

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 13, 2021
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 Larry Matro, Trinity Lutheran Church

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

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

Mayor Hile read the following proclamation:

WHEREAS, Aaron Miller, a Sturgis native, who graduated from Sturgis High School in 2006 and Western Michigan University in 2010, was elected to serve the 59th District in the Michigan House of Representatives in 2014, 2016, and 2018 for the Constitutional maximum of three terms; and

WHEREAS, during his time in office, Representative Miller made service to his constituents, including residents of the City of Sturgis, St. Joseph County, and all those in the 59th District a top priority; and

WHEREAS, Representative Miller was always willing to meet, listen and learn about constituent concerns and issues; and

WHEREAS, Representative Miller helped pass notable legislation making water withdrawal based on more science, establishing the first-ever state dark sky preserve on county property at Lawless Park in Cass County, protecting the mental health counselor profession, and passing auto insurance reform; and

WHEREAS, Representative Miller served the legislature in many committee and leadership positions over his time in office including as Chair of the House Elections and Ethics committee, as majority Vice Chair on the House Appropriations committee, as chair of the School Aid subcommittee, the Michigan State Police subcommittee, the Department of Education subcommittee and the Department of Military and Veterans Affairs subcommittee as well as a member of the Transportation subcommittee; and

WHEREAS, Representative Miller always made himself available to the City of Sturgis regarding issues of impact to our local government; and

WHEREAS, Representative Miller's final term in office ended on January 1st, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STURGIS: would like to thank Representative Aaron Miller for his commitment to public service and contributions to the City of Sturgis, St. Joseph County, and residents of the 59th District during his three (3) terms of Service in the Michigan House of Representatives.

Mr. Miller thanked the City Commission for the honor.

Andrew, Centreville, MI, explained that he submitted additional petition pages regarding new rural transmissions.

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

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

Moved by Comm. Good and seconded by Comm. Klinger to approve the Consent Agenda of January 13, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 21, 2020 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,378,746.24 as presented.

8C. Winter Blues

APPROVE the requests for Winter Blues on January 15th, 2021, as presented.

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

Community Development Director Will Prichard provided information on the request to change the zoning at 118 and 120 South Monroe Street and explained that the Planning Commission recommended the change. 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 118 S. Monroe Street and 120 S. Monroe Street from the Central Business (BC) zoning district to Residential 4 (R-4) zoning district as presented.

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

Public Safety Director Ryan Banaszak provided information on a bid document for possible purchase of an aerial apparatus unit for the Fire Department. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the request to bid a new aerial apparatus as presented.

Voting yea: Eight Voting nay: None Absent: 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.

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

Voting nay: None

Absent: Littman

MOTION CARRIED

Meeting recessed at 7:06 p.m.

Meeting reconvened at 7:22 p.m.

Moved by Comm. Good and seconded by Comm. Mullins to reject the offer made on Subdivision lots 29 and 30 and counter with a full price offer of \$5,000.00 per lot.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

The meeting was adjourned at 7:24 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 27, 2021
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 Larry Matro, 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, Public Safety Director, City Engineer, Community Development Director, City Controller, City Clerk

Mayor Hile read the following proclamation:

WHEREAS, Cathi Garn Abbs has been a resident of the City of Sturgis for over 50 years; and
WHEREAS, Cathi began her career for the Sturgis Area Chamber of Commerce in 2005 after working 28 years for the Kirsch Company and then at Sturgis Hospital; and
WHEREAS, beyond her position as Chamber Executive Director she demonstrated a strong commitment to public service in her roles on the Community Mental Health Board, St. Joseph County Animal Control Board, City of Sturgis Downtown Development Authority Board, St. Joseph County Edge Board, and the Sturgis Exchange Club; and
WHEREAS, in her role as Chamber Executive Director, she placed high value on collaboration and partnership between other area Chambers, local and county governments, non-profits, and community groups and volunteers; and
WHEREAS, Cathi deserves tremendous credit for promoting education, relationship building, and partnerships with local government especially focusing on improving the experience of individuals and small businesses; and
WHEREAS, Cathi worked as a tireless advocate for all businesses including her leadership with Generate Sturgis and as a team member of the City's Business Development Team; and
WHEREAS, Sturgis Fest's growth and evolution into a premier festival in the region can be credited in a large part to Cathi. She placed special importance on access for all community members; and
WHEREAS, Cathi is known for her willingness to help people solve problems, navigate systems and find the right resources regardless of whether they were members of the Chamber; and
NOW, THEREFORE, BE IT RESOLVED, on behalf of the Sturgis City Commission, I would like to recognize Cathi Garn Abbs for her 16 years of dedication as the Executive Director of the Sturgis Area Chamber of Commerce and her contributions to the City of Sturgis and greater Sturgis area.

Mrs. Abbs thanked the Commission for the honor.

Andrew, Centreville, MI, spoke about the rural transmission line and inquired about the acquisition of certain City related documents.

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. Smith to approve the Consent Agenda of January 27, 2021 as presented.

8A. Action of Minutes of Previous Meetings

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

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,729,605.30 as presented.

8C. Resignation of Cathi Abbs from DDA Board

ACCEPT the letter of resignation of Cathi Abbs from the Downtown Development Authority Board.

8D. Set Public Hearing for Sidewalk Special Assessments for Vinewood and E. Congress

SET Public Hearings of Necessity for a New Sidewalk Assessment District on Vinewood Street and Sidewalk Repair Assessment District on Vinewood and E. Congress for the February 24th, 2021 City Commission meeting at 6:00 pm.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided information on the request to change the zoning at 118 and 120 South Monroe Street and explained that the Planning Commission recommended the change. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Malone to consider this the second reading of and approve an amendment to the Zoning Code, Article III pertaining to rezoning of 118 S. Monroe Street and 120 S. Monroe Street from the Central Business (BC) zoning district to Residential 4 (R-4) zoning district effective February 24, 2021.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP

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

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the Central Business (BC) district to the Residential 4 (R-4) zoning district.

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

Article III of the Zoning Ordinance is hereby modified as follows, effective as of February 24, 2021.

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

Land situate in the City of Sturgis, St. Joseph County, Michigan:
118 S. Monroe Street
Parcel No. 052-040-475-00
120 S. Monroe Street
Parcel No. 052-040-476-00

City Manager Michael Hughes provided information on the process of developing a route for the Rural Transmission Line project. Engineering and land acquisition consultants provided details on the project and the preferred route of Balk Road to Mintdale Road to Meyer Road to Schrader Road to Centerville Road. Commission discussion followed.

Andrew, Centreville, MI reiterated his opposition to the project. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins approve to the recommended route for the Rural Transmission Line project as presented and direct staff to proceed with survey and information collection for design and easement acquisition.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on a traffic order related to parking on Vinewood Ave. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve Traffic Control Order #21-01 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had consensus to include the discussion of the use of hoop houses in development of a revised Master Plan for the City.

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

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

Voting nay: None

MOTION CARRIED

Meeting recessed at 7:40 p.m.

Meeting reconvened at 7:57 p.m.

The meeting was adjourned at 7:58 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 10, 2021
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: Klinger, Wickey, Malone, Smith, Littman, Good, Vice-Mayor Mullins, Mayor Hile

Commissioners absent: Bir

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

SYCA Director Sheila Bolda provided an update on the Road to Restoration fundraising and improvement project. Discussion followed.

Commissioner Bir joined the meeting.

New Sturgis Area Chamber of Commerce Director Michael Wilson introduced himself to the City Commission.

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. Smith and seconded by Comm. Good to approve the Consent Agenda of February 10, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the January 27, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,434,057.29 as presented.

8C. Ladies Night Out Request

APPROVE the requests for Ladies Night Out on February 12th, 2021 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve proceeding with site location and preliminary design for a Splash Pad as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had consensus to direct the Planning Commission to review the allowance of urban chickens as part of the Master Plan update.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 24, 2021
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 George Cleverley, Church of Christ

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, City Engineer, Community Development Director, Electric Department Superintendent, City Controller, City Clerk

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

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Littman to approve the Consent Agenda of February 24, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from February 10, 2021 regular meeting as presented.

APPROVE the minutes from the February 17, 2021 planning meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,087,409.12 as presented.

8C. Wine Out of Winter Event Request

APPROVE the request for Wine Out of Winter on March 12th, 2021 as amended to allow for the use of four parking spots instead of two.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing to consider the Vinewood & E. Congress Sidewalk Repair special assessment district.

City Engineer Barry Cox provided information on the sidewalk repair project and the related special assessments. Discussion followed.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Good to approve a Special Assessment District #2021-01 for the 2021 Sidewalk Repair Program as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing to consider the 2021 New Sidewalk Construction special assessment district.

City Engineer Barry Cox provided information on the new sidewalk construction project and the related special assessments. He also explained that the owner of 68850 Vinewood expressed opposition due to available funds. Discussion followed.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Good to approve a Special Assessment District #2021-02 for the 2021 New Sidewalk Program as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on the 2021 Street Resurfacing Program Task Order. Discussion followed.

The City Commission had consensus to add the removal of the island on East Congress Street to the Task Order.

Moved by Comm. Good and seconded by Comm. Bir to approve Task Order #96 with Fleis and Vandenbrink Engineering, Inc. in the amount of thirty-nine thousand dollars (\$39,000.00) for preliminary design, final design, and bidding services on the 2021 Enhanced Mill and Resurface Project as amended.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided information on the change in Zoning for 115 S Maple. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to consider this the first reading of an amendment to the Zoning Code, Article III pertaining to rezoning of 115 S. Maple Avenue from the Business Highway 1 (B-H1) zoning district to Residential 4 (R-4) zoning district as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided information on the change in Zoning for 201 Broadus. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Wickey to consider this the first reading of an amendment to the Zoning Code, Article III pertaining to rezoning of 201 Broadus Street from the Business Office Service (B-OS) zoning district to Residential 3 (R-3) zoning district as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Littman to go into Closed Session for discussion of union negotiations and the potential purchase of property.

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

Voting nay: None

MOTION CARRIED

Meeting recessed at 7:06 p.m.

Meeting reconvened at 8:40 p.m.

Moved by Comm. Good and seconded by Commissioner Klinger to approve the real estate purchase agreement with Daniel Gunnett and Lacie Johansen as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Commissioner Smith to approve the CBA Settlement Agreement between the City of Sturgis and IBEW local union #1392 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 8:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 10, 2021
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 Comm. Wickey

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, City Engineer, Community Development Director, Facilities Manager, SYCA Director, City Controller, City Clerk

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

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Good to approve the Consent Agenda of March 10, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from February 10, 2021 regular meeting as presented.

APPROVE the minutes from the February 17, 2021 planning meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,059,504.14 as presented.

8C. Zoning District Change – 115 S. Maple Avenue Second Reading

CONSIDER this the second reading of and APPROVE an amendment to the Zoning Code, Article III pertaining to rezoning of 115 S. Maple Avenue from the Business Highway 1 (B-H1) zoning district to Residential 4 (R-4) zoning district effective April 1, 2021.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

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

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

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the Business Highway 1 (B-H1) to the Residential 4 (R-4) 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 April 1, 2021:

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

Land situate in the City of Sturgis, St. Joseph County, Michigan:
115 S. Maple Avenue
Parcel No. 75-052-040-474-00

Community Development Director Will Prichard provided information on the change in Zoning for 201 Broadus. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the second reading of and approve an amendment to the Zoning Code, Article III pertaining to rezoning of 201 Broadus Street from the Business Office Service (B-OS) zoning district to Residential 3 (R-3) zoning district effective April 1, 2021.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

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

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

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the Business Office Services (B-OS) to the Residential 3 (R-3) 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 April 1, 2021:

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described property shall be in the Residential 3 (R-3) zoning district

Land situate in the City of Sturgis, St. Joseph County, Michigan:
201 Broadus Street
Parcel No. 75-052-090-026-00

City Manager Michael Hughes provided information on the Chamber of Commerce's request to use the City's logo in marketing information for Sturgis Fest this year. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Smith to approve a limited license agreement to the Sturgis Area Chamber of Commerce for use of the City logo in their 2021 Sturgis Fest branding and marketing, subject to legal review and approval.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the Five Lakes Coffee's request to use the City's logo in marketing information for Sturgis Fest this year. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve a limited license agreement to Five Lakes Coffee for use of the City logo in their branding and marketing of the Electric City Blend, subject to legal review and approval.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on the new Drinking Water State Revolving Fund programs and how the City plans to utilize them. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to approve a contract proposal with Fishbeck for development of a DWSRF project plan in the amount of thirty-four thousand, two hundred dollars (\$34,200.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Facilities Manager Dan Root provided information on the HVAC control system at the Police/Fire Department building. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve a bid waiver for and the proposal of Havel with Alternate 1 for improvements and upgrades to the mechanical systems and building controls at the Sturgis Police/Fire Department Building in the total amount of seventy-five thousand three hundred and eleven dollars (\$75,311.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Bir to approve a budget amendment increasing the General Fund capital outlay line item by twenty thousand dollars (\$20,000.00).

Voting yea: Nine

Voting nay: None

MOTION CARRIED

SYCA Director Sheila Bolda provided information on the current state of the main floor bathrooms and details on their restoration. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve a bid waiver for and the contract with Frederick Construction for the Sturges-Young main floor restroom project design in the amount of twenty-four thousand, seven hundred and fifty dollars (\$24,750.00) as presented and authorize Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: Littman

MOTION CARRIED

City Manager Michael Hughes provided new information on the current guidelines for in person Commission meetings. Discussion followed.

The City Commission had consensus to continue virtual meetings for the time being.

The meeting was adjourned at 8:05 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 24, 2021
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 Comm. Mullins

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

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

Representatives from Newell Brands and the Michigan Department of Environment, Great Lakes, and
Energy presented an update on the Sturgis Municipal Well Field Superfund Site. Discussion
followed.

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

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

Moved by Comm. Bir and seconded by Comm. Good to approve the Consent Agenda of March 24,
2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from February 10, 2021 regular meeting as presented.

APPROVE the minutes from the February 17, 2021 planning meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,852,511.62 as presented.

8C. 2021 Cross Walk

APPROVE the 2021 Cross Walk as presented.

8D. DDA Board Resignation Letter

ACCEPT the resignation of Elizabeth Denman from the Downtown Development Authority Board
with regret and SEND a letter thanking her for her service.

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

City Manager Michael Hughes provided information on the work that has been done for development of a splash pad and a State grant application. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the six-year Capital Plan included in the fiscal year 2020-21 Budget.

Voting yea: Seven Voting nay: Smith Absent: Littman MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the Recreation Passport Grant Program Resolution of Authorization.

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

**RECREATION PASSPORT GRANT PROGRAM
RESOLUTION OF AUTHORIZATION – CITY OF STURGIS**

WHEREAS, the Sturgis City Commission supports the submission of an application titled, “Sturgis Splash Pad” to the Recreation Passport Grant Program for development of a splash pad at Thurston Woods Park; and,

WHEREAS, the proposed application is included in the City’s Approved Capital Improvement Plan; and,

WHEREAS, the City of Sturgis is hereby making a financial commitment to the project in the amount of \$130,000 matching funds, in cash and/or force account; and,

NOW THEREFORE, BE IT RESOLVED that hereby authorizes submission of a Recreation Passport Grant Program Application for \$150,000, and further resolves to make available its financial obligation amount of \$130,000 (46%) of a total \$280,000 project cost, during the 2022- 2023 fiscal year.

Assistant City Manager Andrew Kuk provided information on the condition of the underground fuel storage tank at the airport and need for replacement. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to approve a bid waiver for and the quote of Envirollogic for Underground Storage Tank removal in the amount of twenty-eight thousand, four hundred and fifty-five dollars (\$28,455.00).

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

Moved by Comm. Good and seconded by Comm. Bir to approve the bid with alternate 1 of Sparling Corporation for the Airport Aboveground Fuel Tank and Installation in the amount of two hundred and six thousand, four hundred fifty dollars (\$206,450.00) as presented.

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

Moved by Comm. Good and seconded by Comm. Smith to approve a contingency budget of twenty-two thousand, five hundred dollars (\$22,500.00) for the airport fuel tank project.

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

Assistant City Manager Andrew Kuk provided information on the installation of a sewer lift station in Stapleton Industrial Park. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve Task Order No. 97 with Fleis and VandenBrink for design engineering for the Stapleton Industrial Park lift station in the amount of forty-eight thousand, five hundred dollars (\$48,500.00) as presented.

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

Assistant City Manager Andrew Kuk provided information on a potential development in Dresser Park that would require completion of an all-weather road on South Nottawa Road. Discussion followed.

Moved by Comm. Good and seconded by Comm. Smith to approve asphalt work to improve South Nottawa Road as presented in an amount not-to-exceed twenty-five thousand dollars (\$25,000.00).

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

City Controller Holly Keyser provided details on the proposed budget amendments. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to approve the Budget Amendments for Fiscal Year 2020-2021 as presented.

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

City Manager Michael Hughes provided details on a resolution to allow for continued virtual meetings. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve a Resolution Declaring a Local State of Emergency for the Purpose of Permitting the City Commission and Other Public Bodies of the City to Meet by Electronic and Telephonic Means as presented.

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

The meeting was adjourned at 8:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 14, 2021
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 Comm. Good.

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

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

Electric Department Superintendent Josh Czajkowski presented the Arbor Day 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 30th 2021, 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.

Assistant City Manager Andrew Kuk presented the Fair Housing proclamation.

FAIR HOUSING MONTH

WHEREAS, The Fair Housing Act was enacted on April 11, 1968 and enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and WHEREAS, The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

WHEREAS, the Fair Housing Act seeks to provide equal housing opportunities, to affirmatively further housing choices, to eliminate legal barriers to equal housing and to emphasize equal housing as a fundamental human right for all; and

WHEREAS, individuals in Sturgis have the right to choose where to live without discrimination based on race, color, religion, age, sex, disability, gender identity, familial status or national origin; and

WHEREAS, the City of Sturgis fully supports the intent and purpose of the Federal Fair Housing Act and looks to promote and further policies and practices in order to achieve the goal of ending housing discrimination.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Sturgis does hereby declare the month of April, 2021 as "Fair Housing Month" in Sturgis.

Moved by Comm. Littman and seconded by Comm. Klinger to approve the agenda as presented with the removal of Item 10D.

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

Moved by Comm. Littman and seconded by Comm. Smith to approve the Consent Agenda of April 14, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from March 24, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,874,852.18 as presented.

8C. Revolving Loan Fund Subrecipient Agreement

APPROVE the subrecipient agreement with Northern Initiatives as presented and AUTHORIZE City Manager Michael Hughes to sign all necessary documents.

8D. Sale of Vehicle # 502-15

APPROVE the sale of unit 502-15, a 2015 Dodge RAM 1500 pickup truck as presented.

8E. 2021 Sounds of Spring Event Requests

APPROVE the requests for Sounds of Spring 2021 as presented.

8F. Change Second June Commission Meeting Date

APPROVE moving the June 16, 2021 City Commission Meeting to June 23, 2021.

8G. Set Public Hearing for W. Congress Sidewalk Repair Assessment District

SET a Public Hearing of Necessity for a Sidewalk Repair Assessment District on W. Congress for the May 12, 2021 City Commission meeting at 6:00 pm.

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

City Clerk/Treasurer Kenneth Rhodes explained that Cathi Abbs has submitted an application for the SYCA Board vacancy. Discussion followed.

Moved by Comm. and seconded by Comm. to appoint Cathi Abbs to the Sturges-Young Center for the Arts Board of Directors for a term expiring in May 2022.

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

City Manager Michael Hughes and Community Development Director Will Prichard provided information on proposed changes to the marijuana ordinance as it relates to stacked permits and permit extensions. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to consider this the first reading of amendments to the City Code of Ordinances Section 38-92 Medical Marihuana Facilities and Section 38-93 Adult Use Marihuana Establishments as presented.

Voting yea: Seven Voting nay: Wickey Absent: Malone MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Smith to approve the changes to the marihuana ordinance fees as presented.

Voting yea: Five Voting nay: Mullins, Wickey, Hile Absent: Malone MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to allow the City Manager to approve an additional sixty day extension for marihuana applicants that on April 14, 2021 have both a permit from the City and an approved building permit.

Voting yea: Six Voting nay: Wickey, Hile Absent: Malone MOTION CARRIED

Public Safety Director Ryan Banaszak and City Controller Holly Keyser provided information on the bids and related financing for a new ladder truck for the Fire Department. Discussion followed.

Moved by Comm. Good and seconded by Comm. Wickey to approve the purchase of a mid-mount aerial fire truck from Emergency Vehicles Plus in the amount of one million, two hundred and sixteen thousand, four hundred and forty-one dollars (\$1,216,441.00) as presented.

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

Moved by Comm. Good and seconded by Comm. Mullins to adopt the Resolution Authorizing Installment Purchase Agreement as presented.

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

WHEREAS, the City of Sturgis, County of St. Joseph, State of Michigan (the “City”), desires to acquire a fire truck (the “Equipment”); and

WHEREAS, under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended (“Act 99”), the City is authorized to enter into any contracts or agreements for the purchase of the Equipment to be paid for in installments over a period of not to exceed the useful life of the Equipment acquired as determined by resolution of the City; and

WHEREAS, the City shall purchase the Equipment for the sum of \$1,216,441 (the “Purchase

Price”) which shall be financed through the execution of an Installment Purchase Agreement (the “Agreement”) by and among the City, Rosenbauer Minnesota LLC, Wyoming, Minnesota, (the “Vendor”) and Farmers State Bank, LaGrange, Indiana (the “Bank”); and

WHEREAS, the outstanding balance of all purchases by the City under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of the taxable value of the real and personal property in the City at the date of such contract or agreement; and

WHEREAS, purchase of the Equipment pursuant to the Agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and

WHEREAS, the Agreement is to be assigned to the Bank; and

WHEREAS, it is necessary to approve entering into the Agreement and authorize the Mayor and City Clerk to execute the Agreement and authorize City officials to execute certain other documentation relative thereto.

NOW THEREFORE, BE IT RESOLVED THAT;

1. Approval of Agreement; Agreement Terms. The City shall incur the debt described above through execution of the Agreement by the officers authorized below which debt shall consist of the Purchase Price of \$1,216,441, which shall be payable in principal and interest payments as determined by the City Manager or Finance Director prior to execution of the Agreement. Interest on the Agreement shall be at the rate of 1.89% per annum. The term of the Agreement shall not exceed fifteen (15) years.

2. Execution and Delivery of Agreement. The Mayor and City Clerk/Treasurer are hereby authorized and directed to execute the Agreement, when in final form, and deliver it to the Bank.

3. Useful Life of Property. The useful life of the Property is hereby determined to be not less than fifteen (15) years.

4. Authorization of Officers. The Mayor, City Clerk/Treasurer, City Manager and Finance Director are each hereby authorized and directed to execute such additional documentation and open such accounts as shall be necessary to effectuate the closing of the Agreement and the assignment thereof to the Bank within the parameters set forth in this resolution.

5. Assignment of Agreement. The assignment of the Agreement by the Vendor to the Bank is hereby approved.

6. Security; Limited Tax Pledge. The City hereby agrees to include in its budget for each year, commencing with the present fiscal year, a sum which will be sufficient to pay the principal of and the interest coming due under the Agreement during such fiscal year. In addition, the City hereby pledges to levy ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments under the Agreement, subject to applicable constitutional and statutory tax rate limitations.

7. Tax Covenant. The City covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the agreement from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the “Code”), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.

8. Qualified Tax-Exempt Obligation. The City hereby designates the Agreement as a “qualified tax-exempt obligation” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

9. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded to the extent of such conflict.

Moved by Comm. Smith and seconded by Comm. Mullins to sell unit 718 upon delivery of the new truck and when appropriate.

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

City Engineer Barry Cox provided information on a grant to improve Haines Boulevard and Peterson Circle in Stapleton Industrial Park. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Klinger to adopt the Resolution of Support and Funding Level Commitment for the MDOT TEDF grant project at Stapleton Industrial Park as presented.

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

**A RESOLUTION OF SUPPORT AND FUNDING LEVEL COMMITMENT
FOR STREET SYSTEM IMPROVEMENTS ASSOCIATED WITH AN MDOT TEDF
CATEGORY A GRANT PROJECT**

WHEREAS, the City of Sturgis recognizes the need to make improvements to its existing street system; and

WHEREAS, the City of Sturgis has an interest in obtaining MDOT TEDF Category A grant funding to accomplish this goal in conjunction with an industry building a facility and adding employees; and

WHEREAS, it is necessary to provide a resolution acknowledging support of the proposed street project and level of funding commitment; and

WHEREAS, the current cost estimate of the proposed street project is \$397,100.00 of which the City would be responsible for \$138,985.00 under a TEDF Category A grant.

NOW THEREFORE BE IT RESOLVED, that the City of Sturgis formally supports said proposed street project and agrees to a funding commitment at \$138,985.00 of the project cost.

Moved by Comm. Littman and seconded by Comm. to recess the April 14th Regular Meeting.

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

President Michael Hughes called the Sturgis Housing Development Corporation meeting to order.

City Engineer Barry Cox explained a 50-foot strip of property was excluded from the sale of property to Cobalt Holdings for the purpose of having it dedicated as N. Centerville Road public right-of-way but this area was never transferred to City of Sturgis ownership.

Moved by Dir. Hile and seconded by Dir. Klinger to approve the Quit Claim deed of property along N. Centerville Road to the City of Sturgis as presented and authorize President Michael Hughes to sign all necessary documents.

Voting yea: Nine Voting nay: None Absent: Malone MOTION CARRIED

President Michael Hughes adjourned the Sturgis Housing Development Corporation meeting.

Mayor Robert Hile reconvened the Sturgis City Commission meeting.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the Declaration of Right of Way resolution for N. Centerville Road as presented.

Voting yea: Eight

Voting nay: None

Absent: Malone

MOTION CARRIED

DECLARATION OF RIGHT OF WAY

This declaration (the “Declaration”) is made this 14th day of April, 2021 by the CITY OF STURGIS, of 130 N. Nottawa Street, Sturgis, MI 49091 (“Declarant”) to establish certain public rights which will apply to the real estate located in the City of Sturgis, County of St. Joseph, State of Michigan, more fully described as follows:

A parcel of land formerly located in the West half of Section 36, Township 7 South, Range 10 West, Sherman Township, now located in the City of Sturgis, St. Joseph County, Michigan, more particularly described as follows:

The West 50 feet of the following describe property:

Commencing at the Southwest corner of Section 36, Town 7 South, Range 10 West, thence North 00° 06’45” East along the West line of said Section 1468.50 feet to the point of beginning, thence North 00° 06’45” East along the West line of said Section 770.00 feet, then South 89°57’45” East parallel with the South line of said Section to the Westerly margin of the abandoned railroad right of way, thence South 06°04’15” East along said Westerly margin of the abandoned railroad right of way to a point 695.31 feet east of the point of beginning, thence North 89°57’45” West parallel with the South line of said Section 695.31 feet to the point of beginning (“Premises”).

Declarant is the owner of the Premises described above and is recording this document to establish certain public rights with respect to the Premises.

Declarant declares and establishes a public right of way and a right to place and maintain a roadway and public utilities, with customary connections and accessories, upon the Premises.

This declaration is exempt from tax under MCL 207.505(h)(i) and 207.526(h)(i).

The City Commission had consensus to instruct City Staff to review the concept of utilizing a third party for plan reviews for development projects.

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

Voting yea: Eight

Voting nay: None

Absent: Malone

MOTION CARRIED

Meeting recessed at 7:59 p.m.

Meeting reconvened at 8:22 p.m.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve a purchase agreement for a purchase of four lots and an option on four lots in Subdivision II with Westview Capital.

Voting yea: Eight

Voting nay: None

Absent: Malone

MOTION CARRIED

The meeting was adjourned at 8:25 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 28, 2021
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 Mayor Hile.

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

Commissioners absent: Klinger

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

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

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

Moved by Comm. Littman and seconded by Comm. Smith to approve the Consent Agenda of April
28, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from April 14, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,068,011.11 as presented.

8C. Retirement Board Resignation

ACCEPT the Resignation of Kimberlee Bontrager from the Retirement Board with regret and send a
letter of thanks for her service.

8D. Utility Easements

APPROVE the utility easement with Midwest V, LLC as presented.

APPROVE the sanitary sewer easement with Midwest V, LLC as presented.

8E. Cable Purchase

APPROVE the bid from Power Line Supply for 11,400 feet of 350kcmil CU primary URD cable in
the amount of one hundred eighteen thousand, one hundred and four dollars (\$118,104.00) as
presented.

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

Commissioner Klinger joined the meeting.

City Manager Michael Hughes provided information on proposed changes to the marijuana ordinance as it relates to stacked permits and permit extensions. Discussion followed.

Moved by Comm. Good and seconded by Comm. Malone to consider this the second reading of and approve amendments to the City Code of Ordinances Section 38-92 Medical Marihuana Facilities and Section 38-93 Adult Use Marihuana Establishments effective May 21st, 2021.

Voting yea: Eight

Voting nay: Wickey

MOTION CARRIED

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO THE AUTHORIZATION AND PERMITTING
OF COMMERCIAL MEDICAL MARIHUANA FACILITIES

An ordinance to amend Chapter 38-Article IV Section 38-92 of the Ordinances of the City of Sturgis to provide for the modification of operational requirements of commercial medical marihuana facilities.

WHEREAS, the City Commission, has determined that it is in the best interest of the residents of the City to modify the City Ordinances to provide for the modification of operational requirements of commercial medical marihuana facilities;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains: Chapter 38-Article IV, Section 38-92 of the City Ordinances is hereby amended as follows effective as of May 21, 2021.

ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY

Sec. 38-92 MEDICAL MARIHUANA FACILITIES

- (a) *Purpose.* The purpose of this Ordinance is to exercise the police regulatory powers of the City of Sturgis by licensing and regulating provisioning centers, grower facilities, safety compliance facilities, processor facilities, and secure transporter to the extent permissible under the State of Michigan and to protect the public health, safety and welfare of the residents of the City of Sturgis. It is not the purpose or intent of this Ordinance to diminish, abrogate, or restrict the protections for medical use of marihuana found in the Michigan Medical Marihuana Act or City Ordinance Sec. 38-91.
- (b) *Definitions.* The following words, terms and phrases when used in this Section shall have the meanings ascribed to them in this Subsection. Definitions from Section 38-93, when used in this section shall have the meanings ascribed to them in that Section when referring to Adult Use (Recreational) Marihuana:
 - (1) “*Applicant*”, unless specifically stated to mean a state License, means an individual, organization, partnership, company, corporation enterprise, or other entity that applies for a Municipal License as well as the person or persons associated with the Applicant. For purposes of this definition, an Applicant includes a managerial employee of the Applicant, a person holding a direct or indirect ownership interest of more than 10% in the Applicant, and the following for each type of Applicant:

- For an individual or sole proprietorship: the proprietor and spouse.
- For a partnership and limited liability partnership: all partners and their spouses.
- For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.
- For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
- For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

For purposes of this definition, an Applicant does not include:

- A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana- infused products by the applicant who is a franchisee. Nothing herein shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms “franchise,” “franchisor,” and “franchisee” shall have the meanings set forth in section 2 of the Franchise Investment Law, 1974 PA 269, MCL 445.1502.
- A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.

- A person receiving reasonable payment under a licensing agreement or contract concerning the licensing of intellectual property including, but not limited to, brands and recipes.
- (2) “*Application*” means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto.
 - (3) “*Application Documents*” means the items required as part of an Application submitted to the City prior to them being accepted as complete as provided in Subsection (e)(1).
 - (4) “*Clerk*” means the City of Sturgis Clerk or his/her designee.
 - (5) “*Co-Located Facility*” means marihuana businesses holding 2 or more types of state operating licenses under the MRTMA and MMFLA operating within a single location.
 - (6) “*Commercial Medical Marihuana Facility*” or “*Facility*” means one of the following:
 - i. “*Provisioning Center*,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);
 - ii. “*Processor*,” as that term is defined in the MMFLA;
 - iii. “*Secure Transporter*,” as that term is defined in the MMFLA;
 - iv. “*Grower*,” including *Class A*, *Class B* and *Class C*, as those terms are defined in the MMFLA;
 - v. “*Safety Compliance Facility*,” as that term is defined in the MMFLA.
 - (7) “*Department*” means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Medical Marihuana Facility.
 - (8) “*License*” means a current and valid License for a Commercial Medical Marihuana Facility issued by the State of Michigan.
 - (9) “*Licensee*” means a Person holding a current and valid Michigan License for a Commercial Medical Marihuana Facility.
 - (10) “*Marihuana*” means that term as defined in Section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.
 - (11) “*Michigan Regulation and Taxation of Marihuana Act*” or MRTMA means Initiated Law 1 of 2018, MCL 333.27951 et. seq.
 - (12) “*Medical Marihuana*” means that term as defined in MCL 333.26423.

- (13) “*Paraphernalia*” means drug paraphernalia as defined in section 7451 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7451, that is or may be used in association with Medical Marihuana.
- (14) “*Patient*” means a “registered qualifying patient” or a “visiting qualifying patient” as those terms are defined by MCL 333.26421, et seq.
- (15) “*Permit*” means a current and valid Permit for a Commercial Medical Marihuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property. Said Permit shall be in addition to the Special Use Permit required to be obtained under the City Zoning Ordinance.
- (16) “*Permit Holder*” means the Person that holds a current and valid Permit issued under this Ordinance.
- (17) “*Permit Slot*” means an unissued permit available to be issued to an Applicant.
- (18) “*Permitted Premises*” means the particular building, buildings, or tenant space within which the Permit Holder will be authorized to conduct the Facility’s activities pursuant to the Permit.
- (19) “*Permitted Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.
- (20) “*Person*” means a natural person, company, partnership, profit or non-profit corporation, Limited Liability Company, or any joint venture for a common purpose.
- (21) “*Premises*” means the particular building, buildings, section of land, or tenant space within which a particular use is conducted.
- (22) “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.
- (23) “*School*” means any property owned or leased by an elementary, parochial, private, or secondary school, including buildings, fields, or other property utilized by the school. Elementary, parochial, private and secondary schools are defined as in the City of Sturgis Zoning Code.
- (24) “*Stacked Permit*” means one or more additional Class C Grower Permits applied for or issued to either a single Applicant already requesting an initial Class C Grower Permit or a single Permit Holder with at least one Class C Grower Permit under this ordinance.

(c) *Permit Required; Eligibility; General Provisions.*

- (1) The City hereby authorizes the operation of the following types of Commercial Medical Marihuana Facilities:

- i. Growers, Class A
- ii. Growers, Class B
- iii. Growers, Class C
- iv. Processors
- v. Provisioning Centers
- vi. Safety Compliance Facilities
- vii. Secure Transporters
- viii. Co-Located Facilities as defined in this ordinance

- (2) The following number of Permits can be issued for each authorized Commercial Medical Marihuana Facility type:

- i. Growers, Class A: Unlimited
- ii. Growers, Class B: Unlimited
- iii. Growers, Class C: Unlimited
- iv. Processors: Unlimited
- v. Provisioning Centers in B-H 1 Zoning District: 3 Permits
- vi. Provisioning Centers in M Zoning District: Unlimited
- vii. Provisioning Centers in all other Districts: 0 Permits
- viii. Safety Compliance Facilities: Unlimited
- ix. Secure Transporters: Unlimited

- (3) No person shall operate a Commercial Medical Marihuana Facility at any time or any location within the City unless a currently-effective Permit for that person at that location has been issued under this Ordinance.
- (4) Commercial Medical Marihuana Facilities shall operate only as allowed under this Ordinance.
- (5) The City Manager is granted the power to fully and effectively implement and administer the Permit Application process.
- (6) The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
- (7) As specified in this Ordinance, each Applicant shall pay nonrefundable Review fees, Application fees, annual fees, renewal fees and inspection fees for Permits to the City to defray the costs incurred by the City for inspection, administration and enforcement of the local regulations regarding Commercial Medical Marihuana Facilities. The City Commission shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. The Permit fee requirement shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or City law or ordinance, including, by way of example, any applicable zoning or building permits.

- (8) The City has no obligation to process or approve any incomplete Application.
- (9) A Permit shall remain valid for one year following removal of all stipulations on an issued Permit.
- (10) It is the sole and exclusive responsibility of each Permit Holder or Applicant at all times during the Application period and during its operation to immediately provide the City with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its City Permit.
- (11) No Permit issued under this Ordinance may be assigned or transferred to another person or entity except as specified in this Ordinance.. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises on the Permitted Property.
- (12) The original Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
- (13) A Permit Holder may not engage in any other Commercial Medical Marihuana Facility in the Permitted Premises or on the Permitted Property, or in its name at any other location within the City, without first obtaining a separate Permit.
- (14) No Permit shall be granted or renewed for a Commercial Medical Marihuana Facility in a residence.
- (15) Co-Located Facilities are subject to state law for multiple uses per premises, subject to the City Manager or his designee's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MMFLA and each use is consistent with zoning and other provisions of the City Code of Ordinances. If these conditions are met, more than one different marihuana facility may be located on one parcel. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire wall separating any marihuana facility and any adjacent businesses.
- (16) Stacked Permit. An Applicant that is requesting an initial Class C Grower Permit or a Permit Holder that has been issued a Class C Grower permit may apply for one or more Stacked Permits at the same Permitted Premise subject to all requirements of the MMFLA, administrative rules and local regulations. Each Stacked Permit is subject to all applicable fees for application and renewal. There are two categories for a Stacked Permit: Minor or Major.
 - i. Stacked Permit-Minor. A minor Stacked Permit is one that doesn't require changes to the Permitted Premise or Permitted Property and doesn't require changes to the information provided in the original Class C Grower Application. This permit type does not require an additional special land use permit approved by the Planning

Commission and maybe approved by the Zoning Administrator.

- ii. Stacked Permit-Major. A major permit is one that requires changes to the Permitted Premise or Permitted Property and/or has changes to the information provided in the original Class C Grower Application. This permit type must follow all of the application requirements and approvals.

(d) *Other Laws and Ordinances.* In addition to the terms of the Ordinance, any Commercial Medical Marihuana Facility shall comply with all City Ordinances, including without limitation the City Zoning Ordinance, and with all other applicable federal, state and local ordinances, laws, codes and regulations. To the extent that the terms of this Ordinance are in conflict with the terms of any other applicable federal, state or local ordinances, laws, codes or regulations, the terms of the most restrictive ordinance, law, code or regulation shall control.

(e) *Application for and Renewal of Permits.*

...

(3) *Processing and Review of Applications.*

...

- viii. If all conditions of this Ordinance have been met, the City Clerk shall issue the Permit to the Applicant.

1) All Permits issued have the following stipulations:

- a. Issuance of License Qualification by the State of Michigan for the Permit Holder under State law and the City of Sturgis receiving a copy of that License Qualification prior to occupancy.
- b. Issuance of final occupancy of the Permitted Premises by the Community Development Department. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations.
- c. For Processors and Class A, B, and C Growers proposing to connect to or to contribute to the POTW, a wastewater discharge permit. Refer to City of Sturgis Code of Ordinances Section 62-191.
- d. Issuance of Final Approval by the State of Michigan and the City of Sturgis receiving a copy of the Final Approval prior to the business opening.

- 2) A Permit Holder has one (1) year from the date of issuance to meet all stipulations of the Permit. If all stipulations are not met in this timeframe, the Permit is revoked and considered denied. A Permit Holder may request an extension up to six (6) months to this timeframe, which may be granted by the City Clerk.
 - a. If a permit holder has been issued an extension, a building permit has been issued for the permitted premise and construction is ongoing or completed, but they have not satisfied all the stipulations of the permit, the permit holder may apply for an extension request with the City Commission.

...

AMENDMENTS TO CITY ORDINANCES
PERTAINING TO THE AUTHORIZATION AND PERMITTING
OF ADULT USE MARIHUANA ESTABLISHMENTS

An ordinance to amend Chapter 38-Article IV Section 38-93 of the Ordinances of the City of Sturgis to provide for the modification of operational requirements of adult use 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 Ordinances to provide for the modification of operational requirements of commercial medical marihuana facilities;

NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains: Chapter 38-Article IV, Section 38-93 of the City Ordinances is hereby amended as follows effective as of May 21, 2021.

Sec. 38-93 ADULT USE MARIHUANA ESTABLISHMENTS

...

- (b) Definitions. The following words, terms and phrases when used in this Section shall have the meanings ascribed to them in this Subsection (and Section 38-92 when Medical Marihuana definitions are indicated by the word "Medical"):
 - (25) "*Applicant*", unless specifically stated to mean a state License, means an individual, organization, partnership, company, corporation enterprise, or other entity that applies for a Municipal License as well as the person or persons associated with the Applicant. For purposes of this definition, an Applicant includes a managerial employee of the Applicant, a person holding a direct or indirect ownership interest of more than 10% in the Applicant, and the following for each type of Applicant:
 - For an individual or sole proprietorship: the proprietor and spouse.
 - For a partnership and limited liability partnership: all partners and their spouses.
 - For a limited partnership and limited liability limited partnership: all general and

limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the partnership, and their spouses.

- For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less and who does not exercise control over or participate in the management of the company, and their spouses.
- For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.
- For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.
- For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

For purposes of this definition, an Applicant does not include:

- A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate.
- A franchisor who grants a franchise to an applicant, provided that the franchisor does not have the right to receive royalties based upon the sale of marijuana or marijuana- infused products by the applicant who is a franchisee. Nothing herein shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms “franchise,” “franchisor,” and “franchisee” shall have the meanings set forth in section 2 of the Franchise Investment Law, 1974 PA 269, MCL 445.1502.
- A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation.
- A person receiving reasonable payment under a licensing agreement or contract concerning the licensing of intellectual property including, but not limited to, brands and recipes.

(26) “*Application*” means an Application for a Municipal License under this Ordinance

and includes all supplemental documentation attached or required to be attached thereto.

- (27) “*Application Documents*” means the items required as part of an Application submitted to the City prior to them being accepted as complete as provided in Subsection (e)(1).
- (28) “*Board*” means the marihuana licensing board, as anticipated by the MRTMA to be created at LARA in order to regulate and administer state licenses.
- (29) “*Clerk*” means the City of Sturgis Clerk or his/her designee.
- (30) “*Co-located Facility or Co-location*” means marihuana businesses holding 2 or more types of state operating licenses under the MRTMA and MMFLA operating within a single location.
- (31) “*Cultivate or Cultivation*” means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (32) “*Department*” means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Marihuana Establishment.
- (33) “*Designated Consumption Establishment*” means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state License.
- (34) “*Excess Marihuana Grower*” means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments.
- (35) “*Grower*” means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to Marihuana Establishments.
- (36) “*License*” means a current and valid License for Marihuana Establishment issued by the State of Michigan.
- (37) “*Licensee*” means a Person holding a current and valid Michigan License for a Marihuana Establishment.
- (38) “*Marihuana*” means that term as defined in Section 3 of the MRTMA, MCL 333.27953.
- (39) “*Marihuana Accessories*” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise

introducing marihuana into the human body.

- (40) “*Marihuana Concentrate*” means the resin extracted from any part of the plant of the genus *cannabis*.
- (41) “*Marihuana Establishment*” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, marihuana designated consumption establishment, or any other type of marihuana-related business licensed by the department pursuant to MCL 333.27951.
- (42) “*Marihuana Event Organizer*” means a person licensed to apply for a temporary marihuana event license under these rules.
- (43) “*Marihuana-Infused Product*” means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (44) “*Marihuana Microbusiness*” means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (45) “*Marihuana Processor*” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (46) “*Marihuana Retailer*” means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (47) “*Michigan Medical Marihuana Act*” or MMMA means 2008 IL 1, MCL 333.26421 et seq., as may be amended.
- (48) “*Michigan Marihuana Facilities Licensing Act*” or MMFLA means Public Act 281 of 2016, MCL 333.27101 et seq. as may be amended.
- (49) “*Michigan Marihuana Tracking Act*” means Public Act 282 of 2016, MCL 333.27901 et seq. as may be amended.
- (50) “*Municipal License*” means a current and valid license for a Marihuana Establishment issued under this Ordinance, which shall be granted to a Municipal License Holder only for and limited to a specific Municipally-Licensed Premises and a specific Municipally-licensed Property. Said Municipal License shall be in addition to the Special Use Permit required to be obtained pursuant to the City Zoning Ordinance.

- (51) “*Municipal License Holder*” means the an individual, organization, partnership, company, corporation enterprise, or other entity that holds a current and valid Municipal License issued under this Ordinance as well as the person or persons associated with the Municipal License Holder as Applicant(s) for that Municipal License.
- (52) “*Municipal License Slot*” means an unissued permit available to be issued to an Applicant.
- (53) “*Municipally-Licensed Premises*” means the particular building, buildings, or tenant space within which the Municipal License Holder will be authorized to conduct the Facility’s activities pursuant to the Municipal License.
- (54) “*Municipally-Licensed Property*” means the real property comprised of a lot, parcel or other designated unit of real property upon which the Municipally-Licensed Premises is situated.
- (55) “*Person*” means a natural person, company, partnership, profit or non-profit corporation, Limited Liability Company, or any joint venture for a common purpose.
- (56) “*Premises*” means the particular building, buildings, section of land, or tenant space within which a particular use is conducted.
- (57) “*Public Place*” means any area in which the public is invited or generally permitted in the usual course of business.
- (58) “*Rules*” means rules promulgated by the Department in consultation with the Board to implement this Act, including the LARA Rules as may be amended.
- (59) “*Safety Compliance Establishment*” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (60) “*School*” means any property owned or leased by an elementary, parochial, private, or secondary school, including buildings, fields, or other property utilized by the school. Elementary, parochial, private and secondary schools are defined as in the City of Sturgis Zoning Code.
- (61) “*Secure Transporter*” means a person licensed to obtain marihuana form marihuana establishments in order to transport Marihuana to Marihuana Establishments.
- (62) “*Stacked License*” means one or more additional Class C Grower Licenses applied for or issued to either a single Applicant already requesting an initial Class C Grower License or a single Municipal License Holder with at least one Class C Marihuana Grower License under this ordinance.
- (63) “*State Operating License*” or, unless the context requires a different meaning, “*License*”, means a license issued by the Department that allows a person to operate

a Marihuana Establishment.

- (64) “*Temporary Marihuana Event License*” means a state License held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state License during the dates indicated on the state License.
- (65) “*Window*” means the time period set by the City Manager to receive Applications for evaluation by the competitive process as specified in this Ordinance.

(c) *Municipal License Required; Eligibility; General Provisions.*

- (1) The City hereby authorizes the operation of the following types of Marihuana Establishments:
 - i. Growers, Class A
 - ii. Growers, Class B
 - iii. Growers, Class C
 - iv. Processors
 - v. Retailer
 - vi. Safety Compliance Facilities
 - vii. Secure Transporters
 - viii. Marihuana Microbusiness
 - ix. Co-Located Facilities as defined in this Ordinance
- (2) The following number of Municipal Licenses can be issued for each authorized Marihuana Establishment type:
 - i. Growers, Class A: Unlimited
 - ii. Growers, Class B: Unlimited
 - iii. Growers, Class C: Unlimited
 - iv. Processors: Unlimited
 - v. Retailers in B-H 1 Zoning District: 3 Municipal Licenses
 - vi. Retailers in M Zoning District: Unlimited
 - vii. Retailers in all other Districts: 0 Municipal Licenses
 - viii. Safety Compliance Facilities: Unlimited
 - ix. Secure Transporters: Unlimited
 - x. Marihuana Microbusiness in M Zoning District: Unlimited
 - xi. Marihuana Microbusiness in all other Districts: 0 Municipal Licenses
- (3) No person shall operate a Marihuana Establishment at any time or any location within the City unless a currently-effective Municipal License for that person at that location has been issued under this Ordinance. No Marihuana Establishments are allowed nor shall a Municipal License be considered or granted for those activities and facilities defined as a “special license” being a state license described under section 8 of the MRTMA and issued by the state pursuant to section 9 of the MRTMA, MCL 333.2795 and 333.27959, including but not limited to, Designated

Consumption Establishment, Excess Marihuana Grower, Marihuana Event Organizer, Temporary Marihuana Event, and any special license types hereafter recognized by the state.

- (4) Marihuana Establishments shall operate only as allowed under this Ordinance.
- (5) The City Manager is granted the power to fully and effectively implement and administer the Municipal License Application process.
- (6) The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or Municipal Licensing requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
- (7) As specified in this Ordinance, each Applicant shall pay nonrefundable Review fees, Application fees, annual fees, renewal fees and inspection fees for Municipal Licenses to the City to defray the costs incurred by the City for inspection, administration and enforcement of the local regulations regarding Marihuana Establishments. The City Commission shall by resolution set the fees in an amount not to exceed any limitations imposed by Michigan law. The Municipal License fee requirement shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state or City law or ordinance, including, by way of example, any applicable zoning or building permits.
- (8) The City has no obligation to process or approve any incomplete Application.
- (9) A Municipal License shall remain valid for one year following removal of all stipulations on an issued Municipal License.
- (10) It is the sole and exclusive responsibility of each Municipal License Holder or Applicant at all times during the Application period and during its operation to immediately provide the City with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its City Municipal License.
- (11) No Municipal License issued under this Ordinance may be assigned or transferred to another person or entity except as specified in this Ordinance. No Municipal License issued under this Ordinance is transferrable to any other location except for the Municipally-Licensed Premises on the Municipally-Licensed Property.
- (12) The original Municipal License issued under this Ordinance shall be prominently displayed at the Municipally-Licensed Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
- (13) A Municipal License Holder may not engage in any other Marihuana Establishment in the Municipally-Licensed Premises or on the Municipally-Licensed Property, or in its name at any other location within the City, without first obtaining a separate Municipal License.

- (14) No Municipal License shall be granted or renewed for a Marihuana Establishment in a residence.
- (15) Co-located Facilities are subject to state law for multiple uses per premises, subject to the City Manager or his designee's determination that such uses are compatible together at that location, are consistent on a shared basis with all the provisions of the MRTMA and each use is consistent with zoning and other provisions of the City Code of Ordinances. If these conditions are met, more than one business may be located on one parcel. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire wall separating any Marihuana Establishment and any adjacent businesses.
- (16) Stacked License. A Municipal License Holder that is requesting an initial Class C Grower License or a Municipal License Holder that has been issued a Class C Grower License may apply for one or more Stacked Licenses at the same Municipally Licensed Premise subject to all requirements of the MRTMA, administrative rules and local regulations. Each Stacked License is subject to all applicable fees for application and renewal. There are two categories for a Stacked License: Minor or Major.
 - i. Stacked License-Minor. A minor Stacked License is one that does not require changes to the Municipally Licensed Premise or Municipally Licensed Property and does not require changes to the information provided in the original Class C Grower Application. This license type does not require an additional special land use approved by the Planning Commission and maybe approved by the Zoning Administrator.
 - ii. Stacked License-Major. A major license is one that requires changes to the Municipally Licensed Premise or Municipally Licensed Property and/or has changes to the information provided in the original Class C Grower Application. This license type must follow all of the application requirements and approvals.
- (d) *Other Laws and Ordinances.* In addition to the terms of the Ordinance, any Marihuana Establishment shall comply with all City Ordinances, including without limitation the City Zoning Ordinance, and with all other applicable state and local ordinances, laws, codes and regulations.
- (e) *Application for and Renewal of Municipal License.*
 - ...
- (4) Processing and Review of Applications.
 - ...
 - vii. If all conditions of this Ordinance have been met, the City Clerk shall issue the Municipal License to the Applicant.

- 1) All Municipal Licenses issued have the following stipulations:
 - a. Issuance of License Qualification by the State of Michigan for the Municipal License Holder under State law and the City of Sturgis receiving a copy of that License Qualification prior to occupancy.
 - b. Issuance of final occupancy of the Municipally-Licensed Premises by the Community Development Department. All construction must be in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations.
 - c. For Processors and Class A, B, and C Growers and Microbusinesses proposing to connect to or to contribute to the POTW, a wastewater discharge permit. Refer to City of Sturgis Code of Ordinances Section 62-191.
 - d. Issuance of Final Approval by the State of Michigan and the City of Sturgis receiving a copy of the Final Approval prior to the business opening.
- 2) A Municipal License Holder has one (1) year from the date of issuance to meet all stipulations of the Municipal License. If all stipulations are not met in this timeframe, the Municipal License is revoked and considered denied. A Municipal License Holder may request an extension up to six (6) months to this timeframe, which may be granted by the City Clerk.
 - a. If a Municipal License Holder has been issued an extension, a building permit has been issued for the Municipally Licensed Premise and construction is ongoing or completed, but they have not satisfied all the stipulations of the permit, the permit holder may apply for an extension request with the City Commission.

...

City Controller Holly Keyser explained that in an effort to attract and retain employees part-time and seasonal employees, staff is proposing to include an adult Doyle membership to their compensation. Discussion followed.

Moved by Comm. Malone and seconded by Comm. Smith to approve the amendment to the Doyle Membership Policy as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent Josh Czajkowski provided information on the bids related to a new skid steer. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Wickey to approve the purchase of a 2021 John Deere 325G Skid Steer from AIS Construction equipment in the amount of sixty-three thousand, six hundred and twenty-two dollars (\$63,622.00) as presented.

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

Voting nay: Klinger, Smith, Good, Mullins

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Bir to authorize the sale of vehicle #233-04 a 2004 Caterpillar Multi-Terrain Loader via public auction.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent Josh Czajkowski provided information on the bids related to a new mini excavator. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to approve the purchase of a 2021 Bobcat E35i Mini Excavator from Carleton Equipment Company in the amount of forty-eight thousand two hundred dollars (\$48,200.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Electric Department Superintendent Josh Czajkowski provided information for preliminary engineering on improvements at the Sturgis Dam. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve a bid waiver for and the proposal from Lawson-Fisher Associates to conduct the Embankment Rehabilitation Study in an amount not-to-be exceed sixty-eight thousand dollars (\$68,000.00) as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:26 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 12, 2021
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 Comm. Wickey.

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

Also present: City Attorney, City Manager, Assistant City Manager, Public Safety Director, City
Controller, City Engineer, Facilities Manager, Cemetery and Parks Superintendent, City Clerk

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

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

Moved by Comm. Good and seconded by Comm. Klinger to approve the Consent Agenda of May 12,
2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from April 28, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,106,096.86 as presented.

8C. 2021 Car Cruise-In & Eats Event Requests

APPROVE the requests for the 2021 DDA Car Cruise-In & Eats events on May 14th, July 16th, and
August 13th, 2021 as presented.

8D. Memorial Day Parade

APPROVE the requests for the 2021 Memorial Day Parade and activities as presented.

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

Mayor Hile opened the Public Hearing on the West Congress Sidewalk Special Assessments.

City Engineer Barry Cox provided information on the sidewalk repair program.

The Commission had questions about certain properties.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Mullins and seconded by Comm. Bir to approve a Special Assessment District
#2021-03 for the W. Congress Street Sidewalk Repair Program as presented.

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

City Manager Michael Hughes provided information on a potential utility round-up program that could benefit the Sturgis Community Foundation. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Malone to approve the Round Up Program request from the Sturgis Area Community Foundation as presented.

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

Cemetery and Parks Director Tony VanNest and Jenifer Blouin-Policelli, Sturgis Historical Society Director, provided information on proposed tours through the Oak Lawn Cemetery highlighting past residents.

Moved by Comm. Smith and seconded by Comm. Good to approve the Sturgis Historical Museum's plan as presented.

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

Cemetery and Parks Director Tony VanNest provided information on the development of new lots in Oak Lawn Cemetery. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the development of Block ZZ in Oak Lawn Cemetery, approve an amendment to the Cemetery Rules and Regulations adding Section 2-8, and approve the proposed cemetery rates as presented.

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

City Engineer Barry Cox provided information on the design of a proposed roundabout at North Franks and Lafayette Avenues. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve Task Order #98 with Fleis and VandenBrink Engineering, Inc. in the amount of one hundred twelve thousand three hundred dollars (\$112,300.00) for the design of street and utility improvements and authorize the City Manager to sign the contract on behalf of the City.

Voting yea: Seven Voting nay: Smith Absent: Littman MOTION CARRIED

Facilities Manager Dan Root provided information on the bids received for a new storage building at Spence Field. Discussion followed.

Moved by Comm. Good and seconded by Comm. Wickey to approve the bid from Brussee Brady for the construction of the storage building at the Spence Complex in the amount of fifty-three thousand two hundred dollars (\$53,200.00) as presented.

Voting yea: Good, Malone, Wickey

Voting nay: Smith, Bir, Klinger, Mullins, Hile

Absent: Littman

MOTION DEFEATED

City Controller Holly Keyser provided details on necessary budget amendments. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Budget Amendments for Fiscal Year 2020-2021 as amended for the roundabout task order.

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

The City Commission had consensus to return to in person meetings.

The City Commission had consensus to consider an amendment to the City Code of Ordinances related to times for waste hauler pick up.

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

Voting yea: Eight

Voting nay: None

Absent: Littman

MOTION CARRIED

Meeting recessed at 8:22 p.m.

Meeting reconvened at 8:58 p.m.

The meeting was adjourned at 9:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 26, 2021
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: 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, City Controller, City Engineer, Cemetery and Parks Superintendent, SYCA Director, City Clerk

Mayor Hile presented an Outstanding Community Service Award to Arlene Curnow, for her late husband Walter "Gene" Curnow.

City Controller Holly Keyser and Jeff Williams, Gabridge and Company, presented the 2019-2020 Fiscal Year Audit. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to add discussion of the noxious weeds ordinance to the agenda.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Smith to approve the agenda as amended.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of May 26, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from May 12, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,429,451.28 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Comm. Good and Comm. Bir expressed concern related to the growth of grass and noxious weeds around the City. City Manager Michael Hughes and Public Safety Director Ryan Banaszak provided a history and process of code enforcement for the ordinance. Discussion followed.

City Manager Michael Hughes and LifeCare President Steve Frisbee provided information on the current and proposed contract for ambulance services, issues with response time and staffing, and potential penalties. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Agreement to Operate Ambulance Service with LifeCare Ambulance as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Third Amendment to St. Joseph County Ambulance Committee Inter-Governmental Agreement as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to approve the request from LifeCare to waive response time penalties under the previous Ambulance Service Contract for October-December 2020 and January-March 2021 as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox provided information on the necessary wastewater collection system repairs identified in the 2020 Asset Management Plan. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve Task Order #99 with Fleis and VandenBrink Engineering, Inc. for Design and Bid Phase Services for the Fiscal Year 2021 and 2022 Sanitary Sewer Rehabilitation in the amount of thirty-three thousand, five hundred dollars (\$33,500.00) and authorize the City Manager to sign the Task Order on behalf of the City.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

SYCA Director Sheila Bolda provided information on a grant application to the Michigan Council for Arts and Cultural Affairs Capital Improvement Grant Program for projection upgrades in the auditorium and ballroom spaces of the Sturges-Young Center for the Arts.

Moved by Comm. Good and seconded by Comm. Klinger to approve submission of a grant application to the Michigan Council for Arts and Cultural Affairs Capital Improvement Grant Program for projection upgrades as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on a new full time maintenance worker position in the Parks and Cemetery Department. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to approve the addition of a full-time Parks and Cemetery Maintenance Worker position as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided details on the annual volunteer board and committee appointments.

Moved by Comm. Good and seconded by Comm. Bir to reappoint Alan Carter and Michael VanMeter to the Airport Advisory Board.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to reappoint Anita Ritter to the Sturges-Young Center for the Arts Board and advertise a vacancy for a position formerly held by Christopher Perkins.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Klinger to reappoint Rob Falkenstein and Amanda Wickey to the DDA Board of Directors.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to reappoint Craig Cassault, John Fisher, and Ed Habedank to the Doyle and Recreation Advisory Board.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Smith to reappoint Vivian VanNest and appoint Comm. Good and Comm. Bir to the Parks and Cemetery Board, provided the City Charter and Code of Ordinances allow a City Commissioner to sit on this board.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Klinger to reappoint Michael Caywood and Pete Stage and appoint Luis Perez to the Planning Commission.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Klinger to reappoint Georgia Austermann, Emily Landess, Allen Meyer, and Luis Perez to the Sister City Committee.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Smith and seconded by Comm. Mullins to reappoint Rob Falkenstein and Randall Jung to the Zoning Board of Appeals.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to go into Closed Session to discuss the potential purchase of property and conduct a periodic personnel evaluation at the request of the employee.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Meeting recessed at 8:39 p.m.

Meeting reconvened at 9:26 p.m.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 9, 2021
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 Comm Good.

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

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, City Engineer, Facilities Manager, Community Development Director, City Clerk

Moved by Comm. Good and seconded by Comm. Littman to add the Allopathic Crop Services, LLC Extension Request to the agenda.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None
MOTION CARRIED

Moved by Comm. Smith and seconded by Comm. Littman to approve the agenda as amended.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None
MOTION CARRIED

Moved by Comm. Smith and seconded by Comm. Littman to approve the Consent Agenda of June 9, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from May 26, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,760,437.46 as presented.

8C. Set Public Hearing for Millage Rate

SET a Public Hearing for Wednesday, June 23, 2021 at 6:00 p.m. for consideration of the 2021 City Operating and City Streets/Sidewalks millage rates and ADVERTISE the rate at 10.4623 and 2.9895 respectively.

8D. Fireworks Approvals

AUTHORIZE Deputy Public Safety Director Andrew Strudwick or his designated representative to complete all necessary permit reviews and SIGN all necessary documents for a community fireworks display.

APPROVE the requests for the fireworks display as presented.

8E. Downtown Events Requests

APPROVE the requests for Movies in the Park on June 11th, July 16th, August 13th, and September 17th and the requests for the Downtown Sturgis Grand Re-Opening on June 18th as presented.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Tony Percival, Member, Allopathic Crop Services, LLC, provided a timeline of their progress on their provisioning center and difficulties with State approvals. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve a six month extension for Allopathic Crop Services, LLC related to their medical marihuana provisioning center permit.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Sturgis Neighborhood Program Executive Director Monica Smith provided information on their most recent project and their proposed project. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the request for the SNP open house as presented.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Good to approve the sale of 303 S. Fourth 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: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on a proposed RFQ related to Thurston Woods Park Improvements that would be related to the proposed splashpad. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the Request for Qualifications for the Thurston Woods Park Improvements design services.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to appoint Comm. Bir and Comm. Klinger to the Thurston Woods Park Improvements RFQ review committee.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Facilities Manager Dan Root provided information on the bids related to the Doyle bathroom renovations. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve the bid of Brussee/Brady, Inc. for the Doyle Bathroom Renovation project with alternates 1 and 2 in the amount of one hundred and fourteen thousand, nine hundred and fifty dollars (\$114,950.00) as presented.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on an agreement with Michigan Southern Railroad related to a trail and the Franks Avenue crossing. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve the Agreement of Understanding between the City of Sturgis and Michigan Southern Railroad for the North Franks Crossing as presented.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Mullins to go into Closed Session to conduct a periodic personnel evaluation at the request of the employee.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

Meeting recessed at 7:18 p.m.

Meeting reconvened at 7:39 p.m.

Moved by Comm. Good and seconded by Comm. Mullins to approve the Employment Agreement with City Manager Michael Hughes as modified.

Voting yea: Seven

Absent: Wickey, Malone

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:41 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 23, 2021
STURGES-YOUNG CENTER FOR THE ARTS

Mayor Hile called the meeting to order at 5:00 p.m.

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

Commissioners absent: Klinger

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

Public Safety Director Ryan Banaszak and City Manager Michael Hughes provided information on ways to hire, retain and recruit employees in a challenging labor market. Discussion followed.

The meeting was adjourned at 5:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JUNE 23, 2021
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 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, City Controller, City Engineer, Community Development Director, Public Safety Director, City Clerk

Mike Mort provided information on the City Works documentary he is currently working on which is due to be released in November. Discussion followed.

Canan Farr, 301 Wren Road, Commander of the American Legion, explained the limitations of the current social district regulations. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Littman to approve the agenda as amended.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the Consent Agenda of June 23, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from June 9, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,427,021.34 as presented.

8C. Newell Brands Easement

APPROVE the Easement Document related to Newell Brands as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the 2021 millage rates.

City Clerk/Treasurer Kenneth Rhodes provided information on the tax laws and the proposed millage rates and associated revenue.

The City Commission held discussion.

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 2021 operating millage tax rate at 10.4623 mils and set the Streets/Sidewalk Improvement Millage tax rate at 2.9895 mils.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the Drinking Water State Revolving Fund Project Plan.

City Engineer Barry Cox and Neil DeWitt, Fishebeck, provided a summary of the projects in the project plan.

The City Commission held discussion.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Mullins to adopt the Resolution Adopting a DWSRF Project Plan for Water System Improvements and Designating an Authorized Project Representative.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

**A RESOLUTION ADOPTING A DWSRF PROJECT PLAN
FOR WATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT
REPRESENTATIVE**

WHEREAS, the City of Sturgis recognizes the need to make improvements to the water distribution system; and

WHEREAS, the City of Sturgis authorized Fishbeck, Inc. to prepare a Drinking Water State Revolving Loan (DWSRF) Project Plan, which recommends the water distribution system improvements; and

WHEREAS, said Project Plan was presented at a public hearing meeting held on June 23, 2021, and all public comments have been considered and addressed;

NOW, THEREFORE BE IT RESOLVED, that the City of Sturgis formally adopts said Project Plan and agrees to implement the selected alternatives (for the new water main and services);

BE IT FURTHER RESOLVED, that the City Manager, a position currently held by Michael Hughes, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a revolving fund loan to assist in the implementation of the selected alternative.

Community Development Director Will Prichard explained that the City has received two requests for permit extensions and provided information on the details of the ordinance and requests.

Chuck Senatore, Bloom City Club representative, provided information on the development status for his project.

Bob Hendricks, Sturgis Wellness & Provisioning Center attorney and David Hellman project manager, provided information on the development status for his project.

David Hughes, Constantine Products, LLC attorney, objected to the extension requests based on the terms of the ordinance.

There was extensive discussion regarding the reasons for the delays, the progress of the developments, various issues dealing with State entities, the ordinance amendments and other issues.

Moved by Comm. Good and seconded by Comm. Mullins to approve the six month medical marihuana permit extension for Sturgis Wellness & Provisioning Center located at 2770 S. Centerville Rd.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Mullins to approve the six month medical marihuana permit extension for DAP Synergy, LLC (dba Bloom City Club) located at 2773 S. Centerville Rd.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided information on a series of zoning district changes. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of an amendment to the Zoning District as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided information on amendments to the description of districts for the Central Business (B-C) and Planned Development District 2 (PDD-2) zoning districts. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Littman to consider this the first reading of amendments to sections 1.0407 - Central Business District, 1.0412.1 - PDD-2 Planned Development District, 1.0202 - Specific Terms, and 1.0603(KK) -Special Land Use Designated as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Community Development Director Will Prichard provided information on amendments to the City's parking ordinance. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Littman to consider this the first reading of amendments to Appendix A Zoning, Article IX-Off Street Parking and Loading as presented.

Voting yea: Eight

Voting nay: Smith

MOTION CARRIED

City Engineer Barry Cox provided details on the 2021 Street Improvements project. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the contract for the 2021 Street Improvements Project with Northern Construction Services Corporation in the amount of six hundred and ninety-seven thousand, eight hundred twenty-two dollars, and fifty cents (\$697,822.50) and authorize the City Manager to sign contract documents on behalf of the City.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Klinger to approve a contingency budget of thirty-four thousand, eight hundred ninety dollars (\$34,890.00) for the 2021 Street Improvements Project.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Engineer Barry Cox details on the W. Congress Utility and Street Improvements Phase I Project. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Malone to approve the contract for the W. Congress Utility and Street Improvements Phase I Project with Northern Construction Services Corporation in the amount of seven hundred and thirty-seven thousand, one hundred thirteen dollars and fifty cents (\$737,113.50) and authorize the City Manager to sign contract documents on behalf of the City.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Malone to approve a contingency budget of fifty-eight thousand, nine hundred sixty-nine dollars (\$58,969.00) for the W. Congress Utility and Street Improvements Phase I Project.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

SYCA Director Sheila Bolda provided details on the current state of hiring of staff and the contract with Creative Dining. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve submission of 30-day cancellation notice to Creative Dining Services to terminate services for the Sturges-Young Center for the Arts.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided details on a billing error by Borden Waste-Away related to the City's recycling program and a proposed contract addendum. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve the Third Addendum to Contract for Service Citywide Curbside Recyclable Collection and Disposal with Borden Waste-Away Service, Inc. as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Controller Holly Keyser explained that the City Mechanic was notified that the MiDeal dealer for the proposed new police cars would be able to secure the purchase of two 2021 Dodge Chargers at the current price. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to authorize the issuance of a letter of intent for the purchase of two 2021 Dodge Chargers for the Police Department from LaFontaine CDJR-Lansing in the amount of \$27,809.00 each.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to authorize the closure of streets for the upcoming Car Cruise-In event as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that the weather for this weekend's fireworks has a high probability of thunderstorms and in lieu of a complete cancelation of the event, that they could be moved to the end of Sturgis Fest. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. to cancel the fireworks for June 26, 2021 and move them to the end of the Sturgis Fest events on August 21, 2021.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had consensus to add a discussion of adding a fourth marihuana license in the BH1 district at the next regular meeting.

Comm. Wickey explained that he will be stepping down from his position as Second Precinct Commission after the second regular meeting in October 2021.

The meeting was adjourned at 9:35 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 14, 2021
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: Bir, Klinger, Wickey, Smith, Littman, Good, Vice-Mayor Mullins,
Mayor Hile
Commissioners absent: Malone

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

Gladys Krebs, 1108 Michigan, explained that there is a serious issue with homelessness in the City. The Commission explained that they will discuss the matter at a future meeting.

Moved by Comm. Littman and seconded by Comm. Smith to approve the agenda as amended.

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

Moved by Comm. Littman and seconded by Comm. Malone to approve the Consent Agenda of July 14, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the June 23, 2021 work session as presented.

APPROVE the minutes from the June 23, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,864,703.51 as presented.

8C. Zoning District Changes 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 August 6, 2021.

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

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

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with

respect to the zoning map to change the zoning designation of certain property from their current designations to the Business Highway 1 (B-H1) 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 August 6, 2021:

Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described property shall be in the Business Highway 1 (B-H1) zoning district:

- 705 Enterprise Avenue (75-052-530-027-00)
- 406 S. Centerville Road (75-052-540-001-00)
- 512 S. Centerville Road (75-052-540-011-00)
- 1101 S. Centerville Road (75-052-777-213-00)
- 505 S. Orange Street (75-052-540-008-00)
- 509 S. Orange Street (75-052-540-010-00)
- 408 W. South Street (75-052-777-227-20)
- 704 W. Chicago (75-052-510-014-00)

8D. B-C and PDD-2 Zoning Amendments Second Reading

CONSIDER this the second reading of and APPROVE amendments to sections 1.0407 - Central Business District, 1.0412.1 - PDD-2 Planned Development District, 1.0202 - Specific Terms, and 1.0603(KK) - Special Land Use Designated as presented effective August 6, 2021.

AMENDMENT TO ZONING ORDINANCE PERTAINING TO PERMITTED AND SPECIAL LAND USE DESIGNATIONS IN THE B-C CENTRAL BUSINESS DISTRICT

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to modify Permitted and Special Land Use designations in the B-C Central Business 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 designation of Permitted and Special Land Use designations in the B-C Central Business District.

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 August 6, 2021:

1.0407. - B-C central business district.

(A) *Intent.* The B-C central business district is established to create and preserve a central business district convenient and attractive for a wide range of retail uses and business, government and professional offices, and places of amusement in a setting conducive to and safe for pedestrian traffic.

(B) *Restricted zone.* Properties on Chicago Road between Jefferson Street on the West and Monroe Street on the East are considered the Restricted Zone for the purposes of this section. Uses may be limited or amended in this area if specified below.

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

- (1) The following uses are permitted in the Restricted Zone provided they are located either above the first floor, or below the first floor. They are permitted without restriction outside of the Restricted Zone.

- (a) Banks, credit unions, or similar uses.
 - (b) Business schools.
 - (c) Clinic, Dental or Medical.
 - (d) Private Schools.
 - (e) Professional service offices.
 - (2) Catering facility in combination with a full service eating and drinking establishment.
 - (3) Essential services.
 - (4) Existing Housing.
 - (5) Fast food restaurant.
 - (6) Full service eating and drinking establishment.
 - (7) Hotels and motels.
 - (8) Institutional or public uses.
 - (9) Laundry and dry cleaning.
 - (10) Personal Services.
 - (11) Printing or publishing.
 - (12) Recreational facility.
 - (13) Social clubs.
 - (14) Stores for retail sales and retail services.
 - (15) Studio.
 - (16) Theaters.
 - (17) Transportation services.
 - (18) Uses similar to the above uses.
 - (19) 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.
- (D) *Special land uses.* The following special land uses are permitted in the B-C district under the conditions of article VI [of this zoning ordinance].
- (1) Apartments above stores.
 - (2) Bed and Breakfast operations. Allowed in the Restricted Zone provided it is located either above the first floor, or below the first floor. Allowed outside the Restricted Zone in accordance with Article VI.
 - (3) Child care centers and day care centers in accord with section 1.0602 and section 1.0603(M).
 - (4) Condominiums.
 - (5) Drive-Through operations.
 - (6) Marquee Signs.

- (a) Marquee signs are permitted only for use on theaters as defined in section 1.0202 of this ordinance.
 - (b) All marquee signs must be submitted to the design review committee regardless of what zone they are to be installed.
 - (c) Proper scale and architectural compatibility will be crucial elements when marquee signs are reviewed by the planning commission.
 - (d) Marquee signs are allowed to be internally lighted.
 - (7) Murals.
 - (8) Off-Street parking lots.
 - (9) Outdoor sale areas.
 - (10) Professional service offices and banks, credit unions or similar uses in the Restricted Zone.
 - (11) Sidewalks cafes.
 - (12) Tourist homes.
- (E) *Required conditions.* The following conditions are required in the B-C district.
- (1) *Area and bulk requirements.* See article V, schedule of regulations, [of this zoning ordinance] limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
 - (2) *Demolition of buildings.* Before a demolition permit is issued for a building located in the B-C 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 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) *[Design review.]* Design review as provided for in article XIII [of this zoning ordinance].
 - (4) *Drive-through operations.* All permitted uses with a drive-through operation must meet the off-street parking and stacking standards for a drive-through as stated under [section] [1.0902](#).
 - (5) *Dwellings.* Existing dwellings, transient rooming houses and apartments shall meet the provision of the R-4 apartment district and special land uses within the R-4 apartment district, as set out in section 1.0404
 - (6) *Screening dumpsters.* All areas of trash storage and disposal including dumpsters must be screened as provided under section 1.1106.
 - (7) *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].

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO PERMITTED AND SPECIAL LAND USE DESIGNATIONS IN THE
PDD-2 PLANNED DEVELOPMENT DISTRICT

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to modify Permitted and Special Land Use designations in the PPD-2 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 designation of Permitted and Special Land Use designations in the PPD-2 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 as follows, effective as of August 6, 2021:

1.0412.1. - PDD-2 planned development district.

(A) *Intent.* The PDD-2 planned development district is established to create a planned development district convenient and attractive for a wide range of retail uses, business, residential, government and professional offices, and places of amusement in a setting conducive to and safe for pedestrian traffic.

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

- (1) Apartments above stores.
- (2) Banks, credit unions, or similar uses.
- (3) Bed and breakfast operations.
- (4) Business schools.
- (5) Clinic, Dental or Medical.
- (6) Condominiums.
- (7) Essential services.
- (8) Fast food restaurant.
- (9) Full service eating and drinking establishment.
- (10) Hotels and motels.
- (11) Institutional or public uses.
- (12) Laundry and dry cleaning.
- (13) Multifamily residential uses as found in the R-4 district.
- (14) Outdoor sale areas provided that they do not restrict pedestrian travel paths to less than 60 inches wide.
- (15) Personal services.
- (16) Printing or publishing.
- (17) Private schools.
- (18) Professional service offices.
- (19) Recreational facility.
- (20) Sidewalk cafes provided that they do not restrict pedestrian travel paths to less than 60 inches wide.

- (21) Social clubs.
 - (22) Stores for retail sales and retail services.
 - (23) Studio.
 - (24) Theaters.
 - (25) Transportation Services.
 - (26) Uses similar to the above uses.
 - (27) 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.
- (C) *Special land uses.* The following special land uses are permitted in the PDD-2 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 1.0603CM1.
 - (2) Murals.
 - (3) Outdoor video display boards greater than 100 inches measured diagonally and 400 square feet overall and mounted on an assembly that when combined with the video display board results in a structure no higher than 40 feet above grade.
- (D) *Required conditions.* The following conditions are required in the PDD-2 planned development district.
- (1) *Area and bulk requirements.* See article V, schedule of regulations, [of this zoning ordinance] limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
 - (2) *Dwellings.* Existing dwellings, transient rooming houses and apartments shall meet the provision of the R-4 apartment district and special land uses within the R-4 apartment district, as set out in section 1.0404.
 - (3) *Screening dumpsters.* All areas of trash storage and disposal including dumpsters must be screened by a six-foot screen fence, but in no case less than six inches in height over the top of the trash or dumpster.
 - (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) *[Use parameters.]* All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor storage of materials from the view of adjoining residential streets or residential properties. A chain-link or decorative fence of sufficient density (1¼ inch by 1¼ inch) to keep discarded debris within the confines of a site for uses which are likely to have debris shall be provided.

AMENDMENT TO ZONING ORDINANCE
PERTAINING TO AMENDING AND ADDING SPECIFIC TERMS

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to

amending and adding Specific Terms 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 amending and adding Specific Terms.

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 August 6, 2021:

1.0202. – Specific Terms

Amendments to existing terms.

Recreational equipment. Includes travel trailers, pickup campers, , ice fishing houses, tent trailers, tents, boats and boat trailers, wave runners, utility trailers and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

Recreation facility. A commercial establishment indoor or outdoor, which is designed to provide the user with the opportunity to relax, engage in athletic activities or engage in other leisure pursuits, including but not limited to driving ranges, , swimming pools, water parks, athletic courts (tennis, basketball, racquetball), personal fitness, gyms, exercise and training facilities, motorized cart and motorcycle tracks, and batting cages.

Specific terms to be added.

Assembly Areas: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to portions of schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, private clubs and lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

Commercial Vehicle: Any vehicle serving purposes other than the transportation of persons or registered for the gross vehicle weight of more than nine thousand (9,000) pounds. This definition includes, but is not limited to, buses and semi-trucks and trailers.

Open Air Business: A business including the sales or display of retail merchandise or services outside of a permanent structure, such as a drive-in business.

Short Term Parking: Customer parking which has regular turnover and up to a 30 minute maximum duration.

Stacking Areas: Areas designated for the temporary queuing of motor vehicles, such as for a drive-thru restaurant or a bank.

Wholesale Activities: Activities primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

8E. Annual PA 95 Opt Out

APPROVE the recommendation to opt-out of Public Act 95 of 2013 for the 2021 – 2022 heating season.

8F. 2021 Sturgis Homegrown Festival

APPROVE the requests for the 2021 Sturgis Homegrown Festival as presented.

8G. Rescheduling of Music on North

APPROVE the additional requests for the DDA event on July 16th as presented.

8H. MML Worker's Compensation Board of Trustees 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.

8I. Airport Board Resignations

ACCEPT the resignations of Bob Morrow and Marty Hart from the Airport Advisory Committee with regret and direct staff to send letters of appreciation for their service.

Voting yea: Eight

Voting nay: None

Absent: Malone

MOTION CARRIED

Community Development Director Will Prichard provided information on amendments to the City's parking ordinance. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to consider this the second reading of and approve amendments to Appendix A Zoning, Article IX-Off Street Parking and Loading as presented effective August 6, 2021.

Voting yea: Eight

Voting nay: None

Absent: Malone

MOTION CARRIED

**AMENDMENT TO ZONING ORDINANCE
PERTAINING TO OFF-STREET PARKING AND LOADING REQUIREMENTS**

An Ordinance to amend Appendix A-Zoning of the Ordinances of the City of Sturgis pertaining to Off-Street Parking and to provide an effective 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 amend the Zoning Ordinance with respect to Off-Street Parking.

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 August 6, 2021:

ARTICLE IX. - OFF-STREET PARKING AND LOADING REQUIREMENTS

1.0901 General Parking Requirements

1.0902 Use. Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses, unless specifically permitted, are prohibited.

1.0903 Placement.

1.0904 Defined Areas. Off-street parking areas and loading zones in nonresidential areas shall include painted lines, and may also include vehicle stops, to clearly define parking and loading spaces.

1.0905 Proximity. All off-street parking areas that are not within the Community Parking District or in the Business Neighborhood zoning district shall be on the same lot as the use they serve, or on an abutting lot under the same ownership.

1.0906 Review and Approval.

1.0907 Permit Required. A permit must be obtained prior to any construction or rehabilitation of an off-street parking area.

1.0908 Application for Parking Lot Construction. Any person desiring to establish or change a parking area shall submit site plans showing the locations, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Any curb cuts,

entrances, exits, drainage, and design shall have City staff approval and shall be presented for site plan approval by the Planning Commission.

1.0909 Parking Lot Rehabilitation. Rehabilitation of an existing parking area, including parking striping, shall require an application and sketch plan submittal. The proposed rehabilitation shall be reviewed administratively for compliance with standards in this ordinance.

1.0910 Completion. The number of off-street parking spaces, in conjunction with all land or building use, shall be provided prior to the issuance of a certificate of occupancy as prescribed in this Ordinance, except as provided in section 1.0904(G)(1)(b) which allows six (6) months after the issuance of a certificate of occupancy, with a possible three (3)-month extension granted by the Building Official, to complete the surfacing of parking and loading areas.

1.0911 Performance Agreement. In the event that a certificate of occupancy is issued and the applicant has six (6) months to complete the parking lot, as identified in Section 1.0904(G)(1)(b), the building official may require execution of a performance agreement, in the amount of the cost to develop that parking lot, in order to compel compliance with and performance of all off-street parking requirements of this Article.

1.0912 Maintenance. All parking areas shall be maintained and kept free of weeds and debris.

1.0913 Required parking

1.0914 Standards.

1.0915 Usable floor area. Parking measurements based on building square footage shall be calculated by “usable floor area” as defined in section 1.0202 of this Ordinance.

1.0916 Fractional spaces. When units or measurements determining the number of required parking spaces result in requirement of a fractional space, the fractional number shall be rounded down to the nearest whole number if ten (10) or more spaces are required and rounded up if fewer than ten (10) are required.

1.0917 Use determinations.

For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be most similar in type.

For multiple uses within the same development, the minimum parking requirements for each use shall be determined separately, and the cumulative total number of required parking spaces shall be calculated using Table B3A: Shared Parking Factors.

1.0918 Unit of Measure

- (a) Number of employees. The number of employees shall be based on the maximum number needed or the largest shift.
- (b) Occupant load. The occupant load as determined by the Michigan Building Code or the International Fire Code.
- (c) Floor area. That area of a nonresidential building used for or intended to be used for the sale of merchandise or services (also called usable floor area). Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shifts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area.

1.0919 Barrier-free parking. Off-street parking areas shall provide barrier-free spaces in compliance with the Michigan Building Code and the Americans with Disabilities Act (ADA), as applicable.

1.0920 Garage Parking. Garage parking will be counted towards parking requirements where an approved surface and driveway connects the garage to the right of way.

1.0921 Number of spaces required. The minimum number of off-street parking spaces shall be determined in accordance with the following table:

Residential Uses

(1)	Use		Number of Minimum Parking Spaces Per Unit of Measure
	(a)	Dwelling, one-family or two-family	2 per dwelling unit.
	(b)	Dwelling, multifamily	2 per dwelling unit with 2 or fewer bedrooms, and 2 ½ for each dwelling unit having 3 or more bedrooms.
	(c)	Dwelling, unit in mixed-use building	2 per dwelling unit with 2 or fewer bedrooms, and 2 ½ for each dwelling unit having 3 or more bedrooms.
	(d)	Elderly housing – dependent	0.75 per dwelling unit.
	(e)	Elderly housing – independent	1.25 per dwelling unit.
	(f)	Mobile home park	2 per dwelling unit, 1 for each employee of the mobile home park and 1 for each 3 mobile homes visitor parking.

Institutional Uses

(1)	Use		Number of Minimum Parking Spaces Per Unit of Measure
	(a)	Assembly areas, including private clubs, lodges, religious institutions, theaters, and auditoriums	1 per 5 total occupancy load.
	(b)	Convalescent and/or Nursing Homes	1 per 4 beds plus 1 per employee.
	(c)	Education, elementary / junior high	1 per classroom, plus 2 per 5 seats in largest assembly area.
	(d)	Education, Secondary, Parochial School, Business School, College, etc.	1 for each 0.75 total occupancy load.
	(e)	Hospitals	1 per bed.

	(f)	Nursery schools and childcare centers	1 per employee, plus 1 short term parking space per classroom. Drop off area to be included on site plan.
	(g)	Recreation facilities	1 per the number of participants of the active recreation space or 1 per 3 of the designed occupant load of the space plus 1 per 5 total occupancy of assembly areas.

Commercial Uses

(1)	Use		Number of Minimum Parking Spaces Per Unit of Measure
	(a)	Automobile major and minor repair	1 for each 100 square feet of usable floor area of sales room or 3 for each auto service stall in the service areas, whichever is greater.
	(b)	Automobile sale or rental establishment	1 per 500 sq. ft. usable floor area plus one for each automobile for sale or rent
	(c)	Automobile service station	1 parking space for each 50 square feet of floor area in the cashier and office areas in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than 3 spaces for cashiers and office use.
	(d)	Bowling alleys	5 per lane., plus 1 per employee
	(e)	Full service eating and drinking establishment	1 for each 2 persons allowed within the maximum occupant load of the interior space, plus 1 for every 4 seats of outdoor dining if present.
	(f)	Drive-through establishment, eating and drinking	With multiple lanes, stacking for 4 vehicle spaces at each ordering station or machine, in addition to use requirement. With only one lane, stacking for 8 vehicle spaces, in addition to use requirement. A 12-foot-wide escape lane is required for all drive-through establishments.
	(g)	Drive-through establishment, other	Stacking for 4 vehicle spaces at each bay or machine, in addition to use requirement. A 12-foot-wide escape lane is required for all drive-through establishments.
	(h)	Funeral homes and mortuary establishments	1 per 250 sq. ft. usable floor area for office uses, plus 1 per 5 total occupant load of assembly space, plus stacking for 10 vehicle spaces.
	(i)	Golf courses	4 for each golf hole and 1 for each employee.
	(j)	Miniature Golf or par 3 Golf Course	2 for each hole and 1 for each employee.
	(k)	Greenhouse or nursery	1 per 400 sq. ft. usable floor area.
	(l)	Hotels, motels, bed and breakfast operations or boarding houses.	1.25 for each rooming unit plus 1 for each employee.
	(m)	Kennels	1 per 300 sq. ft. usable floor area.

	(n)	Laundromats and dry cleaners, self-service	1 per 3 washing and drying machines.
	(o)	Open air business	1 per 200 sq. ft. indoor usable floor area, plus 1 per 1,000 sq. ft. of outdoor display area.
	(p)	Personal service establishment	1 per 400 sq. ft. usable floor area and 1 per personal service booth, chair or room.
	(q)	Professional office of doctors, dentists, veterinarians and similar professions	1 for each 50 sq. ft. of floor area in waiting rooms, and 1 for each examining room, dental chair, office, laboratory, X-ray therapy room or similar use area.
	(r)	Retail: furniture and appliances	1 per 800 sq. ft. usable floor area.
	(s)	Retail: All other stores	1 per 250 sq. ft. usable floor area.
	(t)	Mini-Storage Facilities	1 per 75 storage units, parallel parking with a maneuvering lane shall be provided around all buildings.

Office Uses

(1)	Use		Number of Minimum Parking Spaces Per Unit of Measure
	(a)	Banks, credit unions, or similar uses	1 per 250 sq. ft. usable floor area.
	(b)	Business and Professional services	1 per 400 sq. ft. usable floor area.

Industrial Uses

(1)	Use		Number of Minimum Parking Spaces Per Unit of Measure
	(a)	Manufacturing, assembling, processing	5 plus 1 for every 1 ½ employees in the largest working shift or 1 per 450 sq. ft. of usable floor area whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
	(b)	Research and development	5 plus 1 for every 1 ½ employees in the largest working shift or 1 per 750 sq. ft. of usable floor area whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
	(c)	Warehousing and distribution	5 plus 1 for every 1 ½ employees in the largest working shift or 1 per 2,000 sq. ft. of usable floor area whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
	(d)	Wholesale activities	5 plus 1 for every 1 ½ employees in the largest working shift or 1 per 1,000 sq. ft. of usable floor area whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.

1.0922 Shared parking

1.0923 Two or more buildings or uses may collectively provide the required off-street parking.

1.0924 Where there is a mix of land uses that create staggered peak periods of parking demand, the minimum requirements may be reduced according to the provisions in this section.

1.0925 To calculate the number of parking spaces required in a shared parking scenario, the sum of the minimum required spaces for all uses must be divided by the shared parking factor specified in Table B3A. The required number of shared parking spaces may be further reduced at the Planning Commission's discretion.

Example: Use 1 is Residential and requires 12 parking spaces.
 Use 2 is Retail and requires 32 parking spaces.
 The sum of both requirements is 44 parking spaces.
 The shared parking factor for Residential and Retail uses is 1.2.
 Dividing 44 by 1.2 yields 36.7 required spaces.
 Fraction is rounded down because it there are 10 or greater spaces required
 to produce the shared parking requirement: 36.

Table B3A: Shared Parking Factors

	Residential	Lodging	Office	Retail
Residential	1	1.1	1.4	1.2
Lodging	1.1	1	1.7	1.3
Office	1.4	1.7	1	1.2
Retail	1.2	1.3	1.2	1

Source: Smartcode

1.0926 Shared parking facilities shall be among abutting parcels, or if within the B-N district, located within 500 feet of the use. Additionally, shared parking provisions apply for multiple uses within the same development.

1.0927 A copy of a shared parking agreement, recorded with the County register of deeds, between all parties concerned shall be provided to the City. The agreement shall include the owners and occupants of the premises which are served by the parking facility. If an owner or occupant that is part of a shared parking agreement ceases operation, the remaining parties of the shared parking agreement may continue using the shared parking facility. When there is a new occupancy, a change of use shall be the trigger to establish a new shared parking agreement, which shall be provided to the City and approved prior to a building permit be issued.

1.0928 Deferred parking. For development in any zoning district, the Planning Commission may defer construction of the required number of parking spaces if, at the outset of development, a parking demand less than that required for the use by this Ordinance can be demonstrated. The full parking area shall be reserved, but the unused area may be constructed as additional open space, which shall not be used to satisfy open space area requirements, until such time as it may be needed for parking. A site that contains any deferred parking spaces shall be graded for the full parking area and the deferred parking spaces shall be covered with appropriate groundcover. Adequate stormwater facilities shall also be provided as if the whole parking area were to be developed.

1.0929 Stacking spaces. The following standards shall apply to all required stacking spaces:

1.0930 Each stacking space shall be measured at not less than 20 feet in length and ten feet in width.

1.0931 In no instance shall stacking spaces interfere with required parking or maneuvering lanes.

1.0932 Community Parking District. The Community Parking District encompasses an area in the B-C and B-N districts as indicated in Figure Community Parking District Area. Properties within the Community Parking District, except for single and two family dwellings and multi-family apartment buildings less than 12 units, shall be subject to the following standards:

1.0933 Parking Calculations. All developments in the Community Parking District shall calculate their required parking as outlined in this section via the following standards or via the tables in Section

1.0902 (A)(7), whichever is less:

(a) Residential use: 1 space per dwelling unit

(b) Commercial use: 1 space per 400 square feet

1.0934 Changes of Use or Redevelopments. A lot with an existing building(s) that has a change of use or is otherwise redeveloped shall not require additional off-street motor vehicle parking or loading unless the change of use or redevelopment requires 10 or more additional spaces than the previous use.

- (a) A redevelopment includes existing buildings that are renovated or expanded as well as a building that is completely demolished and replaced with new construction if construction on the replacement building commences within 12 months of demolition.

1.0935 New Developments. New developments of vacant lots shall not require off-street motor vehicle parking or loading unless the development requires 10 or more parking spaces.

1.0936 Alternative Parking Plan. If a developer is required to provide new parking spaces under this section, they may provide an alternative parking plan to the Planning Commission for their consideration. This may include a reduction or elimination of the parking requirement or some alternative for providing parking (i.e. a shared parking agreement). If the plan includes a reduction or elimination of required parking, the Planning Commission may require a parking study by an approved third-party be completed at the developer's cost to determine current public parking conditions and the impact of the proposal.

1.0937 All properties within the Community Parking District shall consider adequate passenger loading and curb management, as outlined in Section 1.0903(B).

Community Parking District Area

1.0944 Driveways. Parking in residential districts shall not be permitted in any required front yard or in the street side yard of a corner lot except in a driveway or a defined parking area. Driveways and defined parking areas are subject to the following standards:

- (a) Front yard setback area. The following regulations pertain to the driveways and defined parking areas only in the front yard setback or in the street side yard of a corner lot:
 - i. The maximum width of the driveway or defined parking area shall not exceed the lesser of 35 percent of the lot width or 26 feet.
 - ii. If the lot width exceeds 100 feet, the property owner may request consideration from the Planning Commission for driveway widths greater than 26 feet and/or for two (2) driveways. For the purpose of this Section, lot width is calculated based on the road frontage of where the driveway is or will be located on the property. The request, review and fees by the Planning Commission shall follow the requirements of section 1.0602 of this Zoning Ordinance.
 - iii. The driveway opening where the parking area meets the right-of-way shall be a minimum of 10 feet in width and a maximum of 24 feet in width.
 - 1) Exception: Improvement of existing driveways, City Engineer can approve if minimum width can not be met based on site constraints.

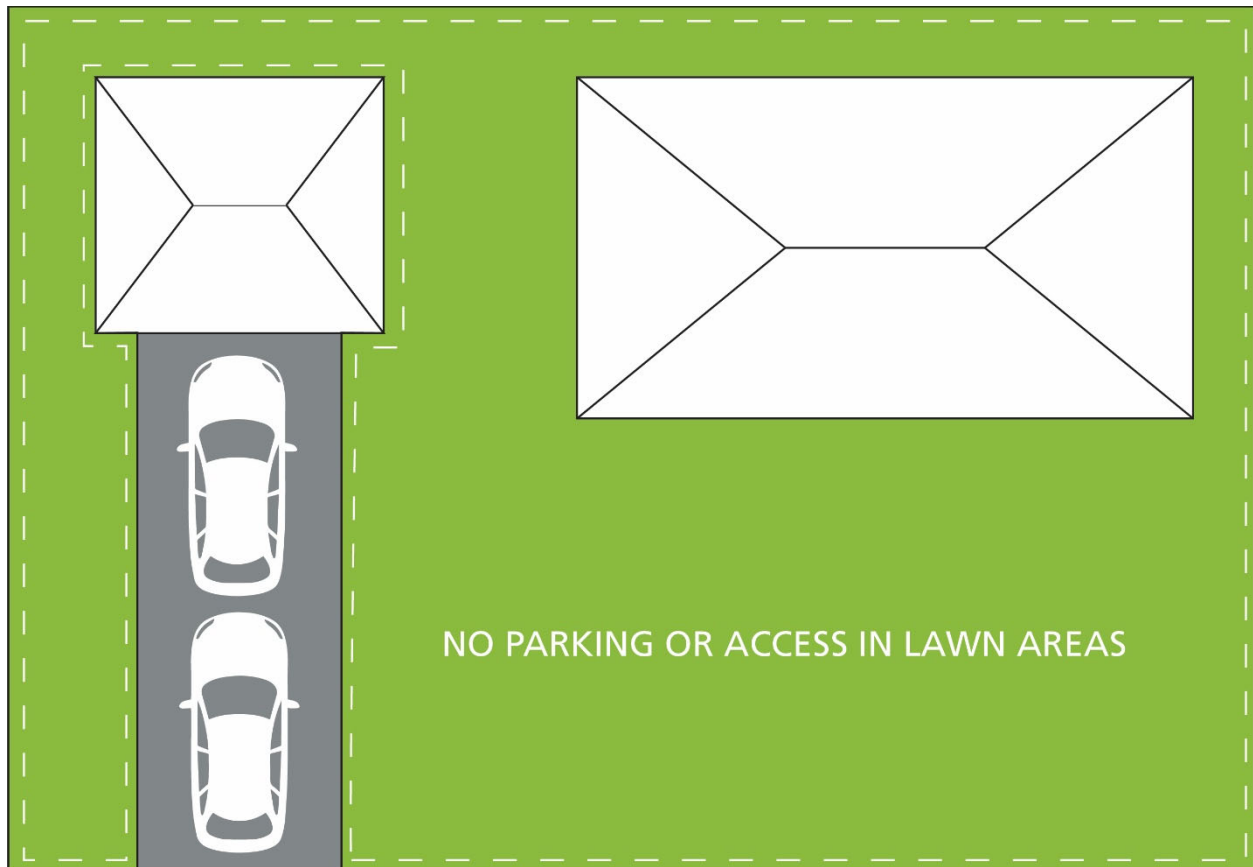
The driveway or defined parking area shall be constructed of a hard surface pavement with a minimum two-and-a-half (2.5) inches of asphalt or four (4) inches of concrete. Bricks or pavers may be approved if they are constructed according to the manufacturer's specifications for driveways but may not be used in the right-of-way or sidewalk area

Driveways and parking areas shall be constructed in a way that prevents stormwater from flowing onto adjacent private properties. Draining into the public right of way is permitted.

1.0945 Screening. Within residential areas, all nonresidential parking areas shall be screened according to 1.1106.

1.0946 Type of Parking. Required off-street parking for single-family dwellings may be provided in a stacking configuration in a driveway, garage, or combination thereof.

1.0947 Lawn Parking. Lawn areas shall not be used for off-street parking or regular access to a driveway, building, or accessory structure. Regular access is indicated by tire marks and/or excessive wear on the grass.



1.0948 Repair Work. No commercial repair work, commercial servicing, or selling of any kind shall be conducted on parking areas in residential districts. A resident may repair vehicles which are registered to the address of the resident's dwelling unit on-site; however, in no instance shall a resident repair other vehicles on said property. Such personal repair shall not exceed seven consecutive days in any 30-day period.

1.0949 Sales. A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time. The vehicle for sale must be titled to the resident of the dwelling. In no instance shall vacant residential lots or parcels be utilized for the sale of vehicles, and in no instance shall a vehicle for sale be displayed in a front yard other than on the driveway portion of the yard.

1.0950 Commercial Vehicles. Commercial vehicles shall be prohibited in any residential district or on any residential property. However, this section shall not prevent the temporary location of such vehicle while engaged in a delivery, pick-up or service call to the property.

1.0951 Recreational Equipment and Vehicles. Within all residential districts and residential use areas, Recreational Equipment and no more than one (1) Recreational Vehicle ("RV") per dwelling unit may be parked on a parcel. Parking of RVs and Recreational Equipment are subject to the conditions below.

- (a) Parking in a Developed Driveway or Parking Area. An RV and/or Recreational Equipment on a trailer may be parked in a developed driveway or defined parking area as long as the required off-street parking requirements are maintained and remain available in addition to the space(s) occupied. The RV and/or Recreational Equipment shall not encroach on the required front yard setback (see table 1.0501) by more than 15 feet, and can in no case be closer than ten (10) feet to the front lot line or right of way.
- (b) Parking in Areas Other than a Developed Driveway or Parking Area. An RV and/or Recreational Equipment may be parked on an occupied property in an area other than a developed driveway or defined parking area if the following provisions are met:
 - i. The RV and/or Recreational Equipment must be owned by the occupant.
 - ii. The RV and/or Recreational Equipment must be licensed and operable (if applicable).
 - iii. The RV and/or Recreational Equipment must be maintained and in good repair.
 - iv. The RV and/or Recreational Equipment must be constructed on a wheel-base or stored on a trailer.
 - v. The area around and under the RV and/or Recreational Equipment must be kept free of any tall grass or weeds.
 - vi. The RV and/or Recreational Equipment shall not encroach on the required front yard setback (see table 1.0501) by more than 15 feet, and can in no case be closer than ten (10) feet to the front lot line or right of way.
 - vii. The RV and/or Recreational Equipment shall not encroach on a required side yard that is the street side of a corner lot.

Temporary Parking for RVs and/or Recreational Equipment. The occupant is allowed to temporarily park RVs or Recreational Equipment with the following restrictions:

- i. Guest RV. An occupant is allowed to have one guest RV in addition to the requirements of this section. The guest RV must either be parked in a developed driveway or defined parking area or parked according to the provisions of subsections (9)(b)(ii) through (vii). The guest RV may only be parked for a period not to exceed two (2) weeks in any 30-day period and not to exceed six (6) weeks in any calendar year.
- ii. Loading and Unloading of RVs and Recreational Equipment. One RV, trailer, or piece of Recreational Equipment on a trailer may be parked in a developed driveway or defined parking area irrespective of maintaining off-street parking requirements for a period of two days for purpose of loading and or unloading.

1.0953 Freight loading.

1.0954 Application. Loading and unloading spaces shall be provided for all commercial and industrial uses, except in cases where adequate space, as determined by the Community Development Department, is or can be provided on adjacent public property.

1.0955 Location.

- (a) The off-street loading zone space shall be located in rear and side yards only. Front yard loading zone spaces are prohibited.

Shared loading arrangements amongst establishments are permitted, provided the shared loading information is provided on the site plan.

Each loading space shall be at least 12 feet in width, 88 feet in length, and have a height clearance of 14 feet above grade. The dimensions of the loading space(s) may be reduced at the Planning Commission's discretion.

No off-street loading zone space shall be located closer than 50 feet to any residentially zoned property, unless wholly within a completely enclosed building or properly screened on all sides facing residential zones as per section 1.1106.

1.0956 Pavement Types. All dedicated loading spaces shall be constructed of a hard surface pavement with a minimum two-and-a-half (2.5) inches of asphalt or four (4) inches of concrete. The use of gravel, crushed concrete, crushed asphalt, or similar materials shall be prohibited.

1.0957 Loading Space Requirements. The minimum number of loading zone spaces shall be provided as described below. Loading space requirements shall not apply to properties within the Community Parking District.

Size	Loading Space(s)
Less than 10,000 sq. ft. gross floor area	None
10,000 – 20,000 sq. ft. gross floor area	1
20,001 – 50,000 sq. ft. gross floor area	2
50,001 – 100,000 sq. ft. gross floor area	3
100,001 sq. ft. gross floor area or more	5

1.0958 Passenger Loading and Curb Management

1.0959 Properties within the B-C and B-N districts that do not provide immediately adjacent parking shall consider an onsite passenger drop-off and pick-up location for ease of patron access. If it is determined that a passenger loading and curb management space is needed, the Zoning Administrator may require that the space be permanently provided.

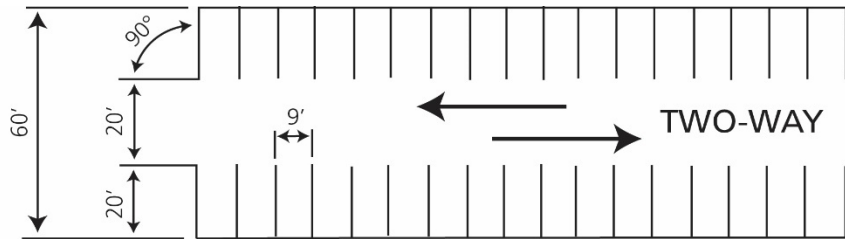
1.0960 Parking Lot Design

1.0961 Parking Design. Off-street parking areas shall be designed to the following minimum standards:

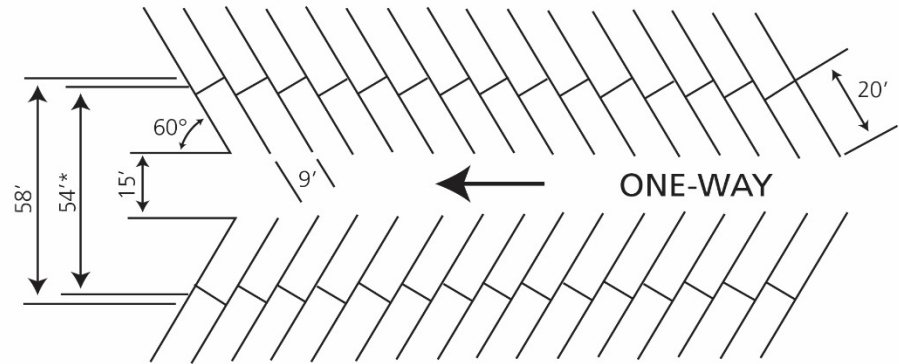
Table 1.900B

Parking Pattern (degrees)	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of One Tier of Spaces (feet)	Total Width of Two Tiers of Spaces (feet)
Parallel parking	12	9	23	NA	NA
30° to 53°	12	9	20	32	52
54° to 74°	15	9	20	36.5	58
75° to 90°	20	9	20	40	60

90 DEGREE

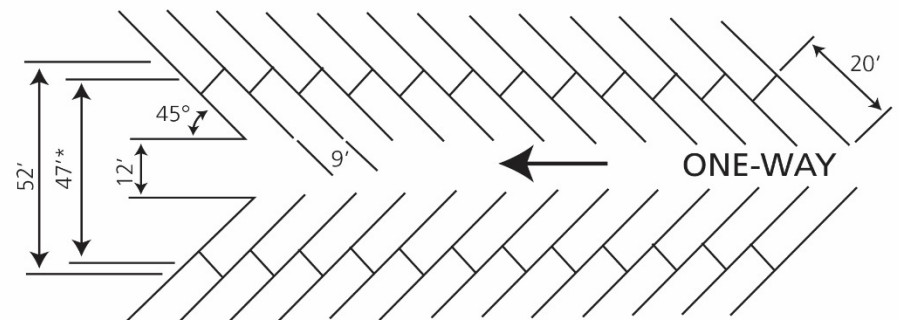


60 DEGREE



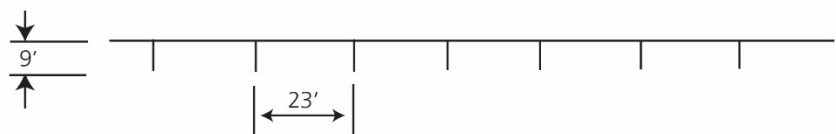
*OVERLAPPING DIMENSION

45 DEGREE



*OVERLAPPING DIMENSION (INCLUDING HERINGBONE PATTERN)

PARALLEL



PARKING DEGREES

(1) Barrier-Free Parking.

(a) Off-street parking facilities shall provide barrier-free spaces in accordance with the table below:

Total Number of Parking Spaces	Minimum Number of Barrier-Free Spaces Required	Minimum Number of Van-Accessible Barrier-Free Spaces Required
--------------------------------	--	---

Provided in Lot		
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1000	2% of total	
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000	

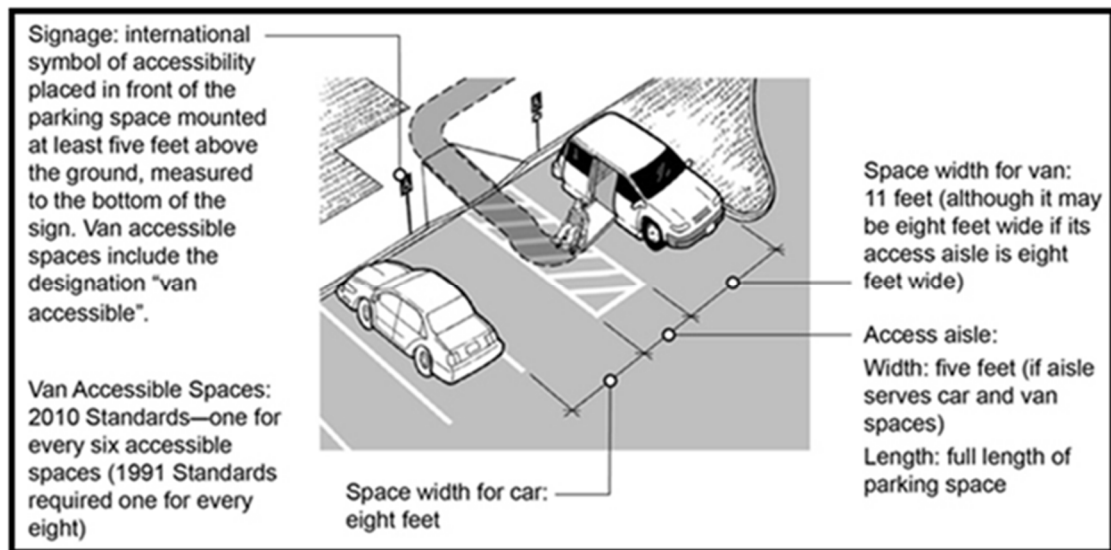
(b) Barrier-free parking spaces shall comply with the following ADA design standards.

1.0962 A minimum width of eight (8) feet for automobiles and eleven (11) feet for vans.

1.0963 A minimum five (5)-foot wide access aisle for all types of barrier-free parking spaces. Access aisles shall be marked with painted hatch marks.

1.0964 A van-accessible aisle may be a minimum of eight (8) feet wide if the adjoining access aisle is also eight (8) feet wide.

1.0965 Van-accessible spaces, their associated access aisles, and the vehicular routes serving them shall provide a vertical clearance of a minimum of 98 inches.



Source: <https://adata.org/factsheet/parking>

1.0966 Curb and Vehicle Stops. All off-street parking areas shall include 6" curbs or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way or on-site sidewalks. If curbs are integrated into the parking area, a seven (7) foot wide sidewalk is required where they abut the curb. If vehicle stops are placed in the parking area, they shall be placed a minimum of three (3) feet from the edge of sidewalks.

1.0967 Circulation.

1.0968 Interconnectivity and Access Management. Any new or rehabilitated off-street parking area in

the B-C, B-N, B-H1, or B-H2 district shall include a design for cross-parcel connection to any existing parking area on all adjacent and neighboring properties, and such connection shall be constructed up to the property line. When designing the connection, it is recommended to seek input from the owner of such adjacent property in order to accommodate site limitations or advantages that may not be immediately visible. If no adjacent property and parking facility exists at the time of development, the new off-street parking facility shall be designed so that future cross-access circulation and access is possible.

Exception: The Planning Commission may waive this requirement if the parking area is not within 50 feet of adjoining property's parking area.

1.0969 Drives and Aisles.

- (a) All parking areas shall be provided with circulation aisles meeting the standards of this Ordinance for Parking Design.

All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.

In no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.

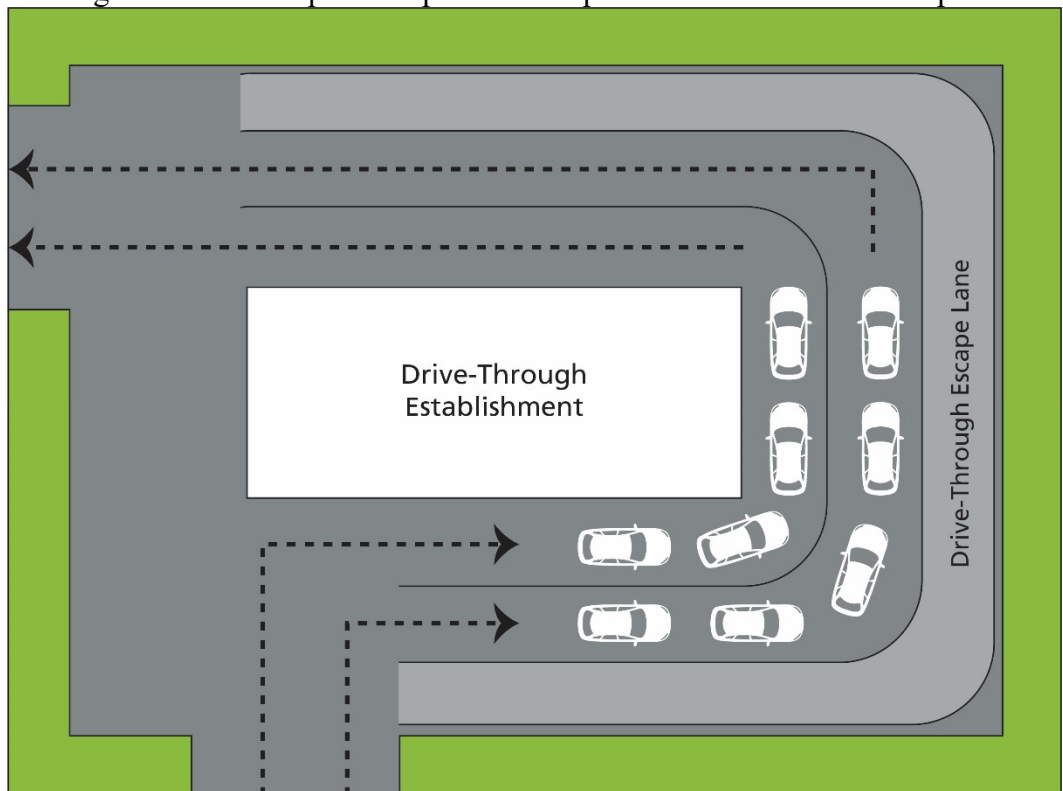
Parking lots with 300 or more spaces shall include perimeter drives and a central access drive leading to the main building.

Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Driveways shall be a minimum of 24 feet wide and permit two-way traffic. For one way traffic, the minimum width shall be 15 feet wide and must be approved by City Staff. Upon City Staff recommendation, the Planning Commission may approve a smaller driveway width or require a larger one based on evidence such as trip generation data or physical roadway conditions.

Each entrance to and exit from any off-street parking lot for commercial and manufacturing use shall be at least 25 feet from any residential property line that is abutting or directly across the street, unless approved by the City Engineer.

Any construction or rearrangement of existing drives which involve the ingress or egress of vehicular traffic to or from a public street shall be approved by City Staff in accordance with traffic safety standards and best practices.

An escape lane is required for all new developments with a drive through. Redevelopments of existing sites with existing buildings will not be required to provide escape lanes if the site does not permit due



to site constraints.

1.0970 Pedestrian Circulation. All off-street parking areas, except for those in industrial districts and single-family residential districts, shall consider safe and efficient pedestrian circulation. This may

include paved walkways, marked pavement patterns, and other facilities to define pedestrian movement and alert drivers to possible conflicts.

1.0971 Screening, Landscaping, and Lighting.

1.0972 Screening and Landscaping.

- (a) Off-street parking areas shall be effectively screened and landscaped on any side which adjoins or faces a residential district or any residential or institutional use as per section 1.1106.

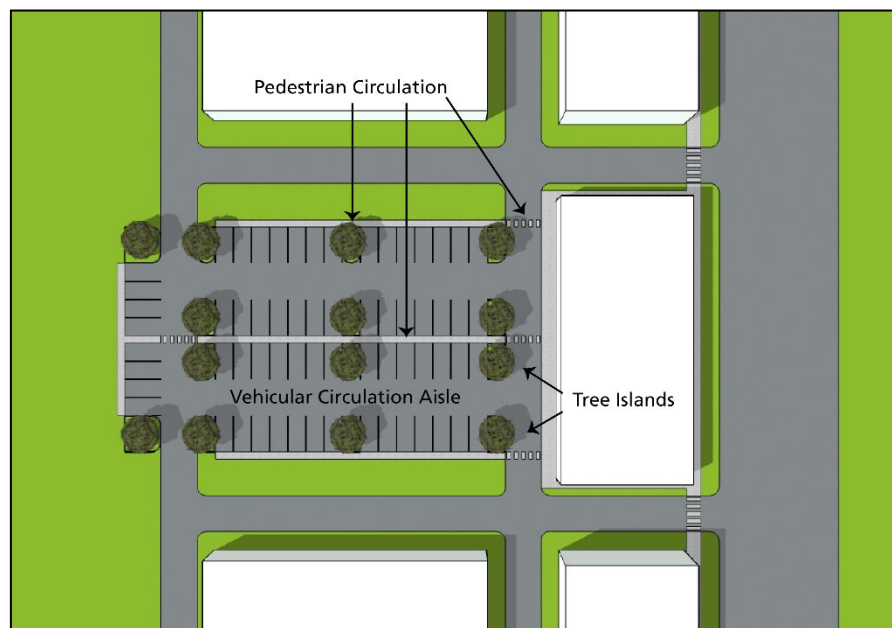
All dumpsters and mechanical equipment located in any off-street parking lot shall be screened on all sides with a durable, opaque material, at a minimum height of one (1) foot above the trash receptacle or mechanical equipment. The maximum height shall not exceed eight (8) feet.

1.0973 Tree Islands. All new off-street parking areas with twenty (20) or more parking spaces per row shall provide tree islands in the parking lot design satisfying the following standards. Referencing the City's Forestry Ordinance (Chapter 66 of the Sturgis Code of Ordinances) for recommendations on tree species is highly encouraged.

- (a) Single-loaded aisles shall have one (1) tree island containing one (1) canopy tree at both ends of each row. The minimum dimensions for each island shall be nine (9) feet by eighteen (18) feet.

Double-loaded aisles shall have one (1) tree island containing two (2) canopy trees at both ends of each row. The minimum dimensions for each island shall be twelve (12) feet by thirty-six (36) feet.

Tree islands shall be surrounded by a concrete curb at a height of six (6) inches and shall be vegetated with turf in addition to the required canopy tree(s). The islands and may be used for stormwater management if appropriate curb cuts are placed to allow the flow of stormwater into the island from parking areas. Snow storage on tree islands is prohibited.



Conceptual image of tree islands.

1.0974 Exterior Lighting.

1.0975 Exterior lighting shall be arranged so it is deflected away from adjacent properties and so it does not impede the vision of traffic along adjacent streets. Lighting shall not exceed 0.5 footcandles when measured from ground level at the adjoining property boundary.

1.0976 Flashing or intermittent lights shall not be permitted.

1.0977 Light poles and fixtures shall be no higher than twenty-five (25) feet in parking lots, and no higher than sixteen (16) feet in height along interior sidewalks and walkways. All light poles and fixtures shall have a downcast glow.

1.0978 Light poles and fixtures set in the perimeter of parking areas shall not be placed in a parking space.

1.0979 Surfacing and Stormwater Management.

1.0980 Materials and Surfacing. The entire parking and loading area for all commercial and industrial districts, including parking spaces and maneuvering lanes, shall be provided with asphalt, concrete, brick, pervious pavers, or other similar hard surfacing in accordance with specifications approved by the Zoning Administrator and City Engineer except as provided for residential areas. In instances where a parking area is non-conforming, the expansion or significant improvement of the use of the land or structure shall require the paving of such parking area to conform with this Section.

- (a) Screened storage areas shall not be required to be paved with a hard surface but in no instance shall green space be used for parking. Surface to be approved by Zoning Administrator and City Engineer.

Parking and loading areas shall be surfaced within six (6) months of the issuance of a permit. One three (3)-month extension may be granted by the Building Official upon written request, with ample cause for an extension.

Paved wheel tracks for driveways shall not be permitted.

1.0981 Stormwater and Drainage. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. All surface stormwater drainage areas abutting a driveway, parking area, or sidewalk that are greater than three (3) feet in depth and have a side slope steeper than 1 foot in vertical rise for every 3 feet in horizontal run shall be enclosed with 4 foot high fencing. Fencing installed around storm water drainage areas shall be chainlink and must be maintained free of debris, weeds and noxious growth. All stormwater and drainage must adhere to the City's Stormwater Management Guide.

1.0982 Variances and exceptions

1.0983 Planning Commission Waiver or Consideration. The Planning Commission may reduce or waive the number of off-street parking and/or loading spaces required for a specific use, provided it determines that no good purpose would be served by providing the required number of such spaces. Any such reduction or waiver request shall require a public hearing, and the Planning Commission shall process the request and give notice of said public hearing in accordance with the provisions of section 1.0602 of this Ordinance. In making such a determination to reduce or waive the requirements for off-street parking and/or loading spaces of this chapter, the Planning Commission may consider the following:

1.0984 Extent that existing on-street parking and/or loading spaces can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.

1.0985 Existing and proposed building placement.

1.0986 Location and proximity of municipal parking lots and/or public alleys.

1.0987 Agreement for parking and/or loading spaces with adjacent or nearby property owners.

1.0988 Zoning Board of Appeals. The zoning board of appeals shall have authority to interpret this section and may grant variance from these requirements in specific cases, according to the standards of 1.1405 of this Ordinance.

Community Development Director Will Prichard explained that the City has received two requests from Green Buddha of Sturgis, LLC, at 1139 S. Centerville Rd. and Skye Farms LLC, at 811 Broadus St. to extend their medical marihuana permits and provided information on the details of the ordinance and requests.

David Rosanski, representing Green Budha, provided information on delays in certain State permits and construction progress and explained that they hoped to be completed in September.

Mohamed Ghaith, representing Skye Farms, provided information on State permits, construction delays, and explained they expect to be operating within two months.

Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the six-month medical marihuana permit extension for Green Buddha of Sturgis, LLC. located at 1139 S. Centerville Road.

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

Moved by Comm. Good and seconded by Comm. Mullins to approve the 60-day medical marihuana permit extension for Skye Farms, LLC. located at 811 Broadus St.

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

The City Commission had discussion related to a possible additional medical marihuana license in BH1 including the state of construction of the current licensees, the number of licenses, the manufacturing zoning district other related issues.

David Hughes, representing Constantine Products, LLC, explained that he felt that the deadlines in the ordinance have not been met by current licensees and had questions about the queue order of current applications.

City Attorney Roger Bird provided his opinion on the deadlines in the ordinance and the extensions granted to current licensees.

The City Commission took no action on any changes to the ordinance.

Assistant City Manager Andrew Kuk provided information on proposed amendments to the Solid Waste ordinance, including a limitation on operating hours. Discussion followed.

Gary Nissley, Nissley Disposal, explained that he had concerns about limitations of the ordinance.

Moved by Comm. Good and seconded by Comm. Klinger to consider this the first reading of amendment to City Code of Ordinances, Chapter 42 – Solid Waste as amended with residential pickup allowed from 6am – 6pm and no time limitation in the commercial district outside 200 feet of a residential district.

Voting yea: Seven Voting nay: Littman Absent: Malone MOTION CARRIED

Comm. Klinger left the meeting.

Assistant City Manager Andrew Kuk and Sturgis Chamber of Commerce Executive Director Roxanne Persing provided information on the Sturgis Fest events. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Wickey to approve the requests for Sturgis Fest 2021 as presented.

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

City Engineer Barry Cox provided details on the W. Congress Utility and Street Construction Phase 1 project. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Good to approve Task Order 94a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the W. Congress Utility and Street Construction Phase 1 project in the amount of eighty-two thousand, nine hundred dollars (\$82,900.00) as presented.

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

Moved by Comm. Mullins and seconded by Comm. Good to approve a budget of five thousand dollars (\$5,000.00) for off-site material testing services.

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

City Engineer Barry Cox provided details on the 2021 Street Improvements project. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Bir to approve Task Order 96a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the 2021 Street Improvements project in the amount of seventy-nine thousand, seven hundred dollars (\$79,700.00) as presented.

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

Moved by Comm. Smith and seconded by Comm. Bir to approve a budget of two thousand five hundred dollars (\$2,500.00) for off-site material testing services.

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

Moved by Comm. Smith and seconded by Comm. Bir to approve budget amendments to Fund 202 Major Street and 203 Local Street as presented

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

Mayor Hile opened the Public Hearing related to a change in the boundaries of the Social District.

Assistant City Manager Andrew Kuk provided details on the issues that developed by including the American Legion in the Social District. Discussion followed.

There were no comments from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Bir to approve the amended City of Sturgis Downtown Social District Plan as presented.

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

City Clerk/Treasurer Kenneth Rhodes provided information on the actions needed to accept the funds allotted to the City as part of the American Rescue Plan Act. Discussion followed.

Moved by Comm. Good and seconded by Comm. Mullins to approve the U.S. Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions and the Assurance of Compliance with Title VI of the Civil Rights Act of 1964 and authorize City Manager Michael Hughes to sign both agreements.

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

Moved by Comm. Good and seconded by Comm. Mullins to accept funding and request payment of Coronavirus Local Fiscal Recovery Fund funding from the State of Michigan.

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

City Manager Michael Hughes explained that he has recommended Kyle Dury, downtown Edward Jones representative, to the DDA Board. Discussion followed.

Moved by Comm. Good and seconded by Comm. Bir to appoint Kyle Dury to the DDA Board with a term ending in 2024 as presented.

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

City Clerk/Treasurer Kenneth Rhodes provided information on the City Commission Procedural Policy as it relates to vacancies. In anticipation of Comm. Wickey's last meeting at the end of October, the City Commission will hold a work session for candidate interviews at the first regular meeting in October and then make their decision at the second regular meeting. The chosen candidate would take their seat at the Organizational Meeting in November.

The City Commission had consensus to amend the City Commission Procedural Policy to make the appointment of a new Commissioner at the next regular meeting following the interviews.

The meeting was adjourned at 9:15 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JULY 28, 2021
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 Chad VanDosen, Youth for Christ.

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

Commissioners absent: Klinger

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

Moved by Comm. Littman and seconded by Comm. Smith to approve the agenda as amended.

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

Moved by Comm. Littman and seconded by Comm. Smith to approve the Consent Agenda of July 28,
2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 14, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,992,542.72 as presented.

8C. United Way “Sweets on the Street” 2021

APPROVE the request of the United Way to host its “Sweets on the Street” at the Nottawa/Chicago
Road Intersection August 17, 2021.

8D. Mobile Vaccine Clinic

APPROVE the request from the St. Joseph County United Way to host mobile vaccine clinics at Franks
Park during SYSO games through August 5, 2021.

8E. Summer Eats & Beats

APPROVE the request for Summer Eats & Beats on July 30, 2021 as presented.

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

Assistant City Manager Andrew Kuk provided details on the Solid Waste Ordinance. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Good to consider this the second reading of and approve an amendment to City Code of Ordinances, Chapter 42 – Solid Waste as presented effective August 20th, 2021.

Voting yea: Eight

Voting nay: None

Absent: Klinger

MOTION CARRIED

AMENDMENT TO THE CITY CODE OF ORDINANCES
PERTAINING TO SOLID WASTE

An Ordinance to amend Chapter 42 – Solid Waste of the Ordinances of the City of Sturgis 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 City Code of Ordinances with respect to the regulation of solid waste.

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

Chapter 42 – Solid Waste of the Ordinances of the City is hereby modified as follows, effective as of August 20, 2021:

Chapter 42 - SOLID WASTE

Sec. 42-1. - Penalty.

Unless provided otherwise by law or in this chapter, violations of this chapter are a municipal civil infraction. Fines for violations of this chapter are outlined in Appendix B – Fine Schedule for

Sec. 42-2. – Definitions.

The following definitions are used in this Chapter:

- (a) *Commercial Disposal Firm* means an individual, company, or organization (including the City of Sturgis itself) that is authorized to collect Waste Materials, including Recycling within the City of Sturgis.
- (b) *Garbage* means offal or waste from food material or food.
- (c) *Litter* means Waste Materials when they are outside of a Waste Container or other approved storage area.
- (d) *Recycling* means materials qualifying for collection by any recycling waste hauler approved by the City.
- (e) *Waste Container* means a covered container of approved design for storage of Waste Materials, including Recycling.

- (f) *Waste Materials* means all rubbish, refuse, garbage, offal, paper, glass, cans, bottles, trash, recycling, debris or other foreign substances of every kind and description.
- (g) *Yard Waste* means leaves, grass, clippings, garden wastes, trees, branches of trees, shrubbery, or other similar materials

Sec. 42-3. – Littering prohibited.

- (a) *In General.* It is unlawful for any person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw, scatter, sweep, or leave, or cause or permit the dumping, depositing, placing, throwing, scattering, sweeping or leaving of, Litter on any public or private property other than property designated and set aside for such purposes. This includes Litter as well as paper, posters, placards, signs, cards, wrappings, cartons, containers, excelsior or packing material, or Yard Waste.
 - (1) The phrase "public or private property" includes, but is not limited to, the right-of-way of any road or highway, any public street, sidewalk, alley, parkway, public parking lot, any park, playground, building, refuge, conservation or recreation area; and any dwelling, commercial building or premises, or factory or other manufacturing place. .
- (b) *Remnants of an accident.* It is unlawful and shall be considered littering for a person who removes a vehicle, wrecked or damaged in an accident on a highway, road or street, to fail to remove all glass and other injurious substances dropped on the highway, road or street as a result of the accident.
- (c) *Littering from a motor vehicle.* In a proceeding for a violation of this section involving litter from a motor vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation was the registered owner of the vehicle at the time of the violation, constitutes a presumption that the registered owner of the vehicle was the operator of the vehicle at the time of the violation. The operator of a vehicle is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed, or left from the vehicle on public or private property. For the purpose of this section, the term "vehicle" means every motor vehicle registered under the Michigan Vehicle Code (MCL 257.1 et seq.)

Sec. 42-4. - Containers to be provided for waste materials.

- (a) *Provision of Waste Containers.* Every person, firm, or corporation occupying or maintaining a dwelling, commercial building or premises, or factory or other manufacturing place, shall provide a sufficient number of Waste Containers to accommodate all Waste Materials accumulated on the premises between collection periods.
- (b) *Prevention of Litter.* All Waste Materials are to be stored in Waste Containers in such as way as to prevent them from being blown about onto or upon the property of others, or the streets, sidewalks or alleys in the city and becoming Litter.

- (c) *Materials and Condition.* All Waste Containers must be made of non-porous materials and be provided with a securely-fitting cover or lid. All Waste Containers shall be kept in a serviceable and leak-free condition and reasonably free from insects and vermin.

Sec. 42-5. - Collection of waste material.

- (a) *Waste Containers Required.* All Waste Material, including Recycling, shall be kept in a Waste Container when placed out for collection.
- (b) *Location and Storage of Containers.* Waste Containers must be located, stored, and screened in a manner consistent with all local laws including the City Code of Ordinances and the City Zoning Ordinance. During the time for scheduled collection, Waste Containers must be located in a place convenient for removal by a Commercial Disposal Firm.
- (c) *Containment of Garbage and Nuisance Waste Material.* All Waste Material that may cause odors or an attractive nuisance, such as Garbage, shall be wrapped or placed in sacks and all liquid drained therefrom before being placed in Waste Containers for collection.
- (d) *Uncollectable Waste Material.* No Waste Material other than specified by the Commercial Disposal Firm shall be placed in the Waste Container to be serviced by that Firm. All Waste Material unable to be collected by a Commercial Disposal Firm must be removed from the premises and prevented from becoming a nuisance within 48 hours.
- (e) *Commercial Disposal Firm Times of Operation.* Collection and transportation of Waste Material by a Commercial Disposal Firm for properties within 200 ft. of a residential property shall be made between the hours of 6:00 a.m. and 6:00 p.m. Collection and transportation of Waste Material by a Commercial Disposal Firm for all properties outside of 200 ft. from a residential property shall not be restricted by time. In exceptional cases, the City Manager or his designee may extend the time of collection as outlined in this section.
 - (1) *Calculation of Distance.* Distance from residential properties is measured from the property line of the residential property to the collection point of a Waste Container.
 - (2) *Exceptions.* Second-story apartments in the B-C Zoning district shall not qualify as residential properties under this section.

Sec. 42-6. - Objectionable fluids or fuels not to be dumped.

No person shall dispose or divert or cause to be disposed or diverted any objectionable wastewater, or cause or permit inflammable fuels, oil or grease to flow or be wasted into or upon any public sidewalk, parkway or roadway or into the stormsewer system. Stormwater from roofs, pavements or yards may be discharged into the gutters if prior approval is obtained from the city engineer.

Sec. 42-7. – Leaves and other yard waste.

- (a) *Raking of Leaves in the Street.* No person shall rake or place leaves in the streets of the City, except as directed by the City during the leaf collection season, when leaves are being collected by the city's crews.
- (b) *Soil and Yard Waste to Compost Site.* No soil or Yard Wastes shall be deposited in a sanitary landfill. All such materials can be deposited at a City-operated compost site.

Sec. 42-8. - Transportation of materials on streets; dropping of materials.

All persons using the public streets and alleys for transporting various materials, goods, supplies or debris, shall do so in such a manner as to avoid littering the streets or scattering materials thereon. Trucks, trailers, wagons, carts or other vehicles to cart or haul coal, sand, dirt, brick, scrap materials, Waste Materials or any other material shall not be loaded above the top of the side or end boards of such conveyance, and the box of any such conveyance shall be constructed in such manner as to prevent the dropping, leaking, blowing or scattering of the materials being conveyed onto a sidewalk, parkway, alley or roadway.

Sec. 42-9. - Construction work; cleaning of street when work completed.

During the repair or construction of streets, sidewalks, buildings or other projects, the city may permit the use of the street or other public area as may reasonably be required for such repair or construction work. The person or persons in charge of the work will be required to clean up such street or other public area as directed by the city engineer.

Sec. 42-10. - Snow and ice not to be moved onto sidewalk or roadway.

No person shall move or cause to be moved any snow or ice from any private property onto any public sidewalk, pavement or roadway.

Moved by Comm. Bir and seconded by Comm. Good to approve this the first reading of an amendment to City Code of Ordinances, Appendix B – Fine Schedule for Municipal Infractions pertaining to Chapter 42 – Solid Waste as presented.

Voting yea: Eight

Voting nay: None

Absent: Klinger

MOTION CARRIED

City Manager Michael Hughes and City Controller Holly Keyser provided details on the proposed 2021-2022 fiscal year budget. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve 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 11, 2021.

Voting yea: Eight

Voting nay: None

Absent: Klinger

MOTION CARRIED

City Engineer Barry Cox provided details on the rehabilitation of Vinewood Avenue and East Congress. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Malone to approve the contract between the City of Sturgis and MDOT (#21-5235) for the completion of the Vinewood Avenue and Congress Street Roadway Improvements and authorize City Manager Michael Hughes and Mayor Robert Hile to sign all necessary documents.

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

Moved by Comm. Bir and seconded by Comm. Malone to approve Task Order 93a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the Vinewood & E. Congress Reconstruction project in the amount of sixty-one thousand, five hundred dollars (\$61,500.00) as presented.

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

Moved by Comm. Bir and seconded by Comm. Littman to approve a budget of five thousand dollars (\$5,000.00) for offsite material testing services.

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

Moved by Comm. Bir and seconded by Comm. Smith to approve a contingency budget of twenty-seven thousand, one hundred and eighty dollars (\$27,180.00) for the 2021 Small Urban project.

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

Electric Department Superintendent Josh Czajkowski and Chris Lund, UFS, provided details on the draft Distributed Energy Resource (DER) Rider which addresses customer-owned solar generation that is located on the customer's side of the meter. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Good to approve Distributed Energy Resource Rider as presented.

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

Electric Department Superintendent Josh Czajkowski provided details on the lease agreement with ACD. Net which would route fiber from the City of Sturgis' hydroelectric dam to existing City of Sturgis fiber in Centreville and the need to place a portion of the fiber underground. Discussion followed.

Moved by Comm. Wickey and seconded by Comm. Bir to approve the service agreement with ACD.Net for 2,774 feet of underground fiber installation in the amount of twenty-nine thousand, nine hundred and fifty dollars (\$29,950.00) as presented.

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

City Clerk/Treasurer Kenneth Rhodes provided information on the Airport Advisory Committee vacancies. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Mullins to appoint Galen Geigley and Matthew Oxender to the Airport Advisory Committee through May 2022 and May 2023 respectively.

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

Comm. Bir inquired about the resignation of Electric Department Superintendent Josh Czajkowski. Discussion followed.

The City Commission had consensus to discuss the issue of homelessness in the City at a future meeting.

There was discussion about an ordinance allowing urban chickens.

The meeting was adjourned at 8:18 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 11, 2021
WIESLOCH RAUM, CITY HALL**

Vice-Mayor Mullins 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 Sue Babb, Sturgis First United Methodist.

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

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, City Engineer, Facilities Manager, Doyle and Recreation Director, Public Safety Director, City Clerk

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

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Smith to approve the Consent Agenda of August 11, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the July 28, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,263,513.93 as presented.

8C. Solid Waste Ordinance Fine Schedule Second Reading

CONSIDER this the second reading of and APPROVE an amendment to City Code of Ordinances, Appendix B – Fine Schedule for Municipal Infractions pertaining to Chapter 42 – Solid Waste as presented, effective September 6, 2021.

**AMENDMENTS TO THE CITY CODE OF ORDINANCES FINE SCHEDULE
PERTAINING TO SOLID WASTE**

An ordinance to amend the City Code of Ordinances of the City of Sturgis, Appendix B – Fine Schedule, Chapter 42. – Solid Waste.

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 with respect to fines associated with the enforcement the Solid Waste Ordinance;

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

Appendix B, Chapter 42 of the City Code of Ordinances is amended effective as of September 6, 2021.

APPENDIX B - FINE SCHEDULE FOR MUNICIPAL CIVIL INFRACTIONS

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CHAPTER 42. - SOLID WASTE

Littering	150.00
Failure to maintain a waste container	75.00
Failure to store waste materials in a container	75.00
Failure to contain garbage or nuisance waste materials	75.00
Operation by a commercial disposal firm outside of hours of operation (per hour)	200.00
Dumping objectionable fluids or fuels in public street or stormsewer.....	100.00
Dumping of leaves in street.....	75.00
Improper Transportation of waste materials on streets	150.00
Failure to clean street after construction	75.00
Failure to remove snow or ice	50.00
Second offenses of any violation of this Chapter.....	Twice the Original Fine
Third and Subsequent offenses of any violation of this Chapter	500.00 per instance

8D. Accept Downtown Development Authority Resignations

ACCEPT the resignations of Kurt Inman and Mike Wilson from the DDA Board of Directors and SEND a letter of recognition for their service.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided details on the revisions to the procedures for filling a vacancy on the City Commission. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Good to approve the revisions to the City Commission Procedural Policy as presented.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

The City Commission had consensus to advertise for the impending Precinct 2 Commission vacancy on or about September 1, 2021.

Facilities Manager Dan Root provided a history and details on a proposed maintenance building for Spence Field. Discussion followed.

Moved by Comm. Good and seconded by Comm. Wickey to direct staff to solicit bids for a 32'x40' storage building at Spence Softball Complex.

**Voting yea: Five
Absent: Malone, Hile**

**Voting nay: Bir, Littman
MOTION CARRIED**

City Controller Holly Keyser provided details on the proposed utility rate adjustments and connection fees. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Wickey to approve the electric rates for billings beginning on October 1, 2021 as presented.

Voting yea: Six Voting nay: Smith Absent: Malone, Hile MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Wickey to approve the wastewater and water rates for billings beginning on October 1, 2021, October 1, 2022 and October 1, 2023 as presented.

Voting yea: Six Voting nay: Smith Absent: Malone, Hile MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Wickey to approve the water connection fees as presented.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

Vice-Mayor Mullins opened the Public Hearing related to the 2021-2022 Fiscal Year Budget.

City Manager Michael Hughes provided details on the proposed budget and the current economic environment.

The City Commission held discussion.

There were no comments from the public.

The Vice-Mayor closed the Public Hearing.

Moved by Comm. Good and seconded by Comm. Klinger to the adopt 2021-2022 annual City of Sturgis Budget Summary and Appropriation Resolution and approve the City of Sturgis Fee Schedule as presented.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

City Engineer Barry Cox provided details on issues with the Vinewood/Congress construction project due to certain actions at the State. Discussion followed.

Moved by Comm. Good and seconded by Comm. Klinger to approve an amended contract between the City of Sturgis and MDOT (#21-5235) for the completion of the Vinewood Avenue and Congress Street Roadway Improvements with the removal of HIP-CRRSAA funding as presented and authorize City Manager Michael Hughes and City Clerk Kenneth Rhodes to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

Mayor Hile, from South Haven, joined the meeting virtually.

Moved by Comm. Good and seconded by Comm. to go into Closed Session to discuss the potential purchase of property and to discuss a Written Attorney Opinion.

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

Meeting recessed at 7:44 p.m.

Meeting reconvened at 8:38 p.m.

Moved by Comm. Good and seconded by Comm. Klinger to approve the addendum to the purchase agreement for subdivision lot 39 as presented.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

Moved by Comm. Good and seconded by Comm. Klinger to approve the EDC Development Agreement with the City of Sturgis as presented in Closed Session pending final legal review and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Seven Voting nay: None Absent: Malone, Hile MOTION CARRIED

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 25, 2021
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 Doug Carr, His House Church.

Commissioners present: Bir, Wickey, Malone, Smith, Littman, Good (Virtually-Sturgis), Vice-Mayor Mullins, Mayor Hile
Commissioners absent: Klinger

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

Doug Carr commended the City on the response to the recent power outage and the staff at the compost site.

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

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

Moved by Comm. Littman and seconded by Comm. Smith to approve the Consent Agenda of August 25, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 11, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,364,478.02 as presented.

8C. Bourbon, Bacon, and Blues 2021

APPROVE the requests for Bourbon, Bacon, and Blues 2021 as presented.

8D. Summer's End 2021

APPROVE the requests for the 2021 Summer's End Car Cruise in for Friday, September 17th, 2021.

8E. Auditorium Board Resignation

ACCEPT the resignation of Lindsay Metzger from the SYCA Board and SEND a letter of recognition for her service.

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

City Manager Michael Hughes introduced new interim Electric Department Superintendent Brent Henry and explained that as a member of the Michigan Public Power Agency (MPPA), the Sturgis City Commission is required to designate its Member Authorized Representative (MAR) and Alternates.

Moved by Comm. Malone and seconded by Comm. Mullins adopt to the resolution appointing Brent Henry as the MPPA Member Authorized Representative, Holly Keyser as the First Alternate and Michael Hughes as the Second Alternate.

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

Public Safety Director Ryan Banaszak provided information on some of the unique hiring and retention challenges facing Police and Fire Departments, previously discussed at a work session. Discussion followed.

Comm. Klinger joined the meeting.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the Hiring/Retention/Recruitment Proposals for Public Safety as presented and direct staff to finalize terms with the respective unions via Letters of Agreement.

Voting yea: Nine Voting nay: None MOTION CARRIED

City Engineer Barry Cox provided information on needed sanitary sewer improvements and related bids. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Bir to approve the 2021 Sanitary Sewer Rehabilitation bid from Northern Construction Services Corporation in the amount of three hundred fifty thousand one hundred and forty dollars (\$350,140.00) contingent upon approval of Change Order #1 and authorize the City Manager to sign all necessary documents on behalf of the City.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Bir to approve Change Order #1 for the 2021 Sanitary Sewer Rehabilitation with Northern Construction Services Corporation as presented and authorize the City Manager to sign all necessary documents on behalf of the City.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Littman to approve a contingency budget for the 2021 Sanitary Sewer Rehabilitation project in the amount of twenty-nine thousand dollars (\$29,000.00) as presented.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Bir to approve Task Order 99a with Fleis and VandenBrink Engineering, Inc. for construction phase services on the 2021 Sanitary Sewer Rehabilitation project in the amount of twenty-nine thousand seven hundred dollars (\$29,700.00) as presented.

Voting yea: Nine Voting nay: None MOTION CARRIED

City Clerk/Treasurer Kenneth Rhodes provided information on Doyle and Recreation Advisory Board vacancies. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Klinger to appoint Mary Bogart and Dan Speelman to the Doyle and Recreation Advisory Board through May 2024.

Voting yea: Nine

Voting nay: None

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 8, 2021
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 David Weber, First Presbyterian Church.

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

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, DPS
Director, Wastewater Superintendent, Public Safety Director, Deputy Public Safety Director,
City Clerk

Laura Brott, Collaborative Coordinator of the St. Joseph County Human Services Commission, provided information on the coordination of different groups in the County.

Michelle Williamson, CEO of the Community Action Agency, provided information on their purpose and activities including utility assistance, funding sources, and other issues.

Major Tim Sell and Staff, Salvation Army, provided information on their purpose and activities including utility assistance, food assistance, and other services.

Kelly Tackett, Keystone Place, provided information on their activities including available beds at their shelter, rapid rehousing, and other services.

Discussion followed on issues related to reasons for homelessness, available housing, a taskforce, emergency shelters, and others.

Representatives of St. Vincent DePaul and St. John's Episcopal Church provided their experiences in assisting individuals.

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

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of September 8, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the August 25, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$2,613,649.68 as presented.

8C. Utility Easement

APPROVE the Easement with WJB Properties, LLC.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Public Safety Director Ryan Banaszak provided information on the ambulance service agreement amendments related to a Safety Net Ambulance due to staffing shortages. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Malone to approve the Basic Life Support Ambulance Service Agreement with LifeCare Ambulance as presented.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Public Safety Director Ryan Banaszak and Sergeant Noel announced the retirement of the Sturgis Police Department's K-9. Discussion followed. Tucky received a round of applause.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the retirement of K-9 Tucky and the sale of Tucky to Frank Noel for one dollar (\$1.00) as presented.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

DPS Director Rick Miller provided information on the bids related to a new sewer jet trailer. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Malone to approve an amendment to the Fiscal Year 2021-2022 Capital Improvement Plan to include the purchase of a Sewer Jet Trailer.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Malone to approve the purchase of an SECA 545 Sewer Jet Trailer from Fredrickson Supply in the amount of seventy-five thousand, one hundred forty-one dollars and sixteen cents (\$75,141.16) and approve the sale of the current unit #622-06 via public auction.

Voting yea: Eight

Voting nay: None

Absent: Good

MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on replacement of variable frequency drives.

Moved by Comm. Malone and seconded by Comm. Klinger to approve Task Order #100 with Fleis and VandenBrink Engineering, Inc. for Design, Bid, and Construction Phase Services for the WWTP VFD Replacement Project in the amount of twenty-two thousand, eight hundred and ninety dollars (\$22,890.00) and authorize the City Manager to sign the task order on behalf of the City.

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

City Engineer Barry Cox provided information on road improvements in Stapleton Industrial Park. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve Task Order 102 with Fleis and VandenBrink Engineering, Inc. for design and bid phase services for the Stapleton Industrial Park streets project in the amount of twenty thousand, five hundred dollars (\$20,500.00) as presented.

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

City Controller Holly Keyser provided information on an internal loan to the Water Fund.

Moved by Comm. Klinger and seconded by Comm. Malone to adopt the Resolution Authorizing the Internal Loaning of Funds from the Electric Fund to the Water Fund for Public Infrastructure as presented.

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

Moved by Comm. Klinger and seconded by Comm. Smith to approve the placement of a discussion of urban chickens.

Voting yea: Seven Voting nay: Hile Absent: Good 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: Eight Voting nay: None Absent: Good MOTION CARRIED

Meeting recessed at 8:50 p.m.

Meeting reconvened at 9:03 p.m.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
MONDAY, SEPTEMBER 20, 2021
WIESLOCH RAUM, CITY HALL**

Mayor Hile called the meeting to order at 5:00 p.m.

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

Also present: City Manager, Assistant City Manager, City Controller, Community Development Director, City Clerk

Community Development Director Will Prichard provided information regarding the construction permitting and plans review process, the current situation and challenges in these areas, and what options the City has regarding these services. Discussion followed.

The meeting was adjourned at 5:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**REGULAR MEETING - STURGIS CITY COMMISSION
MONDAY, SEPTEMBER 20, 2021
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 Comm. Wickey.

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

Also present: City Attorney, City Manager, Assistant City Manager, City Controller, DPS Director, Wastewater Superintendent, Facilities Manager, City Engineer, Interim Electric Department Superintendent, Deputy Public Safety Director, Cemetery Sexton, City Clerk

City Engineer Barry Cox provided an update on the West Congress Street reconstruction project.

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

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Moved by Comm. Bir and seconded by Comm. Klinger to approve the Consent Agenda of September 20, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 8, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,906,698.99 as presented.

8C. 2021 Sturgis Barbecue Fest

APPROVE the requests for the 2021 Sturgis Barbeque Fest as presented.

8D. 2021 Sturgis High School Homecoming Parade & Fireworks

APPROVE the request of Sturgis High School for the 2021 Homecoming Parade on October 1st and
AUTHORIZE Deputy Public Safety Director Andy Strudwick to approve the fireworks display as presented.

8E. 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.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Cemetery Sexton Anthony VanNest details on the proposed expansion of Memorial Gardens.
Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the expansion of Memorial Gardens Cemetery as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

City Manager Michael Hughes provided a history of discussion related to the allowance of urban chickens. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to not refer the issue of urban chickens to the Planning Commission for their review.

Voting yea: Bir, Mullins, Hile Voting nay: Klinger, Wickey, Smith
Absent: Malone, Littman MOTION DEFEATED

There was not consensus to send the issue to the Planning Commission, so nothing would be referred at this time.

City Manager Michael Hughes provided information on the proposals received related to the splash pad design. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve a contract with Abonmarche for design, bidding, and inspection services for the Thurston Woods Park Improvements Project in the amount not-to-exceed one hundred and twenty-four thousand, seven hundred and fifty dollars (\$124,750.00) as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

City Manager Michael Hughes provided information on fundraising for the proposed splash pad.
Discussion followed.

Moved by Comm. Bir and seconded by Comm. Klinger to approve the City of Sturgis Splash Pad Fundraising Plan as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Brent Henry, Interim Electric Department Superintendent, provided information on a new energy waste reduction program.

Moved by Comm. Bir and seconded by Comm. Klinger to approve participation in the MPPA Request for Proposals for an energy waste reduction program.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Brent Henry, Interim Electric Department Superintendent, provided information on the various tree trimming related contracts. Discussion followed. Mark Mann, Plant Growth Management, provided information on their contract and the recent storm damage.

Moved by Comm. Bir and seconded by Comm. Mullins to approve the Right-of-Way Management Services contract with Plant Growth Management Systems Management Services for FY 2021-2022 as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Bir to approve the second one-year extension for Line Clearance with TreeCore, LLC as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the one-year extension with Asplundh Tree Expert Company as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on the bids related to biosolids removal. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the bid for removal, transportation, and land application of biosolids from Custom Manure Irrigation and Biosolids in the amount of one hundred fifty-one thousand, two hundred and fifty dollars (\$151,250.00) as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

City Engineer Barry Cox provided details on North Clay Street improvements and a potential grant. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Wickey to adopt the Resolution of Support and Funding Level Commitment for Street System Improvements Associated with an MDOT TEDF Category A Grant Project for the N. Clay Street project as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

**A RESOLUTION OF SUPPORT AND FUNDING LEVEL COMMITMENT
FOR STREET SYSTEM IMPROVEMENTS ASSOCIATED WITH AN MDOT TEDF
CATEGORY A GRANT PROJECT**

WHEREAS, the City of Sturgis recognizes the need to make improvements to its existing street system; and

WHEREAS, the City of Sturgis has an interest in obtaining MDOT TEDF Category A grant funding to accomplish this goal in conjunction with an industry expanding their current facility and adding employees; and

WHEREAS, it is necessary to provide a resolution acknowledging support of the proposed street project and level of funding commitment; and

WHEREAS, the current cost estimate of the proposed street project is \$357,600.00 of which the City would be responsible for \$96,600.00 under a TEDF Category A grant.

NOW THEREFORE BE IT RESOLVED, that the City of Sturgis formally supports said proposed street project and agrees to a funding commitment at \$96,600.00 of the project cost.

City Engineer Barry Cox provided information on the history of the White Elephant detention pond and design for an expansion. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the Professional Services Agreement with Fishbeck, Inc. for project design and bidding services in the amount of thirty-nine thousand, eight hundred dollars (\$39,800.00) as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Facilities Manager Dan Root provided information on proposed changes to the main floor restroom renovation project.

Moved by Comm. Bir and seconded by Comm. Klinger to approve a change order to the contract with Frederick Construction for the Sturges-Young main floor restroom project construction services in the amount of two hundred twenty thousand forty-one dollars and sixty-two cents (\$220,041.62) for construction and contingency as presented and authorize Michael Hughes to sign all necessary documents.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

City Manager Michael Hughes provided details on incentives for the hiring and retiring Police and Fire Department personnel. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the City of Sturgis and Police Officers Labor Council Letter of Agreement as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Mullins to approve the City of Sturgis and Sturgis Firefighters Association, IAFF Local 722 Letter of Agreement as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on due diligence investigation related to a property purchase.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the task order with Fleis and VandenBrink for Property Acquisition Due Diligence in an amount not-to-exceed twenty-six thousand, five hundred dollars (\$26,500.00) as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

City Controller Holly Keyser provided information on PA 152 related to health insurance. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Klinger to adopt the Resolution to Control Municipal Health Care Costs as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

CITY OF STURGIS

RESOLUTION TO CONTROL 2022 MUNICIPAL HEALTH CARE COSTS

WHEREAS, Public Act 152 of 2011 (PA 152), an act to limit a public employer's expenditures for employee medical benefit plans, was approved by the State of Michigan and made effective September 27, 2011 and

WHEREAS, PA 152 mandates hard cap limits on health care expenses for public employers in a total amount equal to \$7,304.51 times the number of employees with single person coverage, \$15,276.01 times the number of employees with individual and spouse coverage or individual plus one nonspouse dependent coverage, and \$19,921.45 times the number of employees with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2022; and

WHEREAS, PA 152 allows public employers the option, instead of the hard cap, of electing to pay not more than 80% of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials with a majority vote of its governing body; and

WHEREAS, PA 152 allows local units of government, including cities, the option to opt out of all limits set forth in the act with a 2/3rds majority vote of its governing body; and

WHEREAS, these limits would impact all non-union employees beginning January 1st, 2022 and all union employees upon the expiration of their current union contract; and

WHEREAS, the City Commission has approved cost-sharing levels for non-union employees equal to 20% of the rates for traditional health care plans; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STURGIS, that the City will comply with the requirements of Public Act 152 of 2011 for the 2021 calendar year by opting out of the requirements of the Act as stipulated in Section 8 of the Act; and LET IT BE FURTHER RESOLVED, that the City will implement cost-sharing levels for employees equal to \$200 for a single or \$300 for dual and family coverage when enrolled in the high deductible health plan; and LET IT BE FURTHER RESOLVED, that the City will implement health incentives equal to \$100 for employees that complete 24 visits to the Doyle Community Center in the calendar year and \$100 for each employee and an additional \$100 if the employee's spouse also participates in a health screening which will be discounted from the biweekly employee contribution levels; and LET IT BE FURTHER RESOLVED, that the City will contribute \$0.00 in 2022 to Flexible Spending Accounts; and LET IT BE FURTHER RESOLVED, that the City will rebate \$3,500.00 for declining medical coverage and an additional \$200 for also declining vision. LET IT BE FURTHER RESOLVED, that the City will contribute \$1,200.00 in 2022 to each Health Savings Account established, with payments distributed during January 2022.

City Controller Holly Keyser provided details on the necessary fiscal budget 2021 amendments. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Smith to approve the budget amendments as presented.

Voting yea: Six Voting nay: None Absent: Malone, Littman MOTION CARRIED

The City Commission had consensus to appoint Vice-Mayor Mullins as the delegate and City Manager Michael Hughes as the alternate to the MML Annual Business Meeting.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 13, 2021
WIESLOCH RAUM, CITY HALL**

Mayor Hile called the meeting to order at 5:00 p.m.

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

Commissioners absent: None

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

The Commission conducted interviews to fill the vacancies for 2nd Precinct and At-Large
Commissioner. Applicants included Brandon Kinsey for the 2nd Precinct and Aaron Miller and
Luis Perez for the At-Large position.

The meeting was adjourned at 5:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 13, 2021
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 Comm. Wickey.

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

Also present: City Attorney, City Manager, Assistant City Manager, Wastewater Superintendent,
Community Development Director, Interim Electric Department Superintendent (Virtually),
Deputy Clerk/Treasurer, City Clerk

Community Development Director Will Prichard gave a presentation on the new online permitting system. Discussion followed.

Mike Mort presented information on his upcoming documentary Cityworks.

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. Mullins to approve the Consent Agenda of October 13, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the September 20, 2021 work session as presented.

APPROVE the minutes from the September 20, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$3,445,329.94 as presented.

8C. Downtown Halloween Request

APPROVE the requests for closure of Pleasant Ave. and temporary no-parking on US-12 for October 29th as presented.

8D. Grant Writer Contract Revision

APPROVE the Contract/Letter of Agreement between the City of Sturgis and Grantsmanship Consulting LLC and AUTHORIZE City Manager Michael Hughes to sign all necessary documents.

8E. 2022 PA 152 Election Resolution Correction

ADOPT the revised Resolution to Control Municipal Health Care Costs as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes explained that part of the original building plans for the new Spence Softball Complex, a 24' x 32' pole barn was included for storage of equipment and supplies to maintain the complex and concession stand and provided details on the bids. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Wickey to approve the bid for the construction of the Spence Storage Building to CopperRock Construction, in the amount of sixty-two thousand, one hundred and five dollars (\$62,105.00) and a project contingency budget of six thousand, nine hundred dollars (\$6,900.00) as presented.

Voting yea: Seven

Voting nay: Bir

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of an Industrial Facilities Exemption Certificate for Precision Speed Equipment.

Assistant City Manager Andrew Kuk and Cathy Knapp, Southwest Michigan First, provided details on the building expansion at Precision Speed.

The City Commission had discussion on length of IFECs in general and the pay rate at Precision Speed. A company representative provided information on the activities at the company. County Commissioner Ken Malone explained that IFECs are a competitive portion of economic development.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Malone to adopt the Resolution Approving an Industrial Facilities Exemption Certificate Application for Precision Speed for a period of twelve (12) years and approve the Precision Speed Industrial Facilities Exemption Certificate Agreement.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

WHEREAS, Precision Speed Equipment 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 Precision Speed Equipment, and

WHEREAS, on October 6, 1980, the City Commission established the Industrial Development District for the industrial property of Precision Speed Equipment, 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 Precision Speed Equipment for an “Industrial Facilities Exemption Certificate”.

Mayor Hile opened the Public Hearing for consideration of an Industrial Facilities Exemption Certificate for Michiana Millworks.

Assistant City Manager Andrew Kuk and Cathy Knapp, Southwest Michigan First, provided details on the current building expansion at Michiana Millworks. Mr. Kuk further explained that the agreement includes a provision that site plan work is complete and the property receive final occupancy by March of 2022.

Jeff Kuhl, company owner, provided details on the project and explained that all necessary site plan work should be completed within the next two months.

Mr. Malone explained that he had concerns regarding the incomplete site plan work.

Mayor Hile closed the Public Hearing.

Moved by Comm. Smith and seconded by Comm. Malone to adopt the Resolution Approving an Industrial Facilities Exemption Certificate Application for Michiana Millworks for a period of twelve (12) years and approve the Michiana Millworks Industrial Facilities Exemption Certificate Agreement.

Voting yea: Seven

Voting nay: Klinger

MOTION CARRIED

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

WHEREAS, on April 14, 1999, the City Commission established the Industrial Development District for the industrial property of Michiana Millworks 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 Michiana Millworks for an “Industrial Facilities Exemption Certificate”.

Wastewater Superintendent Tom Sikorksi provided a history of providing wastewater to LaGrange County around the toll road exit and details on a Mutual Termination Agreement between the City and the Utility District, LaGrange County, and the Redevelopment Commission. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Wickey to approve the Mutual Termination Agreement as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Interim Electric Department Superintendent Brent Henry provided details on the necessary electrical system upgrades for Stapleton Industrial Park.

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the proposal from GRP Engineering, Inc. for Stapleton Industrial Park Underground engineering in the amount of thirteen thousand, eight hundred dollars (\$13,800.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile opened a Public Hearing related to an amendment to a 425 Agreement with Sturgis Township.

City Manager Michael Hughes provided information on the Third Amendment to the Agreement for Conditional Transfer of Property Pursuant to 1984 PA 425 related to the property located at 1753 W. Chicago Road owned by SAMA Holdings LLC, managed by Bret Hamlin, and is currently located within the City of Sturgis. The property is not contiguous to the City limits of Sturgis making it a City island surrounded by Township property. Amendment #3 would allow the property to transfer back to Sturgis Township's jurisdiction. The transferred property would then become the permanent location for the Sturgis Academy of Martial Arts. Discussion followed.

Mr. Hamlin provided information on his group.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the Third Amendment to the Agreement for Conditional Transfer of Property Pursuant to 1984 PA 425 with Sturgis Township as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided details on planned downtown parking lot improvements. Discussion followed.

Moved by Comm. Mullins and seconded by Comm. Bir to approve Task Order #2 with Fleis and VandenBrink Engineering for design and bid-phase services for the 2022 Parking Lot Improvements in the amount of sixteen thousand, five hundred dollars (\$16,500.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on a resolution requesting that the Governor authorize a grant to the City of Sturgis from the State Disaster Contingency Fund related to the damaging wind event on August 11th that resulted in the Governor declaring a State of Emergency for our area. Discussion followed.

Moved by Comm. Bir and seconded by Comm. Littman to approve the State Disaster Contingency Fund Grant Resolution as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

STATE DISASTER CONTINGENCY FUND GRANT RESOLUTION

BE IT RESOLVED BY the City Commission of the City of Sturgis,

WHEREAS, the City of Sturgis, Michigan, is a political subdivision within the State of Michigan with an official Emergency Operations plan in compliance with Section 19 of the Emergency Management Act, Act 390, Public Acts of 1976, as amended.

WHEREAS, the City of Sturgis, sustained severe losses of major proportions brought on by the heavy rain and straight-line wind event on August 11-12th, 2021 resulting in the following conditions: severe damage to critical infrastructure, specifically, damage to the hydro-electric sub-transmission line and distribution underbuild from the hydro-electric dam in Centreville, Michigan to the City of Sturgis and severe damage to the City's electric utility distribution system and assets.

WHEREAS, the City Commission certifies that the municipal Emergency Operations Plan was implemented at the onset of the disaster at 8:30 a.m., August 12, 2021 and all applicable disaster relief forces identified therein were exhausted.

WHEREAS, as a direct result of the disaster, public damage and expenditures were extraordinary and place an unreasonably great financial burden on the City of Sturgis totaling \$250,000.00.

NOW, THEREFORE BE IT RESOLVED THAT the City Commission requests the Governor authorize a grant to the City of Sturgis from the State Disaster Contingency Fund pursuant to Section 19, Act 390, Public Acts of 1976, as amended.

FURTHERMORE, Michael L. Hughes is authorized to execute for and in behalf of the City of Sturgis the application for financial assistance and to provide to the State any information required for that purpose.

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

Moved by Comm. Klinger and seconded by Comm. Bir to approve Mark Ritter to the Sturges-Young Center for the Arts Board through May 2024.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

County Commission Ken Malone provided information on the County redistricting.

The City Commission had consensus to hold a future work session at Bloom City to tour the facility.

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

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Meeting recessed at 7:47 p.m.

Meeting reconvened at 8:15 p.m.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 27, 2021
WIESLOCH RAUM, CITY HALL**

Mayor Hile called the meeting to order at 5:00 p.m.

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

Commissioners absent: None

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

Public Safety Director Ryan Banazsak provided an update on ambulance services and early
discussions on the cooperative agreement with Life Care. Discussion followed.

The meeting was adjourned at 5:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 27, 2021
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 Sue Babb, First United Methodist Church.

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

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City
Controller, Public Safety Director, Deputy Public Safety Director, Fire Marshal, DPS Director,
City Clerk

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

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Smith to approve the Consent Agenda of October
27, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 13, 2021 work session as presented.

APPROVE the minutes from the October 13, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,002,812.57 as presented.

8C. Retirement Board Appointment

APPOINT Gabe Alvez to the Employee Retirement System Board through May 2022.

8D. 2021 Kristkindlmarkt Requests

APPROVE the requests for the 2021 Kristkindlmarkt December 1 through December 6 as presented.

8E. Stapleton Lift Station Easement

APPROVE the easement from Heartland Recreational Vehicles LLC as presented.

8F. Budget Amendment

APPROVE amendments to the Capital Reserve Fund – 401 and Economic Development Fund – 244
budgets of three hundred thousand dollars (\$300,000.00) as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Mayor Hile opened discussion related to the vacancies for 2nd Precinct and At-Large Commissioners.

Moved by Comm. Mullins and seconded by Comm. Klinger to appoint Brandon Kinsey as the 2nd Precinct City Commissioner to fill the unexpired term of Justin Wickey through November 2022.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Wickey to appoint Aaron Miller as the At-Large Precinct City Commissioner to fill the unexpired term of Jon Good through November 2022.

Voting yea: Seven

Voting nay: Smith

MOTION CARRIED

Mayor Hile opened the Public Hearing for consideration of the transfer of an Industrial Facilities Exemption Certificate for Graphic Packaging International, LLC.

City Clerk/Treasurer Kenneth Rhodes explained that Americraft Carton was purchased by Graphic Packaging International, LLC and the City Commission must approve a transfer of the existing IFEC.

There was no comment from the public.

Mayor Hile closed the Public Hearing.

Moved by Comm. Klinger and seconded by Comm. Malone to adopt the Resolution Approving Transfer of Industrial Facilities Exemption Certificate 2013-525 For Graphic Packaging International, LLC as presented.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Resolution Approving Transfer of Industrial
Facilities Exemption Certificate 2013-525 For Graphic Packaging International, LLC

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on July 13, 1983 the Sturgis City Commission by resolution established an Industrial Development District; and

WHEREAS, the City of Sturgis approved an application from Americraft Carton, Inc. requesting an Industrial Facilities Exemption Certificate 2013-525 for real and personal property investments located at 305 W. South Street; and

WHEREAS, Graphic Packaging International, LLC has filed an application for a transfer of Industrial Facilities Exemption Certificate (number) with respect real and personal property in the amounts of \$850,000.00 and \$5,439,282.00 respectively of a New Facility located within the Industrial Development; and

WHEREAS, the applicant, the Assessor, and a representative of the affected taxing units were given written notice of the transfer application and were offered an opportunity to be heard on said application; and

WHEREAS, Graphic Packaging International, LLC has substantially met all the requirements under Public Act 198 of 1974 for the transfer of Industrial Facilities Exemption Certificate 2013-525; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Sturgis, 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

1. The Sturgis City Commission finds and determines that the granting of the transfer of an Industrial Facilities Exemption Certificate considered together with the aggregate amount of 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 City of Sturgis, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Sturgis/
2. The application from Graphic Packaging International, LLC for a transfer of Industrial Facilities Exemption Certificate 2013-525, with respect to a New Facility on the following described parcel of real property situated within the Industrial Development District to wit: 305 W. South Street be and the same is hereby approved.
3. The Industrial Facilities Exemption Certificate when issued shall remain in force for the remaining years approved under Industrial Facilities Exemption certificate 2013-525 with an end date of 12/31/2025.

Moved by Comm. Klinger and seconded by Comm. Malone to consider this the first reading of an amendment to the City Code of Ordinances, Chapter 26, Article II. – Fire Prevention Code as presented.

Voting yea: Eight Voting nay: None MOTION CARRIED

Moved by Comm. Mullins and seconded by Comm. Klinger to approve the five-year contract for Cross Connection Control Program services from HydroCorp Inc. in the total amount of two hundred eighty-four thousand, four hundred thirty dollars (\$284,430.00) as presented.

Voting yea: Eight Voting nay: None MOTION CARRIED

The City Commission had consensus to allow Brandon Kinsey to remain during closed session.

Comm. Wickey thanked everyone for their support during his time as 2nd Precinct Commissioner, explained that he has learned a lot and commended fellow Commissioners for remaining friends even during times of disagreement.

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

Voting yea: Eight

Voting nay: None

MOTION CARRIED

Meeting recessed at 6:49 p.m.

Meeting reconvened at 7:28 p.m.

Moved by Comm. Mullins and seconded by Comm. Klinger to release the mortgage on the Constantine clinic currently owned by Sturgis Hospital to allow for Sturgis Hospital to sell the property.

Voting yea: Eight

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:30 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**ORGANIZATIONAL MEETING
STURGIS CITY COMMISSION
MONDAY, NOVEMBER 8, 2021
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, Kinsey, Malone, Smith, Littman, Hile, Miller
Commissioners absent:

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

City Clerk/Treasurer Kenneth Rhodes administered the Oath of Office to Comm. Kinsey, 2nd Precinct, and Comm. Miller, At-Large Commissioner.

The City Clerk asked for nominations for the Office of Mayor.

Comm. Hile nominated Comm. Mullins

Moved by Comm. Hile and seconded by Comm. Bir to close the nominations for the Office of Mayor and cast a unanimous ballot for Comm. Mullins.

Voting Yea : Nine Voting Nay : None MOTION CARRIED

Discussion followed.

Comm. Mullins was seated as the Mayor of the City of Sturgis.

Mayor Mullins asked for nominations for the Office of Vice-Mayor.

Comm. Hile nominated Comm. Miller.

Comm. Klinger nominated Comm. Bir.

Moved by Comm. Hile and seconded by Comm. Klinger to close the nominations for the Office of Vice-Mayor.

Voting Yea : Nine Voting Nay : None MOTION CARRIED

Comm. Miller was seated as the Vice-Mayor of the City of Sturgis.

Mayor 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. Hile and seconded by Comm. Klinger 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

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. and seconded by Comm to recess the organizational meeting.

Voting Yea : Nine

Voting Nay : None

MOTION CARRIED

The meeting was adjourned at 8:31 p.m.

City Manager Michael Hughes called the Sturgis Housing Development Corporation Board of Directors Annual Meeting to order p.m.

Mr. Hughes provided information on the Consent Resolution of Shareholders.

Moved by Dir. Mullins 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 8:33 p.m.

The City of Sturgis Organizational meeting reconvened at p.m.

The meeting was adjourned at p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 10, 2021
WIESLOCH RAUM, CITY HALL**

Mayor Mullins called the meeting to order at 5:00 p.m.

Commissioners present: Kinsey, Malone, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: Bir, Klinger

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

City Manager Michael Hughes and Economic Development Specialist Jeff Coney provided detailed information on the proposed formula for downtown parking special assessments. Discussion followed.

The meeting was adjourned at 5:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 10, 2021
WIESLOCH RAUM, CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Comm. Kinsey.

Commissioners present: Klinger, Kinsey, Malone, Smith, Littman, Hile, Vice-Mayor Miller,
Mayor Mullins
Commissioners absent: Bir

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City
Controller, Public Safety Director, Deputy Public Safety Director, Fire Marshal, Doyle and
Recreation Director, Community Development Director, City Clerk

Mayor Mullins and City Engineer Barry Cox provided information on the APWA awards received for
the Pleasant Avenue streetscape and reconstruction project.

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

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

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of
November 10, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the October 27, 2021 work session as presented.

APPROVE the minutes from the October 27, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$3,641,558.18 as presented.

8C. Fiber Optic Utility Easement for Abbott Nutrition

APPROVE the Fiber Optic Utility Easement with Abbott Manufacturing Inc. as presented.

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

Fire Marshall Cody Cripe provided information on an addition to the City Code of Ordinances, Chapter 26, Article II - Fire Prevention Code to allow for establishment of Fire Inspection Fees. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Malone to consider this the second reading of and approve an amendment to the City Code of Ordinances, Chapter 26, Article II. – Fire Prevention Code effective December 6, 2021.

Voting yea: Eight

Voting nay: None

Absent: Bir

MOTION CARRIED

**AMENDMENT TO PART II – CHAPTER 26, ARTICLE II OF THE ORDINANCES
OF THE CITY OF STURGIS**

An ordinance to amend Part II – Chapter 26, Article II of the Ordinances of the City of Sturgis pertaining to the Fire Prevention Code and to provide for an effective date of this Ordinance.

WHEREAS, the City of Sturgis has determined that it is in the best interest of the residents of the City to amend the Ordinances regulating the Fire Prevention Code to provide for an inspection fee schedule.

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

Part II – Chapter 26, Article II is hereby amended by modifying Section 26-32(5) and adopting Section 26-35 as follows, effective as of December 6, 2021:

Sec.26-32 Amendments to fire prevention code.

...

(5) *Chapter 1, Section 103. Department of Fire Prevention.* All references to the fire code official or chief shall be deemed to be to the “most senior administrator over the Sturgis Fire Department” or a duly authorized representative.

...

Sec. 26-35. Inspection Fee Schedule.

The city shall assess fees for inspections performed by the Sturgis Fire Department based upon the cost of conducting the inspections. These fees shall be adopted from time-to-time by the city commission.

Moved by Comm. Hile and seconded by Comm. Klinger to approve fees for fire inspections as presented effective December 6, 2021.

Voting yea: Eight

Voting nay: None

Absent: Bir

MOTION CARRIED

Community Development Director Will Prichard provided a brief history of marihuana permits in the City and details on the permit related to 2770 S. Centerville Rd. David Hellman, Sturgis Wellness representative, provided details on their issues including drainage, MDOT requirements on road access, building code requirements, and easement acquisitions. David Hughes, attorney for another marihuana permit applicant, explained that there have already been many extensions and that no others should be allowed. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Malone to deny a six-month medical marihuana permit extension for Sturgis Wellness & Provisioning Center located at 2770 S. Centerville Rd. expiring on May 21, 2022.

Voting yea: Seven

Voting nay: Miller

Absent: Bir

MOTION CARRIED

There was discussion regarding the wording of the motion due to the inclusion of the date of the permit expiration. It was agreed that the date was not needed because the motion was to deny the extension. Comm. Klinger explained that he will amend his motion.

Moved by Comm. Klinger and seconded by Comm. Malone to deny a six-month medical marihuana permit extension for Sturgis Wellness & Provisioning Center located at 2770 S. Centerville Rd.

Voting yea: Seven

Voting nay: Miller

Absent: Bir

MOTION CARRIED

Comm. Bir joined the meeting.

Public Safety Director Ryan Banaszak provided details on the increase in price for used tanker trucks. Discussion followed.

Moved by Comm. Miller and seconded by Comm. Hile to authorize City Manager Michael Hughes to purchase a tanker truck in an amount not-to-exceed one hundred and fifty thousand dollars (\$150,000.00) as presented and sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Doyle and Recreation Director Mike Liston provided details on the five-year recreation plan. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the RFP for the Five-Year Recreation Plan as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk provided information on the need to vacate certain City streets to allow for industrial development. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Miller to approve the Resolution Approving Vacating of Streets and Scheduling of Public Hearing as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

RESOLUTION APPROVING VACATING OF STREETS AND SCHEDULING OF PUBLIC HEARING

WHEREAS, the City Commission of the City of Sturgis, County of St. Joseph, and State of Michigan, the same being the legislative body of the said City of Sturgis, deems it advisable and in the best interests of the City of Sturgis that portions of Peterson Circle, Casselman Circle, and West Lafayette Street west of North Clay Street to the dead-end now situate and being within the City of Sturgis be vacated, said streets being described as follows, to-wit:

West Lafayette Street (Portion)

A PARCEL OF LAND LOCATED IN THE CITY OF STURGIS, ST. JOSEPH COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 36, TOWN 7 SOUTH, RANGE 10 WEST, AND RUNNING THENCE S89°38'55"E, ALONG THE SOUTH LINE OF SECTION 36, 1101.64 FEET TO A POINT ON THE EAST LINE OF A PREVIOUSLY VACATED STREET PARCEL IN LIBER 1728, PAGE 037 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THE BOUNDARY OF THE PORTION OF WEST LAFAYETTE STREET TO BE VACATED RUNS THENCE N00°20'21"E 33.00 FEET TO A CAPPED REBAR FOUND ON THE NORTH RIGHT OF WAY LINE OF SAID STREET; THENCE S89°38'55"E, ALONG SAID RIGHT OF WAY, 168.55 FEET;

THENCE S00°28'21"W 66.00 FEET TO THE SOUTH RIGHT OF WAY; THENCE N89°38'55"W, ALONG SAID RIGHT OF WAY, 168.40 FEET TO A CAPPED REBAR FOUND; THENCE N00°20'23"E 33.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 11,119 SQUARE FEET, MORE OR LESS.
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

Also as shown graphically in Exhibit A.

Peterson Circle (Portion)

A PARCEL OF LAND LOCATED IN ST. JOSEPH COUNTY, MICHIGAN, SECTION 35, TOWN 7 SOUTH, RANGE 10 WEST, IN THE CITY OF STURGIS, IN STAPLETON INDUSTRIAL PARK IN LIBER 6 OF PLATS ON PAGE 147, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS FOR ST. JOSEPH COUNTY, MICHIGAN;

ALL THAT PART OF PETERSON CIRCLE LYING NORTH OF A LINE BEGINNING AT THE NORTHWEST CORNER OF LOT 12, STAPLETON INDUSTRIAL PARK, AND RUNS THENCE N88°52'27"E, 474.46 FEET TO THE NORTHEAST CORNER OF LOT 14, STAPLETON INDUSTRIAL PARK.

Also as shown graphically in Exhibit B.

Casselman Circle

A PARCEL OF LAND LOCATED IN ST. JOSEPH COUNTY, MICHIGAN, SECTION 35, TOWN 7 SOUTH, RANGE 10 WEST, IN THE CITY OF STURGIS, IN STAPLETON INDUSTRIAL PARK IN LIBER 6 OF PLATS ON PAGE 147, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS FOR ST. JOSEPH COUNTY, MICHIGAN;

THE ENTIRETY OF CASSELMAN CIRCLE, ALL THAT PART LYING NORTH OF A LINE BEGINNING AT THE SOUTHWEST CORNER OF LOT 4 OF STAPLETON INDUSTRIAL PARK, AND RUNS THENCE N88°52'27"E ALONG THE NORTH LINE OF HAINES BOULEVARD TO THE SOUTHEAST CORNER OF LOT 11, STAPLETON INDUSTRIAL PARK.

Also as shown graphically in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing to hear objections thereto shall be held at the scheduled meeting of the Sturgis City Commission on Wednesday, December 8, 2021, commencing at 6:00 P.M. in the Wiesloch Raum of City Hall. Any objection to such action may be filed with the City Clerk in writing, and if any such objection is filed the portions of Peterson Circle, Castleman Circle, and West Lafayette Street west of North Clay Street to the dead-end now situate and being within the City of Sturgis shall not be vacated except by a concurring vote of two-thirds (2/3) of the City Commission.

Moved by Comm. Hile and seconded by Comm. Klinger to allow the DDA to utilize two parking spots, East and West of Pleasant Avenue, for the Chocolate in the City event.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 7:23 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

SPECIAL MEETING - STURGIS CITY COMMISSION
WEDNESDAY, NOVEMBER 17, 2021
WIESLOCH RAUM, CITY HALL

Mayor Mullins called the meeting to order at 5:30 p.m.

Commissioners present: Bir, Klinger, Kinsey, Malone, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: None

Also present: City Attorney (Virtually in Florida), City Manager, Assistant City Manager, City Controller, Community Development Director, City Clerk

Katie Clemens explained that she is concerned that there are not enough veterinarians in the area and asked for the City's assistance.

City Manager Michael Hughes provided details on the medical marihuana permit timeline for Sturgis Wellness and Provisioning, 2770 S. Centerville Road.

David Hellman, representing Sturgis Wellness, explained that their understanding was that the six month would begin on July 21, 2021, which existed because of the 60 day extension granted by the City Manager.

Mayor Mullins explained that he spoke with the representative of Bloom City, who was also granted a six month extension at the June 23, 2021 City Commission meeting. They believed their extension began on July 21, 2021.

David Hughes, attorney for another medical marihuana permit applicant, objected to the extension and clarification for a number of reasons.

City Attorney Roger Bird explained that the issue at this meeting is the clarification of the expiration date of the permit.

The City Commission discussed their thoughts on the expiration date of the permit.

Moved by Comm. Hile and seconded by Comm. Bir to confirm that the date of the expiration for Sturgis Wellness and Provisioning, 2770 S. Centerville Road, was July 21, 2021 and the current six month extension will expire on January 21, 2022.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The meeting was adjourned at 6:00 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 2, 2021
BLOOM CITY CLUB, 2773 S CENTERVILLE ROAD**

The meeting convened at 5:00 p.m.

Commissioners present: Bir, Klinger, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins
Commissioners absent: Malone, Kinsey

Also present: City Manager, Assistant City Manager, Community Development Director

The City Commission toured the Bloom City Club marihuana retail facility.

The meeting was adjourned at 5:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 22, 2021
WIESLOCH RAUM, CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Mayor Mullins

Commissioners present: Bir, Klinger, Malone, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: Kinsey

Also present: Assistant to the City Attorney, City Manager, Assistant City Manager, City Controller, Wastewater Superintendent, Community Development Director, Deputy City Clerk

Moved by Comm. Miller and seconded by Comm. Hile to approve the agenda as presented.

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

Moved by Comm. Miller and seconded by Comm. Klinger to approve the Consent Agenda of November 22, 2021 as amended to change the signer in 8D from Mayor Jeffery Mullins to City Clerk Kenneth Rhodes.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 10, 2021 work session as presented.

APPROVE the minutes from the November 10, 2021 regular meeting as presented.

APPROVE the minutes from the November 17, 2021 special meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,668,234.99 as presented.

8C. 2021 Dashing Through Downtown Requests

APPROVE the Requests for 2021 Dashing Through Downtown as presented.

8D. MDOT Contract for Haines Blvd. and Peterson Circle Improvements

APPROVE the contract between the City of Sturgis and MDOT (Contract #21-5447) for the completion of the Category A Project in Stapleton Industrial Park and AUTHORIZE City Manager Michael Hughes and City Clerk Kenneth Rhodes to sign all necessary documents.

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

City Manager Michael Hughes provided details on a letter from Sturgis Public Schools Superintendent Dr. Arthur Ebert requesting the placement of school-themed banners on light poles on M-66 and US-12. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Klinger to approve the request of Sturgis Public Schools for placement banners and associated equipment on 18 poles as presented.

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

Wastewater Superintendent Tom Sikorski and City Manager Michael Hughes provided information on succession planning and staffing needs. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Hile to approve the hiring of an additional Wastewater Operator as presented.

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

City Manager Michael Hughes provided details on a proposal from Dowdy Recruiting to conduct a recruitment process for the Electric Superintendent position. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Hile to approve the Recruiting Service Agreement with Dowdy Recruiting as presented.

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

City Manager Michael Hughes provided information on past agreements and current costs related to the removal of rail near the Franks Avenue Extension. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Hile to approve the expenditure of thirty-seven thousand, five hundred and eighty-one dollars (\$37,581.00) to comply with the agreement of understanding and remove rail for the N. Franks Avenue extension project.

Voting yea: Seven Voting nay: Smith Absent: Kinsey MOTION CARRIED

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

Voting yea: Bir, Klinger, Malone, Smith, Littman, Hile, Miller, Mullins

Voting nay: None Absent: Kinsey MOTION CARRIED

Meeting recessed at 6:45 p.m.

Meeting reconvened at 7:00 p.m.

The meeting was adjourned at 7:05 p.m.

Ana Garcia, City of Sturgis Deputy Clerk/Treasurer

**WORK SESSION - STURGIS CITY COMMISSION
WENESDAY, DECEMBER 8, 2021
405 WENZEL STREET**

The meeting convened at 5:00 p.m.

Commissioners present: Bir, Klinger, Kinsey, Malone, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: None

Also present: City Manager, Assistant City Manager, Community Development Director

The City Commission toured 405 Wenzel Street, recently renovated by Sturgis Neighborhood Program.

The meeting was adjourned at 5:45 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 8, 2021
WIESLOCH RAUM, CITY HALL

Mayor Mullins 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 Sue Babb, Sturgis First United Methodist Church

Commissioners present: Bir, Klinger, Kinsey, Malone, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: None

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

Kelly Hostetler, Executive Director St. Joseph County United Way, and Commissioner Malone drew the winning Christmas Cash Raffle ticket of Kendal Taylor for an amount of \$2,682.50.

Matthew Roman, Stash Ventures, asked that an excess grower license be considered in Sturgis.

Cass Root and David Hughes with Constantine Products, expressed concerns about the process for issuance of an adult use marihuana retail permit in the BH1 district.

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

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Klinger to approve the Consent Agenda of December 8, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the November 22, 2021 work session as presented.

APPROVE the minutes from the November 22, 2021 regular meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,772,820.24 as presented.

8C. Revised Resolution for Vacating of Public Streets

ADOPT the revised Resolution Approving Vacating of Streets and Scheduling of Public Hearing as presented.

8D. Audit of Minimum Assessing Requirements Resolutions

ADOPT the Poverty Exemption Income Guidelines and Asset Test and the Resolution to Waive Penalties for Failure to File Property Transfer Affidavits as presented.

8E. Compensation Study RFP

APPROVE the Request for Proposals for a Compensation Study as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Public Safety Director Ryan Banaszak provided the latest information on discussions with LifeCare regarding partnering for the next contract and an update on current operations. Discussion followed.

City Manager Michael Hughes and Corey Kandow, Abonmarche, provided details on design options for the splashpad and related parking areas. Discussion followed.

Moved by Comm. Smith and seconded by Comm. Bir to deny proceeding with final design on option 1 for the Splash Pad and Thurston Woods Park improvements site plan as presented.

Voting yea: Bir, Smith, Littman, Hile

Voting nay: Klinger, Kinsey, Malone, Miller, Mullins

MOTION DEFEATED

Moved by Comm. Klinger and seconded by Comm. Malone to approve proceeding with final design on option 1 for the Splash Pad and Thurston Woods Park improvements site plan as presented and consideration for a parking lot walkway.

Voting yea: Klinger, Kinsey, Malone, Miller, Mullins

Voting nay: Bir, Smith, Littman, Hile

MOTION CARRIED

Electric Department Superintendent Brent Henry provided information on the State of Michigan Public Act 342 of 2016 (Act) requires all electric utilities, including municipal utilities, to

- Offer Energy Waste Reduction (EWR) programs to their ratepayers.
- Hire an independent evaluation company to validate the programs.
- Report the effectiveness of such programs to the Michigan Public Service Commission (MPSC).

Discussion followed.

Moved by Comm. Hile and seconded by Comm. Miller to approve participation in the MPPA 2022 Clean Energy Program and authorize Electric Department Superintendent Brent Henry to sign the Letter of Authorization as the Member Authorized Representative.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

DPS Director Rick Miller provided information upcoming retirements and the need to possibly add a Deputy Director position. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Kinsey to approve the hiring of a Deputy Director of Public Services position as presented.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

City Manager Michael Hughes provided information on participating in settlement agreements against three pharmaceutical distributors (Distributor Settlement Agreement) and one manufacturer (Jansen Settlement Agreement) over their roles in the opioid epidemic. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve participation in the Distributor Settlement Agreement and Jansen Settlement Agreement as presented and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Assistant City Manager Andrew Kuk and David Harvey, F&V Engineering, provided information on the Stapleton Lift Station Bidding and Construction Management agreements. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the construction management approach for the Stapleton Lift Station Project and the bid phase services with F&V Construction Management, Inc. in the amount of twenty-one thousand dollars (\$21,000.00) and authorize City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Klinger and seconded by Comm. Littman to approve Task Order 97a with Fleis & VandenBrink Engineering, Inc. for engineering services for bid, construction, and post-construction phases of the Stapleton Lift Station Project in the amount of forty-two thousand, two hundred dollars (\$42,200.00) and authorize the City Manager Michael Hughes to sign all necessary documents.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

The City Commission had consensus to direct City Staff to develop an ordinance amendment related to excess grow licenses.

The City Commission had consensus to discuss the proposal of Constantine Products related to a change in the number of marihuana licenses in the BH1 district.

The meeting was adjourned at 7:55 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

**SPECIAL MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 15, 2021
WIESLOCH RAUM, CITY HALL**

Mayor Mullins called the meeting to order at 5:30 p.m.

Commissioners present: Malone, Kinsey, Smith, Littman, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: Bir, Klinger

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

City Manager Michael Hughes provided a history of ambulance services in the City and surrounding area. Public Safety Director Ryan Banaszak provided a possible model for City Staff to provide ambulance service within City limits. Mr. Hughes explained that the model may include surrounding areas in the future but research needs to be done. Other topics included budgets, staffing, transports, hospitals, equipment, levels of service, billing, and insurance. The current contract with LifeCare ends in April, 2022.

It was explained that City Staff has been in contact with a vendor who has two available new ambulances at the current time. The normal waiting time for a new ambulance is 18-24 months. A proposal for the purchase of ambulances will be presented to the City Commission at the next regular meeting.

The meeting was adjourned at 7:25 p.m.

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer

REGULAR MEETING - STURGIS CITY COMMISSION
MONDAY, DECEMBER 20, 2021
WIESLOCH RAUM, CITY HALL

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

The Pledge of Allegiance was said by all present.

The Invocation was given by Comm. Kinsey.

Commissioners present: Bir, Klinger, Kinsey, Malone, Smith, Hile, Vice-Mayor Miller, Mayor Mullins

Commissioners absent: Littman

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

Moved by Comm. Smith and seconded by Comm. Hile to approve the agenda as presented.

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

Moved by Comm. Bir and seconded by Comm. Hile to approve the Consent Agenda of December 20, 2021 as presented.

8A. Action of Minutes of Previous Meetings

APPROVE the minutes from the December 8, 2021 work session as presented.

APPROVE the minutes from the December 8, 2021 regular meeting as presented.

APPROVE the minutes from the December 15, 2021 special meeting as presented.

8B. Pay Bills

AUTHORIZE the payment of the City bills in the amount of \$1,940,383.76 as presented.

8C. Set 2021 Commission Meeting Dates

APPROVE the 2022 Commission Meeting schedule as presented.

8D. Purchase of Primary Electric Conductor

APPROVE the bid from Power Line Supply for primary electric wire in the amount of two hundred and three thousand, one hundred and twelve dollars (\$203,112.00) as presented.

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

Public Safety Director Ryan Banaszak and City Manager Michael Hughes provided additional information on the state of ambulance services in the City and details on the proposal to utilize City Staff and resources. Discussion followed.

Mike Gay expressed concern about the number of available paramedics in the area.

Moved by Comm. Klinger and seconded by Comm. Hile to approve budget amendments for the creation of 505 Ambulance Fund and amendment of 101 General Fund as presented.

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

Moved by Comm. Klinger and seconded by Comm. Hile to approve a bid waiver for and the purchase of two 2022 model year Wheeled Coach ambulances and associated equipment and supplies from Emergency Vehicles Plus in the amount of five hundred and eighty-eight thousand, seven hundred and thirty-two dollars (\$588,732.00) as presented.

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

Moved by Comm. Klinger and seconded by Comm. Hile to adopt the Resolution Authorizing Installment Purchase Agreement as presented.

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

Community Development Director Will Prichard provided details on State regulations and a proposed ordinance amendment to allow for “excess growers” of marihuana. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Smith to approve this the first reading of an amendment to the City Code of Ordinances Section 38.93 Adult Use Marihuana Establishments as presented.

Voting yea: Seven Voting nay: Miller Absent: Littman MOTION CARRIED

There was discussion regarding a possible fourth adult use marihuana license in the BH1 district.

The City Commission had consensus to keep the number of available adult use marihuana license in the BH1 district at three.

City Engineer Barry Cox provided details on the 425 agreement with Fawn River Township for properties in the Arden Park area. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Smith to approve the Resolution for Transfer of Property from Fawn River Township (Agreement #4) as presented.

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

Facilities Manager Dan Root provided information on an electric generator for the Public Services Utility Building. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Smith to approve the proposal and alternate from BYCE and Associates for design, bidding, and construction administration for the addition of an emergency generator at the Public Services Utility Building in the amount of twenty thousand dollars (\$20,000.00) as presented.

Voting yea: Seven Voting nay: Bir Absent: Littman MOTION CARRIED

Wastewater Superintendent Tom Sikorski provided information on the bids for variable frequency drives.

Moved by Comm. Klinger and seconded by Comm. Smith to approve the bid of Byler Electric, Inc. for Bid Alternate 2 for the WWTP VFD Replacement Project in the amount of fifty-one thousand, eight hundred and fifty dollars (\$51,850.00) and authorize the City Manager to sign all necessary documents.

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

Moved by Comm. Klinger and seconded by Comm. Smith to approve a contingency budget for the WWTP VFD Replacement Project in the amount of five thousand, one hundred and eighty-five dollars (\$5,185.00).

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

Assistant City Manager Andrew Kuk provided information on the expansion of the Local Development Finance Authority district and new members. Discussion followed.

Moved by Comm. Klinger and seconded by Comm. Hile to approve the Resolution of Intent to Amend the City of Sturgis Local Development Finance Authority Boundaries and Setting Date and Time for Public Hearing.

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

Moved by Comm. Klinger and seconded by Comm. Hile to appoint John Wiedlea, Jason Halling, Kirby Baker, Don Eaton, Aaron Miller, Dan Arney, and Eric Eishen to the Local Development Finance Authority Board.

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

City Manager Michael Hughes provided details on an RFP for an off-road trail. Discussion followed.

Moved by Comm. Hile and seconded by Comm. Klinger to approve the request for proposals for design services for an off-road trail as presented and includes reviewing an area south of US12.

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

Moved by Comm. Hile and seconded by Comm. Miller to go into Closed Session to discuss the purchase of property.

Voting yea: Bir, Klinger, Kinsey, Malone, Smith, Hile, Miller, Mullins

Voting nay: None

Absent: Littman

MOTION CARRIED

Meeting recessed at 7:47 p.m.

Meeting reconvened at 8:28 p.m.

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

Kenneth D. Rhodes, City of Sturgis Clerk/Treasurer