City of Sturgis Response Actions to COVID-19. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to adopt the Resolution Regarding City of Sturgis Response Actions to COVID-19 as presented.

Voting yea: Eight

Absent: Vice-Mayor Dvorak

Voting nay: None
MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided information on a proposed credit for enrollment in the Automatic Bill Payment program. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Automatic Bill Payment Enrollee Credit as presented.

Voting yea: Eight

Absent: Vice-Mayor Dvorak

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:02 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 8, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

Moved by Comm. Littman and seconded by Comm. Klinger to approve the City of Sturgis Electronic/Virtual Meetings Policy.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The Pledge of Allegiance was said by all present.

The Invocation was given by Mayor Hile

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Good, Mayor Hile
Commissioners absent: None

Also present: City Attorney, Assistant to the City Attorney, City Manager, Assistant City Manager, City Controller, Community Development Director, Public Safety Director, City Engineer, Wastewater Superintendent, Facilities Manager, Electric Department Superintendent, DPS Director, City Clerk

Mayor Hile read the letter of resignation for 3rd Precinct Commissioner/Vice-Mayor Mark Dvorak due to his relocation out of the precinct.

Moved by Comm. Mullins and seconded by Comm. Good to accept the resignation of Mark Dvorak with regret.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Clerk/Treasurer explained that the City Commission Procedural Policy explains that no Commissioner vacancies would be filled in the last six months of a term. Comm. Dvorak's term has six months and three weeks remaining. It was also explained that they can appoint a new Vice-Mayor at this meeting. Discussion followed

Moved by Comm. Good and seconded by Comm. Klinger to defer the replacement of a 3rd Precinct Commissioner to the upcoming November 2020 election.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Wickey and seconded by Comm. Klinger to appoint Comm. Good as Vice-Mayor to fill the term of former Comm. Dvorak.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve the agenda as presented and moving item 10D to the beginning of New Business.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Good to approve the Consent Agenda of April 8, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the March 25, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,446,616.92 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided details on the changes to the Utility Service Terms and Conditions. Discussion followed.

Moved by Comm. Good to postpone consideration of the Utility Service Terms and Conditions to a non-virtual meeting. There was no second.

Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve the Utility Service Terms and Conditions pending legal review as presented.

Voting yea: Littman, Mullins, Malone, Wickey, Hile

Voting nay: Good, Bir, Klinger

MOTION CARRIED

City Manager Michael Hughes provided an update on COVID-19 issues for the City. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve a waiver of utility late fees and extension of the Automatic Bill Payment Enrollee Credit through June 30, 2020 as presented.

Voting yea: Seven

Voting nay: Wickey

MOTION CARRIED

Facilities Manager Dan Root provided details on the bids for the City Hall roof replacement project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Littman to approve the bid from Van Doorn Roofing for the City Hall and Sturgis District Library roof repair in the amount of five hundred forty-nine thousand, five hundred and forty dollars (\$549,540.00) as presented.

Voting yea: Six

Voting nay: Mullins

Absent: Klinger

MOTION CARRIED

Moved by Comm. Wickey and seconded by Comm. Malone to approve a contingency budget of fifty-four thousand, nine hundred and fifty-four dollars (\$54,954) for the City Hall Roof Project as presented.

Voting yea: Six Voting nay: Mullins Absent: Klinger MOTION CARRIED

Facilities Manager Dan Root provided details on the bids for the Wastewater Treatment Plant control and sludge storage building roofs. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the bid from Versatile Roofing Systems, Inc. for the Wastewater Treatment Plant control and sludge storage building roofs in the amount of twenty-three thousand dollars (\$23,000.00) as presented.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Moved by Comm. Wickey and seconded by Comm. Malone to approve a contingency budget of three thousand dollars (\$3,000) for the Treatment Plant Roofing Projects as presented.

Voting yea: Six Voting nay: Bir Absent: Klinger MOTION CARRIED

Public Safety Director Geoff Smith that the City was offered an opportunity to trade in the 2016 Dodge Charger to Cops Gear of Columbia City, Indiana for \$6,000. This Charger was scheduled to be removed from service and would have been sold on Gov Deals via public auction. Due to the current pandemic, the sale would need to be delayed but Cops Gear expressed interest in a trade-in toward the up fitting currently being done on the new Durango. Equipment that can be reused will be transferred from the Charger to the Durango. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Littman to approve the sale of the 2016 Charger to Cops Gear of Columbia City, Indiana for six thousand dollars (\$6,000.00).

Voting yea: Eight Voting nay: None MOTION CARRIED

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 22, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

Moved by Comm. Littman and seconded by Comm. Klinger to approve the City of Sturgis Electronic/Virtual Meetings Policy.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The Pledge of Allegiance was said by all present.

The Invocation was given by Vice-Mayor Good

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: Bir

Also present: City Attorney, Assistant to the City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, City Engineer, City Clerk

Moved by Comm. Littman and seconded by Comm. Klinger to approve the agenda as presented.

Voting yea: Seven

Voting nay: None

Absent: Bir

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of April 22, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the April 8, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,194,446.16 as presented.

Voting yea: Seven

Voting nay: None

Absent: Bir

MOTION CARRIED

City Manager Michael Hughes provided information on COVID-19 related issues. Discussion followed.

Comm. Bir joined the meeting at 6:25 p.m.

City Engineer Barry Cox provided information on upcoming M-66 Traffic Signal Upgrades. Discussion followed.

Moved by Comm. Wickey and seconded by Comm. Good to approve the installation of a category 1 unpainted mast arm street signal with no street sign at the intersection of Nottawa and West Streets.

Voting yea: Wickey, Good

Voting nay: Littman, Malone, Mullins, Klinger, Hile

MOTION DEFEATED

City Engineer Barry Cox provided details on the agreement with MDOT for the reconstruction of Pleasant Ave. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to adopt the Resolution To Approve MDOT Contract #20-5077 and Designate Agents To Sign Contract Documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the Professional Services agreement with Fishbeck for construction engineering services in an amount not-to-exceed one hundred and sixty-five thousand, four hundred (\$165,400.00) dollars as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Klinger to approve a contingency budget for the Pleasant Avenue Reconstruction Project in the amount of sixty thousand (\$60,000.00) dollars as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to approve a budget amendment for Fund 201 expenditures for the Pleasant Avenue Reconstruction Project in the amount of one hundred ten thousand (\$110,000.00) dollars as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on a petition to improve the Nye Drain area south of Fawn River Road. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to approve the easements for the Nye Drain project as presented and authorize City Manager Michael Hughes to sign the easement documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to recess the City Commission meeting.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

President Hughes called the Sturgis Housing Development Corporation meeting to order at 7:32 p.m.

Assistant City Manager Andrew Kuk provided information on a purchase agreement with TWG Development and the SHDC for the property at 200 E. Chicago Rd. (Arkwright's). Discussion followed.

Moved by Dir. Hile and seconded by Dir. Good to approve the purchase agreement with TWG Sturgis, LP as presented and authorize President Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The S.H.D.C. meeting was adjourned at 7:38 p.m.

Moved by Comm. Littman and seconded by Comm. Bir to reconvene the City Commission meeting.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile appointed Comm. Malone to the Sturgis Area Ambulance Committee.

Moved by Comm. Mullins and seconded by Comm. Bir to go into Closed Session for discussion of Union Negotiations and Material Exempt from Discussion or Disclosure by State or Federal Statute.

Voting yea: Mullins, Bir, Wickey, Klinger, Malone, Littman, Good, Hile

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:00 p.m.

Meeting reconvened at 9:55 p.m.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 13, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Commissioner Mullins

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, Assistant to the City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, City Engineer, City Clerk

Mayor Hile read the following proclamation:

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 life-giving 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, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE BE IT RESOLVED, as Mayor of the City of Sturgis I do hereby proclaim April 24th 2020, as

In the City of Sturgis and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands,

AND FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Sturgis Schools Superintendent Art Ebert and several students provided information on the SHS Solar Power Research Team. Discussion followed. There was consensus to have City Staff work with the Team on the project.

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of May 13, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the April 22, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,250,353.11 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on COVID-19 related issues. City Clerk/Treasurer Kenneth Rhodes provided information on preparations related to possible utility disconnections. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Mullins to postpone Utility disconnections through June 26, 2020.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided details on zoning map issues in the Central Business District. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to consider this the first reading of an amendment to the Zoning Code, Article III pertaining to the zoning map as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the purchase agreement for the tax foreclosed home at 405 Wenzel Avenue. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to approve the agreement with the Sturgis Neighborhood Program for the purchase of 405 Wenzel Avenue in the amount of eight thousand five hundred seventy-one dollars and ninety-nine cents (\$8,571.99) as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on Abbott Nutrition water line easements. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the Utility Easement Agreement with Abbott Laboratories as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on Michigan's 2018 Lead and Copper Rule Revisions which hold water systems fiscally responsible to replace private property owner's galvanized or lead water services when the City replaces lead water service lines. The Pleasant Avenue Reconstruction project has six private water services which are galvanized and connected to a lead service line owned by the City. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the bid for the Pleasant Avenue Water Service Replacement project from Northern Construction Services, Corp. in the amount of thirty thousand two hundred dollars (\$30,200.00).

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser detailed the budget amendments for Fund 201, which has an increase of \$110,000.00 in expenditures and the closeout of Fund 262. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the budget amendments as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided information on vacancies on the Sturges-Young Center for the Arts Board. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to appoint Michelle Bir and Alex Scheske to the Sturges-Young Center for the Arts Board through May 2022.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:40 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 27, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor George Cleverley, Sturgis Church of Christ

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, Deputy Police Chief, Electric Department Superintendent, City Engineer, Community Development Director, Auditorium Director, DPS Director, City Clerk

Joe Verlin, Gabridge and Co., presented the audit report of the City's financial performance for the period ending September 30, 2019.

Moved by Comm. Littman and seconded by Comm. Bir to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of May 13, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the May 13, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,930,036.56 as presented.

8C. Rezoning of B-C Area Properties Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the Zoning Code, Article III pertaining to the zoning map as presented effective June 17th.

AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP

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

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain properties as set forth below.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:
Article III of the Zoning Ordinance is hereby modified as follows, effective as of June 17th, 2020.

Group 1: The properties in Group 1 are currently zoned Business Highway 2 (B-H 2). The property will be rezoned to Central Business District (B-C).

- 211 N. Nottawa (75-052-040-138-00)

Group 2: The properties in Group 2 are currently zoned Apartment (R-4). Properties will be rezoned to Central Business District (B-C).

- 201 N. Nottawa (75-052-040-139-00)
- 208 N. Maple (75-052-040-147-00)
- 206 N. Maple (75-052-040-148-00)
- 204 N. Maple (75-052-040-149-00)
- 202 E. West (75-052-040-150-00)
- 133 N. Nottawa (75-052-040-223-00)
- 107 N. Jefferson (75-052-040-311-00)
- 108 S. Clay (75-052-040-542-00)

Group 3: The properties in Group 3 are currently split zoned Apartment (R-4) and Central Business District (B-C). Properties will be rezoned to Central Business District (B-C).

- 116 N. Monroe (75-052-040-229-00)
- 117 S. Monroe (75-052-040-456-00)
- 130 N. Nottawa (75-052-040-544-00)
- 209 John (75-052-040-274-00)
- 300 John (75-052-040-543-00)
- 306 John (75-052-040-310-00)
- 307 W. Chicago (75-052-040-317-00)
- 300 W. Chicago (75-052-040-350-00)

Group 4: The property in Group 4 is currently zoned Planned Development District 2 (PDD-2). The property will be rezoned to Central Business District (B-C).

- 203 John (75-052-040-269-00)

8D. Commission Meeting Date Change

APPROVE the request to move the June 17, 2020 City Commission meeting to June 24, 2020.

8E. Uniform Bids

APPROVE the bid for uniform rental from Cintas in the amount of thirty thousand six hundred fifty-five dollars and fifty-six cents (\$30,655.56) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on COVID-19 related issues. He also provided details on the zoning ordinance related to sidewalk cafés on public property. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve a moratorium on section 1.0603(R) of the City of Sturgis Zoning Ordinance until October 1, 2020 and allow City staff to temporarily permit expanded outdoor seating on public property.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Comm. Wickey presented the following resolution:

Resolution: Open Sturgis

WHEREAS, the Sturgis City Commission does not agree with the measures the Governor has taken regarding the Corona virus pandemic. The City Commission believes it is time for Sturgis, its citizens, and its business owners to be allowed to open.

WHEREAS, as of May 26th in St. Joseph county (population of 62,000) there have only been 104 confirmed cases of Covid-19 and only 2 deaths. That is only a 1% death rate and beyond that, the CDC is now estimating that 35% of all cases are Asymptomatic making the actual death rate only .04%.

WHEREAS, we the Sturgis City Commission have great faith in the many business owners who have suffered a huge financial blow during the stay at home order. We believe that they will open safely. WHEREAS, we also believe our citizens need to be allowed to enjoy life with their civil liberties and constitutional rights intact. At this point in time, the Sturgis City Commission believes this to be a local issue.

WHEREAS, the City of Sturgis advocates to open safely by establishing the 'Open Michigan Safely' Phases of Transition plan provided by the Michigan Senate GOP.

NOW, THEREFORE, BE IT RESOLVED, that the Sturgis City Commission request the Governor of Michigan and the Michigan legislature to release the City of Sturgis, its citizens, and its businesses from any and all executive ordered restrictions; which will then allow Sturgis to open safely on its own by using the 'Open Michigan Safely' Phases of Transition plan.

The Commission discussed the resolution.

Comm. Klinger left the meeting.

Moved by Comm. Wickey and seconded by Comm. Good to adopt the Open Sturgis Resolution.

Voting yea: Littman, Wickey, Good

Voting nay: Bir, Malone, Mullins, Hile

Absent: Klinger

MOTION DEFEATED

Auditorium Director Sheila Bolda provided information on grant application for bathroom renovations. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to approve submission of a grant application to the Michigan Council for Arts and Cultural Affairs, Capital Improvement Grant Program for bathroom renovations as presented.

Voting yea: Seven

Voting nay: None

Absent: Klinger

MOTION CARRIED

DPS Director Rick Miller provided information on the bids received for a new tandem axle plow truck. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Wickey to approve the purchase of a tandem axle plow truck from Stoops Freightliner – Quality Trailer in the amount of two hundred and forty-seven thousand, nine hundred and fifty-six (\$247,956.00) dollars as presented.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Moved by Comm. Malone and seconded by Comm. Mullins to approve the sale of Unit 616-89 including front mount plow and salt spreader via public auction.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Electric Department Superintendent John Griffith provided information on electric transmission services agreement between the City and AEP. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve the Interconnection and Local Delivery Services Agreement with American Electric Power Service Corporation as presented with an effective date of June 1, 2020.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

City Engineer Barry Cox provided information on the bids and task orders for the East Jerolene Utility and Street Improvements project. City Manager Michael Hughes explained that there will be an internal loan for the water portion of the project needed in the future. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to award the contract for the E. Jerolene Utility & Street Improvements Project to Parish Excavating in the amount of one million, sixty thousand, four hundred eighty dollars (\$1,060,480.00) and authorize the City Manager to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Bir to a contingency budget of \$53,000.00 for the E. Jerolene Utility and Street Improvements Project.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Bir to approve Task Order 89a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the E. Jerolene Utility and Street Improvements project in the amount of one hundred sixty eight thousand dollars (\$168,000.00) as presented.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided information on the annual board and committee appointments. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to reappoint all board members requesting reappointment.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Mullins to appoint Ed Habedank to the Doyle and Recreation Advisory Board through May 2021.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 10, 2020
STURGES-YOUNG CENTER FOR THE ARTS

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Larry Matro, Trinity Lutheran Church

Commissioners present: Mullins, Bir, Klinger, Malone, Littman, Vice-Mayor Good, Mayor Hile
Commissioners absent: Wickey

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, Deputy Police Chief, Electric Department Superintendent, Facilities Manager, City Clerk

City Manager Michael Hughes provided updates on the COVID-19 situation. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of June 10, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the May 27, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$786,420.04 as presented.

8C. Annual PA95 Opt Out

APPROVE the recommendation to opt-out of Public Act 95 of 2013 for the 2020 – 2021 heating season.

8D. Set Millage Rate Public Hearing

SET a Public Hearing for Wednesday, June 24, 2020 at 6:00 p.m. for consideration of the 2020 City Operation millage rate and ADVERTISE the rate at 10.4623.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Assistant City Manager Andrew Kuk explained that a group has requested the use of Free Church Park for a Juneteenth event. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve the use of Free Church Park for the Juneteenth Event on June 19th as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Electric Department Superintendent John Griffith provided details on the MPPA Hedge Plan changes. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the Michigan Public Power Agency Member Power Supply Portfolio Risk Management Election Form selections as presented and authorize John Griffith to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Facilities Manager Dan Root provided details on the bids for lighting upgrades in the auditorium. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the bid of TPC Technologies for lighting materials in the amount of forty-six thousand, seven hundred and sixteen dollars and eighty-five cents (\$46,716.85) as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on this year's planned fireworks display. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to authorize Deputy Fire Chief Andrew Strudwick or his designated representative to complete all necessary permit reviews and sign all necessary documents for a community fireworks display.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to approve the closure of West Lafayette and temporary no parking on North Centerville as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Mayor Hile read the press release for the recent structure fire at 209 Maple Street.

Moved by Comm. Littman and seconded by Comm. Klinger to instruct City Staff to put together a commendation for Geoff Smith.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

The meeting was adjourned at 6:40 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 24, 2020
STURGES-YOUNG CENTER FOR THE ARTS

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Luke Eicher, Grace Christian Fellowship

Commissioners present: Mullins, Bir, Klinger, Malone, Littman, Vice-Mayor Good, Mayor Hile
Commissioners absent: Wickey

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, Electric Department Superintendent, Community Development Director, City Engineer, City Clerk

Mayor Hile presented Public Safety Director Geoffrey Smith with a commendation for saving the lives of a family from a structure fire.

Allen Balog provided his qualifications for 59th District State Representative.

Moved by Comm. Littman and seconded by Comm. Klinger to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of June 24, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 10, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,089,199.69 as presented.

8C. Vehicle Sale

APPROVE the sale of #602-06, a 2006 Ford F-250 via public auction.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Mayor Hile opened the Public Hearing on the 2020 property tax millage rates.

City Clerk/Treasurer Kenneth Rhodes explained that the operating millage rate was advertised at 10.4623, which is the same as last year. Discussion followed.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Good to set the 2020 operating millage tax rate at 10.4623 mils and set the Streets/Sidewalk Improvement Millage tax rate at 3.0 mils.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Mr. Rhodes also explained that there has been a request to delay the imposition of interest on property taxes through September 14, 2020. Discussion followed. The City Commission did not choose to approve this delay.

Community Development Director Will Prichard provided details on the amendments to the Property Maintenance Code. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Littman to approve the Property Maintenance Program Policy changes as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to consider this the first reading of an amendment to the City Code of Ordinances, Appendix B - Fine Schedule for Municipal Civil Infractions related to the Property Maintenance Program.

Voting yea: Six Voting nay: Mullins Absent: Wickey MOTION CARRIED

City Engineer Barry Cox provided information about the string lights that will be included as part of the Pleasant Avenue reconstruction project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Pleasant Avenue String Lighting Bulletin in the amount of forty nine thousand, six hundred, fifty-two dollars and 75 cents (\$49,652.75).

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

City Engineer Barry Cox provided information about the task order related to the rehabilitation of Vinewood Avenue and East Congress Street. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve Task Order #93 for preliminary design, final design, and bidding services on the Vinewood Avenue and E. Congress Street Project with Fleis and Vandenbrink Engineering, Inc. in the amount of forty-one thousand, seven hundred dollars (\$41,700.00) as presented.

Voting yea: Seven

Voting nay: None

Absent: Wickey

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the bids related to the interconnection between the solar farm and the City's system. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the bid of Kent Power, Inc. for electric infrastructure upgrades in the amount of one hundred and sixty-three thousand, four hundred and one dollars and thirty-seven cents (\$163,401.37) as presented.

Voting yea: Seven

Voting nay: None

Absent: Wickey

MOTION CARRIED

The meeting was adjourned at 7:40 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 8, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Larry Matro, Trinity Lutheran Church

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Deputy Police Chief, Electric Department Superintendent, Wastewater Superintendent, City Clerk

Moved by Comm. Littman and seconded by Comm. Bir to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Bir to approve the Consent Agenda of July 8, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 24, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,288,791.90 as presented.

8C. Fine Schedule Amendment for Property Maintenance Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the City Code of Ordinances, Appendix B - Fine Schedule for Municipal Civil Infractions related to the Property Maintenance Program.

**AMENDMENTS TO THE CITY CODE OF ORDINANCES FINE SCHEDULE
PERTAINING TO PROPERTY MAINTENANCE**

An ordinance to amend the City Code of Ordinances of the City of Sturgis, Appendix B – Fine Schedule, Chapter 14. – Buildings and Building Regulations, to add or amend fines related to the City's Property Maintenance Program.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to modify the City Code of Ordinances to provide for a Property Maintenance Program and fines associated with the enforcement of those ordinances;

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

Appendix B, Chapter 14 of the City Code of Ordinances is amended effective as of August 1, 2020.

APPENDIX B - FINE SCHEDULE FOR MUNICIPAL CIVIL INFRACTIONS

...

CHAPTER 14. - BUILDINGS AND BUILDING REGULATIONS

...

Property Maintenance

Refuse to permit inspection500.00

Maintained in good repair100.00

Rental of unit without compliance500.00

Unregistered Rental

First Offense100.00

Second Offense250.00

Third Offense500.00

Construction in compliance with building code250.00

...

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing related to a Commercial Rehabilitation Exemption Certificate Application for Tartan Real Estate Inc.

Assistant City Manager Andrew Kuk and Cathy Knapp provided information on the project.

Commission discussion followed.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Bir and seconded by Comm. Mullins to approve the Resolution Approving a Commercial Rehabilitation Exemption Certificate Application for Tartan Real Estate Inc. Located at 209 John Street for a period of ten (10) years.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Resolution Approving Commercial Rehabilitation Exemption Certificate Application for Tartan Real Estate Inc. Located at 209 John Street.

WHEREAS, the City of Sturgis legally established the Commercial Rehabilitation District Monday, November 25, 2019 after a public hearing held on Monday, November 25, 2019; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property previously exempt and currently in force under Public Act 210 of 2005 does not exceed 5% of the total taxable value of the City of Sturgis; and

WHEREAS, a public hearing was held on the application as provided by section 4(2) of Public Act 210 of 2005 on Wednesday, July 8, 2020; and

WHEREAS, the Tartan Real Estate Inc. is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for commercial property as defined in section 2(a) of Public Act 210 of 2005; and

WHEREAS, the applicant Tartan Real Estate Inc. has provided answers to all required questions under the application instructions to the City of Sturgis; and

WHEREAS, the City of Sturgis requires that rehabilitation of the facility shall be completed by

December 31, 2020; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur more than six months prior to the filing of the application for exemption; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and

WHEREAS, completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; 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(j) of Public Act 210 of 2005.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Sturgis

Be and hereby is granted a Commercial Rehabilitation
Exemption for the real property, excluding land, located in
Commercial Rehabilitation District at
209 John Street for a period of 10 years, beginning
December 31, 2020 and ending December
30, 2030 pursuant to the provisions of PA 210 of 2005, as amended.

Mayor Hile opened the Public Hearing related to an Industrial Facilities Exemption Certificate Application for Atlantic Corporation

Assistant City Manager Andrew Kuk and Cathy Knapp provided information on the project.

Commission discussion followed.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Bir to approve the Resolution Approving an Industrial Facilities Exemption Certificate Application for Atlantic Corporation of Wilmington, Inc. for a period of twelve (12) years.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

**Resolution Approving Industrial Facilities Exemption Certificate Application
for Atlantic Corporation of Wilmington, Inc.**

WHEREAS, Atlantic Corporation of Wilmington, 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 Atlantic Corporation of Wilmington, Inc., and **WHEREAS**, on January 24, 2018, the City Commission established the Industrial Development

District for the industrial property of Atlantic Corporation of Wilmington, 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, the aggregate SEV of real and personal property exempt from ad valorem taxes within the (governmental unit), after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and
WHEREAS, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and
WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.
NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Atlantic Corporation of Wilmington, Inc. for an “Industrial Facilities Exemption Certificate”.

Assistant City Manager explained that an event in Oaklawn Park for the Sturgis District Library Event on July 30th has been canceled.

Wastewater Superintendent Tom Sikorski provided information on PFAS testing near the Big Hill landfill. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the proposal from Fleis & Vandenbrink Engineering for residential well sampling in the amount of fifteen thousand, two hundred and seventy-eight dollars (\$15,278.00).

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Bir to approve increasing the transfer in the FY 2019-2020 Budget from the General Fund to the Wastewater Fund in the amount of twenty-two thousand dollars (\$22,000.00).

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided details on the changes to the Line Extension Policy. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to approve the Line Extension Policy as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Littman to appoint Lindsay Metzger to the Sturges-Young Center for the Arts Board through May 2023.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on new legislation related to a potential downtown social district. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Wickey to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Meeting recessed at 7:10 p.m.

Meeting reconvened at 7:55 p.m.

Moved by Comm. Good and seconded by Comm. Mullins to purchase a 7.3 acre parcel from Poindexter Properties south of Fawn River Road in the amount of \$99,509.00.

Voting yea: Six

Voting nay: Bir

Absent: Klinger

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve a budget amendment for the purchase a 7.3 acre parcel from Poindexter Properties south of Fawn River Road as presented.

Voting yea: Six

Voting nay: Bir

Absent: Klinger

MOTION CARRIED

The meeting was adjourned at 8:01 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 22, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Father Andrew Raczkowski, Holy Angels Church

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, Deputy Police Chief, Community Development Director, Wastewater Superintendent, City Clerk

Community Development Director Will Prichard and SNP Director Monica Smith provided an update on the Neighbor2Neighbor Paint Program. Discussion followed.

Community Development Director Will Prichard provided information on the rules related to the installation of a pool within City limits. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Bir to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Bir to approve the Consent Agenda of July 22, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 8, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,906,804.70 as presented.

8C. Sale of Vehicle

APPROVE the sale of unit 208-13, a 2013 Ford F250 Extended Cab pickup truck as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard and SNP Director Monica Smith provided information on a program between SNP, Sturgis Schools, and the ISD to facilitate the improvement of community neighborhoods through the new construction of high-quality, single-family homes on vacant lots located within the City of Sturgis. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the sale of 126 S. Maple St. to the Sturgis Neighborhood Program for one dollar (\$1.00) and covering closing costs in an amount not-to-exceed one thousand five hundred dollars (\$1,500.00) and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained the annual budget process.

Moved by Comm. Bir and seconded by Comm. Mullins to set a public hearing for consideration of the City's 2020-2021 budget during the Regular City Commission meeting at 6:00 p.m. on August 12, 2020.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on the bids received for a new electrical control building at the plant. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Malone to approve the bid from Brussee/Brady Inc. for the WWTP Chemical Control Electrical Room Addition in the amount of two hundred six thousand seven hundred dollars (\$206,700.00) and approve a 30% project contingency in the amount of sixty-two thousand and ten dollars (\$62,010.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided an update on the Moso Village development including the forbearance agreement, timeline for additional work, and completed and upcoming payments to the developer.

Commissioner Bir explained that he has heard from his constituents that City Hall should be open from 9am – 5pm, Monday through Friday. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to open City Hall to the public from 9am – 5pm, Monday through Friday beginning on August 24, 2020.

Voting yea: Seven

Voting nay: Littman

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Bir to go into Closed Session for discussion of the potential purchase of property, union negotiations, and conduct a periodic personnel evaluation at the request of an employee.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Meeting recessed at 7:55 p.m.

Meeting reconvened at 8:42 p.m.

Moved by Comm. Good and seconded Comm. Bir to approve the Glide Option For The Sale And Purchase Of Real Estate as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Wickey to amend the City Manager contract to increase the City Manager compensation by \$150.00 per month for the car allowance and \$1,000.00 per year in wages effective 7/18/2020.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 8:46 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 12, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Comm. Wickey.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, City Engineer, City Clerk

Comm. Klinger apologized for comments overheard at the previous Commission meeting.

Electric Department Superintendent John Griffith provided a report on the activity at the Hydro Plant. Scott Klabunde of Hydro Consulting and Maintenance Services (HCMS) provided details on the performance at the plant and possible upgrades that would improve electric generation. Discussion followed.

Moved by Comm. Littman and seconded by Comm. Bir to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of August 12, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 22, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,766,816.16 as presented.

8C. MML Worker's Compensation Board of Trustee's Election

APPROVE submittal of ballot for the Michigan Municipal League Worker's Compensation Board of Trustees as presented and AUTHORIZE the City Manager to sign all necessary documents.

8D. Census Signage

APPROVE placement of temporary signs related to the 2020 US Census in all City Parks and on all City Property through October 31st, 2020.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on a request from the ISD Great Start Collaborative for a free family concert in Oaklawn Park. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the requests for the Jim Gill Family Concert on August 20th, 2020 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on a DDA car cruise-in on August 21st.

Moved by Comm. Bir and seconded by Comm. Mullins to approve the requests for the DDA Summer Cruise-In and Eats as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk and SYCA Director Sheila Bolda provided information on an outdoor concert at the auditorium on August 22nd. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the request for Permanent Outdoor Service at the Sturges-Young Center for the Arts as presented and submit the Permission Application to the Michigan Liquor Control Commission.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for the 2020-2021 Fiscal Year Budget

City Manager Michael Hughes provided details on the budget.

The Commission thanked the City Staff for the work on the budget.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Good to adopt the 2020-2021 annual City of Sturgis Budget Summary and Appropriation Resolution and approve the City of Sturgis Fee Schedule as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of a Downtown Social District.

Assistant City Manager Andrew Kuk provided details on new legislation that allows for the creation of a Social District that would allow the consumption of alcohol in a certain area provided certain guidelines are met. The Commission discussed details of the district.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Bir to consider this the first reading of an amendment to the City Code of Ordinances, Part II, Chapter 38, Article V, Section 38-124 pertaining to consumption of alcoholic beverages in parks and public property as part of a Commons Area.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

DPS Supervisor Rick Miller provided details on the bids for new variable frequency drives for City wells. Discussion followed.

Moved by Comm. Good and seconded Comm. Bir by to approve the bid of Wood PLC for VFD equipment and materials in the amount of forty-one thousand, four hundred and thirty-two dollars and ninety-three cents (\$41,432.93) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the bid of Byler Electric for VFD installation in the amount of ten thousand, eight hundred and seventy dollars (\$10,870.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Public Safety Director Geoff Smith provided details on vehicles for the Police Department. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve a bid waiver for and the purchase of a 2020 Dodge Durango Police Pursuit Rated AWD V8 from John Jones Auto Group in the amount of thirty-three thousand, six hundred and sixty-eight dollars (\$33,668.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided details on the 2020 Crack Sealing Program. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to approve the bid for the 2020 Crack Sealing Program from Wolverine Sealcoating LLC in an amount not to exceed eighty-three thousand five hundred dollars (\$83,500.00) and authorize the City Manager to sign all necessary paperwork.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided details on traffic control orders near Congress Street and Vinewood Avenue. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to approve Traffic Control Orders #20-01 and #20-02 related to “No Parking” on E. Congress and Vinewood and Traffic Control Order #20-03 related to a stop sign at the E. Congress and Vinewood intersection as presented.

Voting yea: Seven

Voting nay: Mullins

MOTION CARRIED

City Manager Michael Hughes provided information on a new program with the State of Michigan for water assistance. Discussion followed.

There was consensus to continue to research the program.

City Manager Michael Hughes provided details on the parcels available to the City through tax foreclosure. Discussion followed.

There was consensus to not purchase any parcels available to the City through tax foreclosure at this time.

There was consensus to allow Waste Management to begin earlier in the day on their next collection day in August.

There was discussion regarding a return to in person meetings.

The meeting was adjourned at 9:33 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 26, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Comm. Wickey.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile
Commissioners absent: None

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

Electric Department Superintendent John Griffith and Chris Lund, Utility Financial Solutions, provided details of a 2020 Valuation of Solar report. The City Commission, School Superintendent Art Ebert and City Staff discussed aspects of the report.

There was consensus to continue researching the subject.

Joel Krontz explained that he has submitted a write in candidacy for Second precinct Commissioner.

Moved by Comm. Littman and seconded by Comm. Bir to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Bir to approve the Consent Agenda of August 26, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 12, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,071,652.53 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided additional details on the new legislation that allows for the creation of a Social District that would allow the consumption of alcohol in a certain area provided certain guidelines are met and changes to the proposed map. The Commission discussed details of the district and possible limitations to the map.

Matt Craven, resident of Burr Oak Township, expressed support for cannabis consumption downtown.

Moved by Comm. Mullins and seconded by Comm. Malone to adopt the Resolution Establishing a Social District and Commons Area in the City of Sturgis and Approving a Social District Plan with the amended map as presented.

Voting yea: Seven

Voting nay: Klinger

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Malone to consider this the second reading of and approve an amendment to the City Code of Ordinances, Part II, Chapter 38, Article V, Section 38-124 pertaining to consumption of alcoholic beverages in parks and public property as part of a Commons Area effective September 16th, 2020.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

AMENDMENT TO THE ORDINANCES OF THE CITY OF STURGIS ALLOWING SOCIAL DISTRICTS IN PARKS AND PUBLIC PROPERTY

An ordinance to amend Chapter 38, Article V, of the Ordinances of the City of Sturgis regarding the prohibition of alcoholic beverages in parks and on public property to allow for Social Districts and Commons Areas consistent with Public Act 124 of 2020 (MCL Section 436.1551).

WHEREAS, Public Act 124 of 2020 establishes Section 436.1551, which authorizes the issuance of Social District Permits for the sale of alcohol by the MLCC, under which the governing body of a local governmental unit may designate a Social District within its jurisdiction and establish Commons Areas; and

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the current prohibition against the consumption of alcoholic beverages in parks and on public property to allow for the establishment of Social Districts and associated Commons Areas by the Sturgis City Commission.

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

Part II – Chapter 38, Article V, Sec. 38-124 is hereby amended as follows, effective as of September 16th, 2020:

Sec. 38-124. - Consumption of alcoholic beverages prohibited in parks and on public property.

No person shall consume any alcoholic liquor, beer, wine or spirits in any park, upon any sidewalk or public highway, or in any place of amusement not licensed by the state to furnish alcoholic liquor, beer or wine for consumption on the premises, nor shall any person consume any alcoholic liquor, beer, wine or spirits in or upon any lands owned by the city or by any other public or semipublic corporation or entity, except as such consumption of alcoholic beverages may be specifically allowed by the city commission in conjunction with an application made to the state for a permit or license to serve alcoholic beverages. This provision does not apply to the legal consumption of alcoholic liquor, beer, wine or spirits in a Commons Area of a Social District established by the Sturgis City Commission in compliance with MCL Section 436.1551.

City Manager Michael Hughes provided an update on the State's new Water Assistance Program. Discussion followed.

City Controller Holly Keyser and Chris Lund, Utility Financial Solutions, provided details of the proposed 2020-21 electric rates. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the electric rates for billings beginning on October 1, 2020 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to go into Closed Session to consider the dismissal, suspension, or disciplining of an employee at the request of the employee and purchase of property.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:10 p.m.

Meeting reconvened at 9:33 p.m.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Resignation and Separation Agreement with Public Safety Director Geoff Smith and authorize City Manager Michael Hughes to sign the agreement as presented subject to attorney final review.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 9:36 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 9, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Scott Miller, Youth For Christ

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Deputy Police Chief, DPS Director, Parks and Cemetery Superintendent, City Clerk

Moved by Comm. Littman and seconded by Comm. Mullins to approve the agenda as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of September 9, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 26, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,336,763.37 as presented.

8C. Sale of Vehicle 3136-17 – 2017 Dodge Charger

APPROVE the sale of vehicle 3136-17, a 2017 Dodge Charger, as presented.

8D. “Summer’s End” DDA Car Cruise-In Request

APPROVE the requests for the 2020 Summers End Car Cruise-In for Friday, September 18th, 2020.

8E. PA 425 Property Transfer Request – Lifecare Ambulance

ADOPT the Resolution to Transfer of Property from Sturgis Township to City of Sturgis pertaining to Sturgis Township Parcel Numbers 75-015-002-052-00 and 75-015-002-052-01.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

There was discussion regarding the proposed cemetery rates.

Moved by Comm. Mullins and seconded by Comm. Good to approve the Cemetery Rates for Fiscal Year 2021 and Fiscal Year 2022 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

There was discussion regarding the development of new lots in Oak Lawn Cemetery.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the development of section RR in Oak Lawn Cemetery as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided on the permit requests for the recently approved social district. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to recommend the application from Wings of Sturgis, LLC (DBA Wings Etc.) for a Social District Permit for consideration for approval by the Michigan Liquor Control Commission for their location at 111 W. Chicago Rd.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Comm. Malone left the meeting

Moved by Comm. Klinger and seconded by Comm. Mullins to recommend the application from the City of Sturgis (DBA Sturges-Young Civic Auditorium) for a Social District Permit for consideration for approval by the Michigan Liquor Control Commission for their location at 201 N. Nottawa St.

Voting yea: Seven

Voting nay: None

Absent: Malone

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes explained that Gabe Alvez, Ed Dinsmore, and Steve Shevick have applied to the vacancy on the Planning Commission. Vice-Mayor Good explained that all three applicants are well qualified. Comm. Wickey nominated Gabe Alvez.

Moved by Comm. Wickey and seconded by Comm. Klinger to appoint Gabe Alvez to the Planning Commission through May 2023.

Voting yea: Seven

Voting nay: None

Absent: Malone

MOTION CARRIED

City Manager Michael Hughes explained that he has been in contact with a resident and the USDA regarding an issue with turkey vultures roosting on his property and a possible solution to their presence.

The City Commission had consensus for the City to work with the USDA for a solution to this issue.

Moved by Comm. Littman and seconded by Comm. Wickey to go into Closed Session for discussion of union negotiations.

Voting yea: Seven

Voting nay: None

Absent: Malone

MOTION CARRIED

Meeting recessed at 7:16 p.m.

Meeting reconvened at 7:30 p.m.

Moved by Comm. Good and seconded by Comm. Klinger to approve the CBA Settlement Agreement between the City of Sturgis and POLC as presented and authorize the City Manager to sign all necessary documents.

Voting yea: Seven

Voting nay: None

Absent: Malone

MOTION CARRIED

The meeting was adjourned at 7:33 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, SEPTEMBER 23, 2020
ELECTRONIC/VIRTUAL

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Mayor Hile

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile

Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Acting Public Safety Director, Electric Department Superintendent, Community Development Director, City Clerk

Moved by Comm. Littman and seconded by Comm. Klinger to approve the agenda as presented with the addition of medical marihuana and a first responder hazard pay grant.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Wickey to approve the Consent Agenda of September 23, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 9, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,183,717.52 as presented.

8B. DDA Car Cruis-In

APPROVE the requests for the 2020 October Car Cruise-In for Friday, October 9th, 2020.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk explained that the Sturgis Civic Players have submitted a request for an event "Spook – N – Follies"; this is a community variety show with a Halloween theme scheduled for either October 24th or 31st at Oaklawn Park from 5:00 pm to 7:00 pm. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the requests of the Sturgis Civic Players for their variety show event as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided details on documents related to developer owned generation or Distributed Energy Resources (DER). Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to approve the Distributed Energy Resources (DER) documents as presented pending legal review.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith provided details on contracts related to tree management services, line clearance for the Electric Department, and public tree maintenance for the City parks, cemeteries, and terrace areas. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Littman to approve the Plant Growth Management Systems Management Services Proposal for 2021 with an annual total service budget not-to-exceed one hundred and four thousand dollars (\$104,000.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Littman to approve the first one year extension for Line Clearance with TreeCore, LLC with an annual total service budget not-to-exceed two hundred and twenty thousand dollars (\$220,000.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Littman to approve the public tree maintenance proposal from Asplundh Tree Expert Company with an annual total service budget not-to-exceed one hundred and ten thousand dollars (\$110,000.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the rehabilitation of a runway if a FAA grant is approved. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve a construction contract with Michigan Paving and Material for the rehabilitation of Runway 1-19 in the amount of three million, five hundred and forty thousand, five hundred and five dollars and eighty-five cents (\$3,540,505.85) and authorize City Manager Michael Hughes to sign contingent upon award of a FAA discretionary grant for the project and issuance of associated grant contracts.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve a contract with Mead & Hunt for construction-phase engineering services in the amount of two hundred and thirty-three thousand, eight hundred and fifty dollars (\$233,850.00) and authorize City Manager Michael Hughes to sign contingent upon award of a FAA discretionary grant for the project and issuance of associated grant contracts.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve and authorize City Manager Michael Hughes to sign all necessary documents for acceptance of grant funding for the rehabilitation of Runway 1-19, Project Number I-26-0092-2020 from the Michigan Department of Transportation Aeronautics and/or the Federal Aviation Administration.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided information on the workload of the Administrative Services Department and the need to add a position. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Littman to approve a budget amendment of sixty-thousand (\$60,000.00) in the General Fund for the Administrative Services Specialist position as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser provided details on the necessary budget amendments for the current fiscal year. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the budget amendments for fiscal year 2019-2020 as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on a possible extension for the medical marihuana permits. Discussion followed.

The City Commission had consensus to allow the City Manager approve an additional six month extension for medical marihuana applicants that on September 23, 2020 have both a permit from the City and an approved building permit.

City Manager Michael Hughes provided information on the hazard pay grant

Moved by Comm. Good and seconded by Comm. Mullins to approve and accept a grant to pay hazard pay in an amount not to exceed \$1,000 each for eligible first responder employees consistent with the grant requirements.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to go into Closed Session for discussion of the purchase of property and pending litigation-Hamilton-Crites arbitration case.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:07 p.m.

Meeting reconvened at 9:07 p.m.

The meeting was adjourned at 9:09 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 14, 2020
STURGES-YOUNG CENTER FOR THE ARTS

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Luke Eicher, Grace Christian Fellowship

Commissioners present: Mullins, Bir, Wickey, Malone, Littman, Vice-Mayor Good, Mayor Hile
Commissioners absent: Klinger

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, Public Safety Director, City Engineer, DPS Director, Parks and Cemetery Supervisor, Doyle and Recreation Director, Electric Department Superintendent, City Clerk

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of October 14, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 14, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$ 3,664,391.07 as presented.

8C. MML Liability and Property Pool Board of Directors Election

APPROVE submittal of ballot for the Michigan Municipal League Liability Property Pool Board of Directors as presented and AUTHORIZE the City Manager to sign all necessary documents.

8D. Set Public Hearing for 2019 N. Lakeview Sidewalk Special Assessments

SET Public Hearings of Assessment for the 2019 New Sidewalk and 2019 Sidewalk Repair Assessment Districts on the N. Lakeview Avenue for the November 11, 2020 City Commission meeting.

8E. MDOT Consent to Grade N. Nottawa St. & West St.

APPROVE/DENY the Michigan Department of Transportation's good faith written offer of three hundred dollars (\$300.00) as just compensation for the Consent to Grade request at the property described and AUTHORIZE the City Manager to sign all necessary documents on behalf of the City.

Voting yea: Seven Voting nay: None Absent: Klinger MOTION CARRIED

Comm. Klinger joined the meeting.

City Controller Holly Keyser provided information on the annual adoption of a resolution related to PA 152 for government employee medical benefits. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to adopt the Resolution to Control 2021 Municipal Health Care Costs as amended, changing the required number of Doyle Center visits from 24 to 12.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

DPS Director Rick Miller provided details on the updated park rules. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Mullins to approve the Park Rules as presented with a clarification of Rule 11.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

City Engineer Barry Cox provided information on the bids related to Ward 3 Storm Sewer Cleaning and Televising. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Ward 3 Storm Sewer Cleaning and Televising 2020 Contract with Clean Earth Environmental Services in the amount of one hundred sixty-two thousand, two hundred ninety-five dollars and fifty cents (\$162,295.50) and authorize the City Manager to sign all necessary documents.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve a ten percent contingency for the Ward 3 Storm Sewer Cleaning and Televising 2020 Contract with Clean Earth Environmental Services in the amount of sixteen thousand, two hundred thirty dollars (\$16,230.00).

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Doyle and Recreation Director Mike Liston provided information on the recommendation to delay the increase in membership rates. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve postponing the Doyle Center Membership Rate Increase scheduled for October 1, 2020 until October 1, 2021 as presented.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

DPS Director Rick Miller provided information on the purchase of new backhoes. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the purchase of one John Deere Backhoe Model 310L in the amount of ninety-five thousand and ninety-seven dollars (\$95,097.00) from AIS Construction Equipment as presented.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the purchase of one John Deere Backhoe Model 310SL in the amount of one hundred eight thousand two hundred and twenty five dollars (\$108,225.00) as presented.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Klinger to approve disposal of the Cemetery & Parks Department current backhoe #149-05 a 2004 John Deere 310SG via public auction or trade allowance in an amount not less than twenty thousand dollars (\$20,000.00).

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Littman to approve disposal of the Department of Public Services current backhoe #636-16 a 2016 JCB 3CX 15 Super via public auction or trade allowance in an amount not less than forty-five thousand dollars (\$45,000.00).

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

DPS Director Rick Miller provided information on the City's cross-connection program. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Wickey to approve a one year contract extension with HydroCorp for Cross Connection Control services in the amount of twenty thousand, seven hundred and eighty-four dollars (\$20,784.00).

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

Electric Department Superintendent John Griffith provided information on the Electric Tariff Sheets. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the Electric Tariff Sheets as presented.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided information on the duties and wages of Election Inspectors. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve a wage increase for Election Inspectors from \$10.00 to \$11.50 per hour and chairperson from \$11.50 to \$13.00 per hour.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

There was discussion regarding the prohibition of Ohio State Football signs on Michigan Ave. No action was taken.

The meeting was adjourned at 8:12 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 28, 2020
STURGES-YOUNG CENTER FOR THE ARTS

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

Assistant City Manager Andrew Kuk provided information on the City of Sturgis Electronic/Virtual Meetings Policy.

The Pledge of Allegiance was said by all present.

The Invocation was given by Comm. Mullins

Commissioners present: Mullins, Bir, Malone, Littman, Vice-Mayor Good, Mayor Hile
Commissioners absent: Klinger, Wickey

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, Facilities Manager, City Clerk

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Six Voting nay: None Absent: Klinger, Wickey MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to approve the Consent Agenda of October 28, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 14, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,897,540.58 as presented.

8C. Airport Hangar Land Lease

TERMINATE the land lease with R11 and APPROVE a land lease with D8, LLC as presented.

Voting yea: Six Voting nay: None Absent: Klinger, Wickey MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the changes to the Electronic / Virtual Meetings Policy due to changes in legislation. Discussion followed.

Comm. Klinger joined the meeting.

Moved by Comm. Good and seconded by Comm. Bir to approve the amendment to the Electronic / Virtual Meetings Policy as presented.

Voting yea: Six Voting nay: Littman Absent: Wickey MOTION CARRIED

City Manager Michael Hughes provided information on a proposed Nye Drain Agreement between the City of Sturgis and the St. Joseph County Drain Commissioner related to flooding at the white elephant area on Fawn River Road. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Nye Drain Agreement with the St. Joseph County Drain Commissioner on behalf of the Nye Drain Drainage District as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Facilities Manager Dan Root provided information on Building Automation Systems in general and the upgrades to Doyle HVAC system. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Malone to approve a bid waiver for and the purchase of a Building Automation System from Havel in the amount of thirty thousand six hundred and six dollars (\$30,606.00) as presented.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to recess the October 28th Regular Meeting.

Voting yea: Seven Voting nay: None Absent: Wickey MOTION CARRIED

President Michael Hughes called the Sturgis Housing Development Corporation meeting to order.

Assistant City Manager Andrew Kuk provided an update on the status of the Monroe Street Lofts development project. Discussion followed.

Moved by Dir. Hile and seconded by Dir. Klinger to approve the addendum to the purchase agreement with TWG Sturgis, LP as presented and authorize President Michael Hughes to sign all necessary documents.

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

President Michael Hughes adjourned the Sturgis Housing Development Corporation meeting.

Mayor Robert Hile reconvened the Sturgis City Commission meeting.

Moved by Comm. Good and seconded by Comm. Littman to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Seven

Voting nay: None

Absent: Wickey

MOTION CARRIED

Meeting recessed at 7:12 p.m.

Meeting reconvened at 7:19 p.m.

Moved by Comm. Mullins and seconded by Comm. Malone to approve an addendum to the purchase agreement with Ricardo Gomez Corea to reacquire Subdivision II lots 29, 30, and 31 as presented.

Voting yea: Seven

Voting nay: None

Absent: Wickey

MOTION CARRIED

The meeting was adjourned at 7:20 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**ORGANIZATIONAL MEETING
STURGIS CITY COMMISSION
MONDAY, NOVEMBER 9, 2020
STURGES-YOUNG CENTER FOR THE ARTS**

City Clerk/Treasurer Kenneth Rhodes called the meeting to order at 8:00 p.m.

Commissioners present: Mullins, Bir, Klinger, Wickey, Malone, Smith, Hile, Good
Commissioners absent: Littman

Also present: City Manager, Assistant to the City Attorney, Assistant City Manager, City Controller, City Clerk

City Clerk/Treasurer Kenneth Rhodes provided a summary of the November 9th General Election results. Discussion followed.

City Clerk/Treasurer Kenneth Rhodes administered the Oath of Office to Comm. Bir, 1st Precinct, Comm. Klinger, 2nd Precinct, Comm. Smith, 3rd Precinct, Comm. Hile, 4th Precinct, and Comm. Good, At-Large Commissioner.

The City Clerk asked for nominations for the Office of Mayor.

Comm. Bir nominated Comm. Mullins.
Comm. Wickey nominated Comm. Hile.

Moved by Comm. Klinger and seconded by Comm. Smith to close the nominations for the Office of Mayor.

Voting Yea : Eight Voting Nay : None Absent: Littman MOTION CARRIED

Voting for Comm. Hile: Wickey, Malone, Smith, Hile
Voting for Comm. Mullins: Mullins, Bir, Klinger, Good

Discussion followed.

Another roll call vote was taken

Voting for Comm. Hile: Wickey, Malone, Smith, Hile
Voting for Comm. Mullins: Mullins, Bir, Klinger, Good

Discussion followed.

Comm. Littman joined the meeting.

Voting for Comm. Hile: Wickey, Malone, Smith, Littman, Hile
Voting for Comm. Mullins: Mullins, Bir, Klinger, Good

Comm. Hile was seated as the Mayor of the City of Sturgis.

Mayor Hile asked for nominations for the Office of Vice-Mayor.

Comm. Malone nominated Comm. Mullins.

Moved by Comm. Good and seconded by Comm. Klinger to close the nominations for the Office of Vice-Mayor and cast a unanimous ballot Comm. Mullins.

Voting Yea : Nine

Voting Nay : None

MOTION CARRIED

Comm. Mullins was seated as the Vice-Mayor of the City of Sturgis.

Mayor Hile made the Commissioner appointments to City Boards and Commissions.

City Clerk/Treasurer Kenneth Rhodes provided information on the City Commission Procedural Policy which has no changes, the Resolution of Authorized Depositories, and the City's Investment Policy.

Moved by Comm. Good and seconded by Comm. Hile to adopt the City Commission Procedural Policy, the Resolution of Authorized Depositories, and the City's Investment Policy as presented.

Voting Yea: Nine

Voting Nay: None

MOTION CARRIED

RESOLUTION OF AUTHORIZED DEPOSITORIES

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

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

NOW, THEREFORE, BE IT RESOLVED, that said Clerk/Treasurer Kenneth D. Rhodes, is hereby directed to deposit all public monies including tax monies coming into his hands as Clerk/Treasurer, in the following banks:

Century Bank & Trust - Sturgis, Michigan
Farmers State Bank – Sturgis, Michigan
First Merit Bank - Sturgis, Michigan
Huntington Bank - Sturgis, Michigan
Key Bank - Sturgis, Michigan
Southern Michigan Bank & Trust, Coldwater, Michigan
Sturgis Bank & Trust Co. FSB - Sturgis, Michigan

BE IT FURTHER RESOLVED, that the City Controller and the City Accounting Manager be appointed as Deputies to the Clerk/Treasurer for the purposes of managing all accounts in the aforementioned banks and that the Auditorium Director and Auditorium Events Coordinator be appointed as Deputies to the Clerk/Treasurer for the purposes of managing the Sturges-Young Auditorium Account.

Moved by Comm. Good and seconded by Comm Hile to recess the organizational meeting.

Voting Yea : Nine

Voting Nay : None

MOTION CARRIED

The meeting was recessed at 8:24 p.m.

City Manager Michael Hughes called the Sturgis Housing Development Corporation Board of Directors Annual Meeting to order 8:24 p.m.

Mr. Hughes provided information on the Consent Resolution of Shareholders.

Moved by Dir. Good and seconded by Dir. Hile to adopt the Consent Resolution of Shareholders as presented.

Voting Yea : Ten

Voting Nay : None

MOTION CARRIED

CONSENT IN LIEU OF SPECIAL MEETING

OF SHAREHOLDERS OF STURGIS HOUSING DEVELOPMENT CORP.

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

1. The following persons are elected to serve as the directors of the Corporation until the next annual meeting of shareholders (or written consent in lieu of such a meeting), or until their successors are duly elected and qualified, or until their resignation or removal:

Richard Bir
Marvin Smith
Jon Good
Robert Hile
Travis Klinger
Karl Littman
Suzanne Malone
Jeff Mullins
Justin Wickey
Michael Hughes

2. The shareholders received a report from City Staff on significant developments, major corporate transactions, certain related party transactions, and the operations and financial results of the Corporation for the preceding fiscal year. All actions of the Corporation's officers, directors and agents on behalf of the Corporation since the last annual meeting of shareholders (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 shareholders.

Mr. Hughes adjourned the SHDC meeting at 8:30 p.m.

The City of Sturgis Organizational meeting reconvened at 8:30 p.m.

The meeting was adjourned at 8:35 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 11, 2020
STURGES-YOUNG CENTER FOR THE ARTS

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor George Cleverley, Church of Christ

Commissioners present: Klinger, Wickey via Zoom, Smith, Littman, Good, Vice-Mayor Mullins, Mayor Hile

Commissioners absent: Bir, Malone

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, Public Safety Director, Deputy Public Safety Director, Wastewater Superintendent, City Engineer, City Controller, City Clerk

City Clerk/Treasurer Kenneth Rhodes administered the Oath of Office to Andrew Strudwick, Deputy Director of Public Safety and Ryan Banaszak, Director of Public Safety.

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of November 11, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 28, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,095,620.60 as presented.

8C. Set Public Hearing for Pleasant Ave Sidewalk Special Assessments

SET a Public Hearing of Assessment for the Pleasant Avenue Sidewalk Repair Assessment District #2020-01 for the December 21, 2020 City Commission meeting.

8D. Fawn River Township PA 425 Agreement #4 Transfers

ADOPT the Resolution for Transfer of Property from Fawn River Township (Agreement #4) for 68609 Lakeview Road as presented.

ADOPT the Resolution for Transfer of Properties from Fawn River Township (Agreement #4) for vacant parcels on Arthur Street as presented.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Mayor Hile opened the Public Hearing on Special Assessment Roll #2019-01.

City Engineer Barry Cox provided details on the sidewalk improvements. Discussion followed with the City Commission.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Klinger to approve Special Assessment Roll #2019-01 as presented.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Littman to approve the spread of Special Assessment Roll #2019-01 by the City Clerk and set the interest rate of sidewalk assessments at five percent over a five-year period.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Mayor Hile opened the Public Hearing on Special Assessment Roll #2019-02.

City Engineer Barry Cox provided details on the sidewalk improvements. Discussion followed with the City Commission.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Good to approve Special Assessment Roll #2019-02 as presented.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to approve the spread of Special Assessment Roll #2019-02 by the City Clerk and set the interest rate of sidewalk assessments at five percent over a five-year period.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

City Manager Michael Hughes provided details on a proposed Traffic Control Order (TCO) for placement of additional signs for the City's North/South M-66 alternative truck route. He explained that years ago, the City designated an alternate truck route for M-66 to reroute trucks around the downtown and that he has been working with MDOT to place signage on M-66 and City streets. He provided details on the signage. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve Traffic Control Order 20-04 related to alternative truck route signage and endorse the plan for alternative truck route signage on M-66 to the Michigan Department of Transportation as presented.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on the purchase of a new truck for the department. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the purchase of a 2021 Dodge Ram 2500 Tradesman from LaFontaine CDJR-Lansing for thirty-one thousand, three hundred and twenty-five dollars (\$31,325.00).

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to approve the disposal of Unit 2023-05, a 2005 GMC Pickup Truck via public auction.

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

City Engineer Barry Cox provided details on the task order for design of half of the length of West Congress. He explained that due to new State regulations, design of the other half of the street segment may take longer and may not allow the completion of the entire project next year. The City Commission had discussion on the matter and had consensus to direct City Staff to pursue directing the engineers to prepare a task order for the other segment of West Congress.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve Task Order #94 with Fleis and VandenBrink Engineering, Inc. for preliminary design, final design, and bidding services for Phase 1 of the W. Congress Street Utilities & Street Project in the amount of forty-three thousand, two hundred dollars (\$43,200.00).

Voting yea: Seven Voting nay: None Absent: Bir, Malone MOTION CARRIED

The City Commission had consensus to allow the DDA to utilize a parking spot on US12 for a food truck for an upcoming event.

The meeting was adjourned at 7:40 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 23, 2020
ELECTRONIC/VIRTUAL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Doug Carr, His House Foursquare Church

Commissioners present: Bir, Klinger, Wickey, Malone, Smith, Littman, Good, Vice-Mayor Mullins, Mayor Hile
Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, Community Development Director, Electric Department Superintendent, City Controller, City Clerk

Mayor Hile read the following proclamation:

WHEREAS, the small business sector contributes significantly to the Sturgis economy and employs many city residents; and

WHEREAS, the owners and operators of small businesses foster economic growth through the creation of jobs and the production and sale of goods and services for people; and

WHEREAS, the COVID-19 pandemic has greatly impacted our economy, particularly small businesses, causing stress for these entrepreneurs as they struggle to keep their businesses and the jobs they support alive; and

WHEREAS, the City of Sturgis recognizes these businesses, especially during these economically-challenging times, as a critical component of restoring, rebuilding, and maintaining a healthy economy in our community now and in the future; and

WHEREAS, the Holiday shopping season is one of the busiest times of the year for retailers and Saturday, November 28, 2020 is being observed across the country as "Small Business Saturday," celebrating the entrepreneurial spirit of small business owners and highlighting the resourcefulness, ingenuity, hard work, and commitment of these individuals.

NOW, THEREFORE BE IT RESOLVED, that the City of Sturgis joins in the Small Business Saturday initiative and supports small business owners, recognizing their valuable role and contributions to our economy; and

BE IT FURTHER RESOLVED, as Mayor of the City of Sturgis I do hereby proclaim November 28, 2020, as SMALL BUSINESS SATURDAY and encourage continued support of our small businesses.

Moved by Comm. Littman and seconded by Comm. Good to approve the agenda as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Bir to approve the Consent Agenda of November 23, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 11, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,785,662.53 as presented.

8C. Kristkindlmarkt Event Requests

AUTHORIZE City Staff to approve necessary requests for use of public property including road closures in the downtown area for the Kristkindlmarkt event.

8D. Library Board Resignation

ACCEPT the letter of resignation of Carol Wallman from the Sturgis District Library Board of Trustees and SEND a letter of recognition for her service.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided details on a proposed amendment related to accessory buildings and structures. Discussion followed

Moved by Comm. Mullins and seconded by Comm. Klinger to consider this the first reading of an amendment to the City of Sturgis Zoning Ordinance Section 1.1105, Accessory Buildings, Structures and Uses as presented.

Voting yea: Eight

Voting nay: Good

MOTION CARRIED

Mr. Prichard also provided details on a proposed amendment related to retail use in a manufacturing district. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to consider this the first reading of amendments to the City of Sturgis Zoning Ordinance Sections 1.0410 – Manufacturing and 1.0603 – Special Land Use Designated pertaining to stores for retail and retail services in the Manufacturing district as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mr. Prichard also provided details on a proposed amendment related to two family dwellings. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to consider this the first reading of amendments to the City of Sturgis Zoning Ordinance Sections 1.0403 – R-3 Residential and 1.0603 – Special Land Use Designated pertaining to two-family dwellings as presented.

Voting yea: Mullins, Klinger, Wickey, Malone, Littman

Voting nay: Bir, Smith, Good, Hile

MOTION CARRIED

City Manager Michael Hughes explained that Public Act 660 of 2018 was signed into law on December 28, 2018. It requires that all counties have a Designated Assessor (DA). The proposed agreement names Joshua D. Simmons, St. Joseph County Equalization Director, as the DA. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve the Saint Joseph County Interlocal Agreement for Designated Assessor as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent John Griffith explained that The City of Sturgis has been purchasing energy from Grande Pointe Power Corporation (GPPC) and its predecessors since 1982. He provided price history and details on the proposed new agreement. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the Purchase Power Agreement with Grande Pointe Power Corporation as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to go into Closed Session for discussion of the potential purchase of property.

Voting yea: Bir, Klinger, Malone, Smith, Littman, Good, Vice-Mayor Mullins, Mayor Hile

Voting nay: Wickey

MOTION CARRIED

Meeting recessed at 7:09 p.m.

Meeting reconvened at 7:55 p.m.

Moved by Comm. Good and seconded by Comm. Mullins to authorize the City to enter into an agreement with the Gunnets for the acquisition of an easement for flowage rights up to a sum of \$35,000.00 and authorize City Manager Michael Hughes to execute all necessary documents following final review by the City Attorney.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 8:01 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 9, 2020
ELECTRONIC/VIRTUAL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Pastor Cal Kolzow, Trinity Lutheran Church

Commissioners present: Bir, Klinger, Wickey, Malone, Smith, Littman, Good, Vice-Mayor Mullins, Mayor Hile
Commissioners absent: None

Also present: City Attorney, City Manager, Assistant City Manager, Deputy Public Safety Director, Community Development Director, City Engineer, City Controller, City Clerk

Kelly Hostetler, Executive Director of the St. Joseph County United Way, drew the winning ticket for the City of Sturgis Christmas Cash Raffle. The winning ticket was won by Gwen Donmyer in the amount of \$3,740.00.

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

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

Moved by Comm. Klinger and seconded by Comm. Littman to approve the Consent Agenda of December 9, 2020 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 9, 2020 organizational meeting as presented.

APPROVE the minutes from the November 23, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,038,322.65 as presented.

8C. MPPA Member Authorized Representative and Alternate Designations

ADOPT the resolution appointing Joshua Czajkowski as the MPPA Member Authorized Representative, Holly Keyser as the First Alternate and Michael Hughes as the Second Alternate as presented.

8D. DDA Budget Amendment

APPROVE amendments to the DDA Fiscal Year 2020-2021 budget increasing revenue by six thousand four hundred fifty-eight dollars (\$6,458.00) and expenditures by ten thousand five hundred forty-four dollars (\$10,544.00) as presented.

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

City Engineer Barry Cox provided information on the task order for reconstruction of a portion of West Congress Street. Discussion followed.

Moved by Comm. Good and seconded by Comm. Littman to approve Task Order #95 with Fleis and VandenBrink Engineering, Inc. for preliminary design, final design, and bidding services on the W. Congress Street Utilities & Street Project in the amount of forty-seven thousand five hundred dollars (\$47,500.00).

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

Community Development Director Will Prichard provided details on a proposed amendment related to accessory buildings and structures. Discussion followed

Moved by Comm. Malone and seconded by Comm. Smith to consider this the second reading of and approve an amendment to the City of Sturgis Zoning Ordinance Section 1.1105, Accessory Buildings, Structures and Uses as presented effective January 1, 2021.

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

**AMENDMENT TO ZONING ORDINANCE
PERTAINING TO ACCESSORY BUILDINGS, STRUCTURES AND USES**

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to accessory buildings, structures and uses.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to amend the Zoning Ordinance with respect to accessory buildings, structures and uses.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains upon Resolution duly made and approved:

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of January 1, 2021:

Article XI.-General Provisions

1.1105 Accessory buildings, structures and uses.

(A) Accessory building or accessory structures in any district.

- (1) No accessory building or accessory structure may be permitted on a lot which does not contain a principal use or principal building.
- (2) No accessory building or accessory structure shall be placed in any required front or side yard.
- (3) Accessory buildings shall be no closer than ten feet to any other building on the same lot unless:
 - i. A one hour fire separation is provided as per the Michigan Building Code between the accessory building and other buildings.
 - ii. It is one of the following:
 - a. Dog houses.

- b. Pergolas.
 - c. Play houses.
 - d. Pump houses.
 - e. Accessory buildings similar to the above.
 - iii. It is an accessory building 200 square feet or less; in this case it shall be a minimum of three feet from any other building on the same lot.
 - iv. As specified elsewhere in the zoning ordinance or city code of ordinances.
- (4) Swimming pools shall be no closer than 10 feet to any building on the same lot unless:
- i. It is one of the following:
 - a. Dog houses.
 - b. Pergolas.
 - c. Play houses.
 - d. Pump houses.
 - e. Accessory buildings similar to the above.
- (5) An accessory building or accessory structure 200 square feet or less located in a rear yard shall not be closer than three feet to any lot line unless specified elsewhere in the zoning ordinance or city code of ordinances; accessory buildings or accessory structures greater than 200 square feet located in a rear yard shall be no closer than ten feet to any lot line unless specified elsewhere in the zoning ordinance or city code of ordinances.
- (6) Residential kennels shall be no closer than six feet to the principal building on the same lot and no closer than six feet to the lot line.
- (B) Accessory building or accessory structures in a residential district. In addition to the requirements of subsection (A) of this section, the following restrictions shall apply to accessory buildings or accessory structures in residential districts.
- (1) Accessory buildings or accessory structures shall not exceed 14 feet in height with the exception of satellite systems, antenna systems, solar panels, wind generators or similar structures. If these structures are installed as a stand-alone structure, they shall not exceed 20 feet in height. If these structures are installed atop a building or structure, they shall not exceed the maximum height as per table 1.0501.- Table- Schedule of Regulations.
 - (2) A private garage or a portion thereof may be rented or leased for not more than two motor vehicles, of the noncommercial type, to persons not residing in the dwelling on the lot.
 - (3) The total square footage of all accessory buildings shall not exceed the square footage of the ground or first floor area of the principal building including an attached garage with a foundation and roof.
 - (4) When an accessory building in any residential district is intended for other uses than the storage of private motor vehicles, the uses proposed for the accessory building must be compatible with the uses permitted within the subject district.

- (5) Accessory buildings exceeding 200 square feet must be provided with exterior finish materials similar to the principal building on the lot. Examples include roofing and siding materials. These items shall be of the same or similar, compatible colors to the principal building. An alternate roofing or siding material may be substituted if the color(s) is compatible with the principal building. They shall be built with architecture and materials that reasonably compliment the architecture and materials of the dwelling.
- (6) Canopy and tarp like structures are not permitted unless used as outdoor furniture. These items may be used from the months of April through October if maintained in good condition and used in the manner they were designed.
- (7) Dog houses shall not exceed six feet in height and 20 square feet in area.
- (8) There shall be no more than two accessory buildings on any one parcel excluding play houses, dog houses, or buildings of similar uses.
- (9) If a lot area exceeds 125% of the minimum lot size required in the district, a property owner may request consideration from the Planning Commission for additional accessory building square footage greater than what this Zoning Ordinance allows, subject to the following conditions:
 - i. The request and review by the Planning Commission shall follow the requirements of section 1.0602 of this Zoning Ordinance.
 - ii. The maximum lot coverage for accessory structures shall not exceed 10% of the total lot area.
 - iii. All other standards pertaining to accessory structures, as outlined in this section, shall apply unless approved by the Planning Commission.

(C) Repair of vehicles in residential districts.

- (1) A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property and such repair shall be conducted in not to exceed seven consecutive days in any 30-day period.

Mr. Prichard also provided details on a proposed amendment related to retail use in a manufacturing district. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to consider this the second reading of and approve an amendments to the City of Sturgis Zoning Ordinance Sections 1.0410 – Manufacturing and 1.0603 – Special Land Use Designated pertaining to stores for retail and retail services in the Manufacturing district as presented effective January 1, 2021.

Voting yea: Eight

Voting nay: None

Absent: Wickey

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO SPECIAL LAND USE DESIGNATION OF STORES FOR RETAIL AND
RETAIL SERVICES

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to the special land use designation of Stores for Retail and Retail Services.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to amend the Zoning Ordinance with respect to the designation of Stores for Retail and Retail Services as a special land use.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains upon Resolution duly made and approved:

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of January 1, 2021:

1.0410. – M Manufacturing.

(C) Special Land Uses.

...

(19) Stores for retail and retail services.

1.0603 Special land use designated.

...

(TT) Stores for retail and retail services.

(1) The retail use must be a minimum of 5,000 square feet.

(2) The retail use must be co-located with another permitted or special land use on the site. This can be a portion of one building on the property or a separate building on the property.

(3) The retail use shall only occupy a maximum of 30% of the total floor area of the building in which the use will be located if the uses are grouped in the same building, or 30% of the total floor area of all buildings on the property, if located in a separate building.

(4) Off-street parking shall be provided in accord with article IX [of this zoning ordinance] and shall be provided in designated off-street parking areas within 300 feet of the portion of the building in which they serve.

(5) The retail use shall comply with signage requirements for the B-H 2 zoning district as specified in 1.1008

Mr. Prichard also provided details on a proposed amendment related to two family dwellings. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Littman to consider this the second reading of and approve an amendments to the City of Sturgis Zoning Ordinance Sections 1.0403 – R-3 Residential and 1.0603 – Special Land Use Designated pertaining to two-family dwellings as presented effective January 1, 2021.

Voting yea: Six Voting nay: Good, Smith Absent: Wickey MOTION CARRIED

**AMENDMENT TO ZONING ORDINANCE
PERTAINING TO SPECIAL LAND USE AMENDMENT OF TWO-FAMILY DWELLING
REQUIREMENTS**

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to the special land use amendment of Two-Family Dwelling requirements.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to amend the Zoning Ordinance with respect to the special land use Two-Family Dwelling requirements.

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains upon Resolution duly made and approved:

Appendix A-Zoning of the Ordinances of the City is hereby modified as follows, effective as of January 1, 2021:

1.403 R-3 Residential.

(C) Special Land Uses.

...

(6) Two-Family Dwelling.

1.0603 Special land use designated.

...

(B) Two-family dwelling. Two-family dwelling may be permitted as a special use under the following provisions and conditions.

(1) A lot area of not less than 10,000 square feet for each two-family dwelling shall be provided.

(2) A lot width of not less than 100 feet for each two-family dwelling shall be provided.

(3) Building setbacks and height requirements shall comply with the requirements for single-family dwellings as required for the R-3 district.

(4) All driveways and parking shall be solid surface with either 3" asphalt or 4" concrete. Each dwelling unit shall have two dedicated parking spaces and shall further comply with article IX of this zoning ordinance as applicable.

(5) Buildings shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood or an adaptive reuse of a non-residential building.

Assistant City Manager Andrew Kuk provided information on an amendment to the recently approved payment in lieu of tax ordinances.

Moved by Comm. Klinger and seconded by Comm. Good to consider this the first reading of an amendment to the City Code of Ordinances, Chapter 2, Sections 2-307 and 2-308 pertaining to the date of automatic repeal of the tax exemptions for St. Joseph Street Lofts and Monroe Street Lofts as presented.

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

City Manager Michael Hughes and St. Joseph County Drain Commissioner provided information on proposed improvements to the Nye Drain. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve pre-paying the total assessment amount for the Nye Drain project in the amount of seventy-three thousand, three hundred and one dollars and fifteen cents (\$73,301.15) as presented.

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

Moved by Comm. Klinger and seconded by Comm. Good to approve an amendment to General Fund expenditures of forty thousand dollars (\$40,000.00) for the Nye Drain project assessment as presented.

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

Assistant City Manager Andrew Kuk provided information on outdoor downtown sales.

Moved by Comm. Klinger and seconded by Comm. Good to authorize City Staff to approve temporary outdoor retail sales areas in the B-C Zoning District and waive temporary business license requirements as presented through December 2020.

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

The meeting was adjourned at 7:05 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer