

**STURGIS CITY COMMISSION  
SPECIAL MEETING  
JANUARY 13, 1998**

Joint meeting with Downtown Development Authority at 207 W. Chicago Road, at 7:00 p.m.

Commissioners present: Mayor Dobberteen, Vice-Mayor Holsinger, Chrisman, Kinsey, Sunday-Horstman, Hayes, Fraim

Commissioners absent: Harrison, Eaton

DDA members present: Carmichael, Moline, Hayes, Iannarelli, Weidner, Baber, Stewart, Fiebig, Brazo, Mayer

DDA members absent: Earl, Stimson, Lampe

Also present: City Manager Jerome Kisscorni, DDA Director Kim Musolff, Roger Beamish

The purpose of the meeting was to update the City Commission on the activities of the DDA and to discuss future options for the downtown area. A sampling of the foods available at downtown restaurants was presented.

The DDA director reviewed the status of downtown:

- Renovation of 207 W. Chicago as a storefront and upstairs apartment
- The success of Dreamfest
- 106 businesses downtown
- 84 of 87 buildings occupied
- 648 people employed downtown
- A \$3 million-plus payroll of downtown

DDA President Tim Carmichael reviewed what DDA has learned through projects and seminars:

- Success = economic
- Spenders count
- Towns can co-exist with giant retailers
- You can create the downtown you want
- Downtown = Business and Public sectors
- A revitalized downtown benefits the entire community
- You need the same tools every business needs for success
- It is easier to create change than manage it

DDA members and City Commissioners were asked to envision their downtown Sturgis five years hence including:

- Results of enhancement programs
- Building use
- Appearance
- Potential users
- Image

The assorted visions included:

- 100% occupancy - majority retail
- 100% Historic Legacy
- Foot traffic
- Local ownership
- Maintenance
- Apartments
- Park - Passive areas - Pedestrian scale
- Bathrooms
- Reduced truck traffic
- Side street retail
- Foot patrols
- Business Incubator
- Standardized Hours
- Memorable Service
- Retail recognition
- Tourism magnet
- Atmosphere - Attitude

The meeting adjourned at 8:30 p.m.

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Gerry Mayer, Secretary of DDA

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JANUARY 28, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Harrison, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, January 14, 1998 were approved as presented.

Sheldon Fieberkorn, 106 Wenzel St. was present to voice his concerns about the brick surface on S. Nottawa Street needing repairs. The City Manager will review the situation at the City Commission Planning session.

Moved by Comm. Holsinger and seconded by Comm. Eaton that this be considered the second reading and approval to amend Article XV of the Ordinances of the City of Sturgis to provide for tax abatement for qualified housing developments within the City and to provide for an effective date of March 13, 1998.

**WHEREAS**, the City Commission has determined that it is a proper public purpose of the City to provide housing for low income individuals and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA 125.1401 et seq; MSA 16.114(1) et seq); and

**WHEREAS**, the City is authorized by said Act to establish or change a service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses not to exceed the taxes that would be paid but for the Act; and

**WHEREAS**, the City Commission has determined that housing for persons of low income is a public necessity, the City will be benefitted and improved by such housing, and the encouragement of the same by providing certain real estate tax exemption is a valid public purpose; and

**WHEREAS**, the implementation and continuation of the provisions of this Chapter for tax exemption and the service charge in lieu of taxes during the period contemplated in this Chapter are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance upon such tax exemption;

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

ARTICLE XV, Chapter 160 of the Ordinances of the City of Sturgis is hereby added to provide as follows effective as of March 13, 1998:

**• 160.01 DEFINITIONS.**

For purpose of Chapter 160 of the Article XV, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) AAct@ means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

(B) AAnnual Shelter Rents@ means the total collections during a calendar year from all occupants of a Qualified Housing Development representing rent or occupancy charges, exclusive of charges for gas, electric, heat, or other utilities furnished to the occupants.

(C) AAuthority@ means the Michigan State Housing Development Authority.

(D) AHUD@ means the Department of Housing and Urban Development of the United States, as created under 12 U.S.C. Section 1701 *et seq.*, or its successor.

(E) ALow Income Individual@ means a person whose household income at time of initial occupancy does not exceed Sixty (60%) Percent of area median gross income for St. Joseph County, Michigan as determined in a manner consistent with such determinations under Section 8 of the U.S. Housing Act of 1937, as amended.

(F) AMortgage Loan@ means a loan made by the Authority or insured by HUD to the Sponsor for the construction and/or permanent financing of a Qualified Housing Development.

(G) AQualified Housing Development@ means a housing development which:

- (1) Has at least one general partner which is a Community Housing Development Organization (CHDO) non-profit housing corporation;
- (2) All occupants residing therein are Low Income Individuals; and
- (3) Qualifies for tax exempt status under Section 15a.(1) of the Act.

(H) ASponsor@ means a person or entity which has applied to the Authority for a Mortgage Loan to finance a Qualified Housing Development.

**• 160.02 CLASS OF EXEMPT HOUSING PROJECTS**

It is hereby determined that the class of housing projects to which the exemption set forth in '160.03 shall apply, and for which a service charge shall be paid in lieu of taxes, shall be those Qualified Housing Developments constructed after January 1, 1998.

**• 160.03 ESTABLISHMENT OF ANNUAL SERVICE CHARGE**

A Qualified Housing Development designated for and occupied by Low Income Individuals constructed upon a parcel of land within the City sufficient for the operation of such project (but no larger) shall be exempt from all property taxation beginning from and after commencement of construction and continuing as long as the Mortgage Loan insured by HUD or assisted or financed by the Authority remains outstanding and unpaid or as long as HUD or the Authority has any interest in such property. Notwithstanding the foregoing, a Qualified Housing Development shall be subject to a service charge in lieu of property taxes in an amount equal to Four (4%) Percent of Annual Shelter Rents.

Notwithstanding the foregoing, in no event shall the service charge, at any time, be less

than the property taxes upon the land only without improvements for the tax year prior to the date when construction was commenced.

**• 160.04 COLLECTION PROCEDURES**

The service charge in lieu of taxes as determined hereunder shall be payable in the same manner as general property taxes are payable in the City; except, that an annual payment shall be paid on or before April 1 of each year following the year in which the Annual Shelter Rents were collected. The entire tax collection procedure provided by the General Property Tax Act shall be effective with respect to such payment including, but not by way of limitation, the provisions providing for interest and penalties on late payments, return of delinquent taxes and the sale of lands for delinquent taxes.

**• 160.05 CONTRACTUAL EFFECT OF ORDINANCE**

A Resolution of the City Commission granting tax exempt status as provided in this Chapter shall be adopted for each Qualified Housing Development qualified under the terms of this Chapter. Notwithstanding the provisions of Section 15a.(5) of the Act to the contrary, the adoption by the City Commission of such a Resolution shall establish a contract between the City and a Sponsor of a Qualified Housing Development to provide tax exemption and accept payments in lieu thereof naming HUD or the Authority as a third party beneficiary to such contract. Any such Resolution shall be contingent upon the receipt of a Regulatory Agreement which contractually obligates the Sponsor to exclusively provide housing to Low Income Individuals. Annually, the Sponsor shall file with the City Assessor for the City of Sturgis such documentation as shall be reasonably necessary to establish that the Qualified Housing Development is being rented solely to Low Income Individuals as defined by this Chapter. The City Assessor may request such additional documentation as shall be reasonably required to establish compliance with the terms of this section. Furthermore, any such Resolution shall acknowledge that the Authority and the Sponsor have established the economic feasibility of the Qualified Housing Development in reliance upon the implementation and continuation of this Chapter.

**• 160.06 SEVERABILITY**

The various sections and provisions of this Chapter shall be deemed to be severable, and should any section or provision of this Chapter be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not effect the validity of this Chapter as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

**Voting yea: Fraim, Harrison, Kinsey, Hayes, Holsinger, Eaton, Chrisman, Mayor Dobberteen**

**Voting nay: None**

**Abstaining: Sunday-Horstman**

**MOTION**

**CARRIED**

Mike Wilson of Norman & Paulsen presented a report on the City Audit for the 1996/97 Fiscal Year.

Moved by Comm. Kinsey and seconded by Comm. Hayes to accept the report on the City Audit

for the 1996/97 Fiscal Year as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Pat Moran of Plante & Moran presented a report on the Hospital Audit for the 1996/97 Fiscal Year.

Moved by Comm. Harrison and seconded by Comm. Kinsey to accept the report on the Hospital Audit for the 1996/97 Fiscal Year as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Hayes to approve \$18,750.00 in grant funding from the Bureau of Aeronautics for Airport pavement crack sealing during fiscal year 1998.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

### **RESOLUTION**

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman to accept the report from the City Commission Ad Hoc Committee on the reorganization of the Recreation and Doyle Center Boards, and approve the following recommendations:

#### **Recommendations:**

1. The Doyle Board should be focused on their area of concern and should work through and function as a sub-committee of the Recreation Board. This should be reflected in the Organizational Chart.
2. The mission statement of the Recreation Board should be expanded and clarified in their by-laws.
3. The terms of agreement with the Sturgis Foundation should be amended to provide for two (2) members appointed by the Foundation and three (3) members by the City.
4. The Recreation Board should be expanded by adding three (3) City and one (1) of the Foundation appointees from the Doyle Board thus creating three (3) staggered classes of three (3) members each with three (3) year terms and an annual appointment of one (1) Sturgis Foundation member.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

### **RESOLUTION**

Moved by Comm. Harrison and seconded by Comm. Kinsey that the Recreation Board, in forming their mission statement, report back to the City Commission the contents of the mission statement and include fiscal responsibility when they set their rates.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to accept the resignation of Ted Warner from the Board of Review, and to send a letter of appreciation.

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

Moved by Comm. Fraim and seconded by Comm. Chrisman to accept the resignation from Michael Brew from the Planning Board, and to send a letter of appreciation.

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

Moved by Comm. Harrison and seconded by Comm. Eaton to approve the request from the Sturgis Crop Walk Organization to hold their Annual Crop Walk on Sunday, April 26, 1998 from 1:00 p.m.- 4:00 p.m.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Chrisman to set the date of March 4, 1998 for the Boards and Commissioners Dinner.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to proclaim January 25 through January 31, 1998 as Catholic Schools Week.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$532,246.22 and the City bills in the amount of \$592,199.94 for a total of \$1,124,446.16 be paid.

Discussion followed concerning the Hospital bills being paid before approved. The City Manager will look into this and report back to the Commission.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Harrison to reschedule the March 25, 1998 City Commission meeting to Monday, March 23, 1998 due to the Legislative Conference in Lansing.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Eaton that the City Commission hold a public hearing on Wednesday, February 25, 1998 at 7:30 p.m. in the Wiesloch Raum, City Hall, to consider approving a request from Burr Oak Tool & Gauge to vacate two (2) portions of Elm Street.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, FEBRUARY 11, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Fraim, Mayor Dobberteen

## Commissioners absent: Chrisman

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

Minutes of the previous regular meeting held on Wednesday, January 28, 1998 were approved as corrected.

County Commissioner Mike Sutter reported on the AHealing Racism@ Seminar.

Mayor Dobberteen welcomed the Boy Scouts who were in attendance.

Moved by Comm. Harrison and seconded by Comm. Fraim to set a public hearing date of Wednesday, March 11, 1998 at 7:30 p.m. in the Wiesloch Raum, City Hall, to consider issuing an Industrial Facilities Exemption Certificate to Sturgis Tool & Die, Inc.

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

Gerry Mayer, Director of Industrial Development, presented an updated report on the Paramount Site Clean-up.

Moved by Comm. Holsinger and seconded by Comm. Eaton to proclaim February 8-14, 1998 as  
ANational Child Passenger Safety Week.@

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$877,420.37 and the City bills in the amount of \$1,205,046.60 for a total of \$2,082,466.97 be paid.

Moved by Comm. Eaton and seconded by Comm. Holsinger to refer to the Planning Board a request to rezone 916 S. Centreville Rd. from M (Manufacturing) to B (Business Highway).



Moved by Comm. Holsinger and seconded by Comm. Hayes to set a public hearing date of Wednesday, February 25, 1998 at 7:30 p.m. in the Wiesloch Raum, City Hall, to consider a request to vacate portions of Elm Street.

Moved by Comm. Holsinger and seconded by Comm. Hayes to authorize the advertisement for a notice to bidders for Solid Waste, Recyclables, and Yard Waste Collection Services for curbside recycling for the City of Sturgis.

The meeting was adjourned at 7:50 p.m.

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*Carol F. Rambadt, City Clerk*

**STURGIS CITY COMMISSION  
ANNUAL PLANNING MEETING  
FEBRUARY 21, 1998**

Mayor Dobberteen called the meeting to order at 8:30 a.m. in Union Room AA@ of the Sturges-Young Auditorium.

Commissioners present: Mayor Dobberteen, Holsinger, Harrison, Kinsey, Hayes, Sunday-Horstman, Eaton, Chrisman, Fraim

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

The City Manager reported on completed, on-going and planned community projects.

The Director of Industrial Development reviewed the current status of the local economy.

Commissioners discussed the City of Sturgis Management Review conducted by Plante & Moran, LLP, of Southfield.

The review recommends the following:

- A. Additional capacity in the human resources area.
- B. A centralized purchasing function.
- C. Evaluation of the administration organizational structure
- D. Evaluation of the best utilization of the Animal Control Officer.
- E. Alternate methods to supplying area ambulance service.
- F. Library staffing and budgeting.
- G. Forestry coordination between electric and recreation departments.
- H. Potential merger of Doyle and Recreation boards.
- I. Marketing of Auditorium.
- J. Study of private contractor supplying catering services.
- K. Reorganize Public Works Department.

Special emphasis was given by commissioners to the Library, Administrative, Public Works and Recreation issues.

The commission developed the following projects lists for future community development.

**One year:**

Housing, including City Subdivision and Eastwood Village

Auditorium

Ambulance

Recreation Authority

Library & Auditorium By-Laws

Purchase M-66 right-of-way

Police  
Hospital  
Paramount site  
Future Industrial site  
Cemetery  
Fiber optics  
Recycling

**1-3 years**

Re-brick S. Nottawa St.  
Industrial incubator  
Festivals  
Electric deregulation  
Annexation

**1-5 years**

M-66 bypass  
Redevelop Brownfield sites  
Downtown  
9-1-1

**1-10 years**

Sidewalks  
Infrastructure  
Street lights  
Multi-cultural development

The meeting adjourned at 5:15 p.m.

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*Gerry Mayer, Recording Secretary*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, FEBRUARY 25, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, February 11, 1998 were approved as presented.

Public hearing was held to vacate portions of Elm Street.

Moved by Comm. Harrison and seconded by Comm. Hayes to adopt the following resolution:

**RESOLUTION**

**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 in the best interests of the City of Sturgis that the following portions of street now situate and being within the City of Sturgis be vacated, being portions of **AE**Elm Street**@**, to-wit:

A parcel of land located in St. Joseph County, Michigan, Section 12, Sturgis Township, in the City of Sturgis, adjacent to Block 6, Frank W. Wait=s Highland Addition, commencing at the Southwest corner of Lot 8, Block 6, Frank W. Wait=s Highland Addition, which is also the point of beginning, thence East along North line of Elm Street 104.84 feet to the Southeast corner of Lot 7, Block 6, thence South 66 feet to the Northeast corner of Lot 6, Block 8, thence West 104.84 feet along the South line of Elm Street to the Northwest corner of Lot 5, Block 8, thence North 66 feet to the point of beginning.

Also:

A parcel of land located in St. Joseph County, Michigan, Section 12, Sturgis Township, in the City of Sturgis, adjacent to Block 16, Prairie Heights Addition, commencing at the Southwest corner of Lot 6, Block 16, Prairie Heights Addition, which is also the point of beginning, thence South 66 feet to the Northwest corner of Lot 5, Block 18, thence West 14.5 feet along the South line of Elm Street to the Northeast corner of Lot 6, Block 8 of Frank W. Wait=s Highland Addition, thence North 66 feet to the Southeast corner of Lot 7, Block 6, thence East 14.5 feet along the North line of Elm Street to the point of beginning; and

**WHEREAS**, it being advisable to vacate and abandon the said described property, due notice was published in the Sturgis Journal, a newspaper published and circulated in the City of Sturgis, County of St. Joseph, State of Michigan, as required by law, notifying the public and all interested persons that the City Planning Board would meet and be in session on Tuesday,

January 20, 1998, at 7:30 p.m. in the Wiesloch Raum, Sturgis City Hall, to hear and consider objections thereto; and

**WHEREAS**, no one appeared at said meeting to object to the proposed vacation and abandonment and no objections having been filed with the City Clerk; and

**WHEREAS**, the owner of the property adjacent to both sides of the portions of Elm Street proposed for abandonment has agreed that the City of Sturgis may retain an easement upon said vacated portions of the street for the purpose of constructing, repairing, substituting, removing, enlarging, replacing and maintaining utilities; and

**WHEREAS**, the City Commission at its meeting on February 25, 1998, conducted a public hearing with respect to the proposed vacating of said portion of Elm Street, and received no objections thereto;

**NOW, THEREFORE, BE IT RESOLVED**, subject to the City of Sturgis reserving an easement on said property for the purpose of constructing, repairing, substituting, removing, enlarging, replacing and maintaining utilities, that the above described street be hereby vacated, abolished, abandoned and discontinued, and

**BE IT FURTHER RESOLVED**, that within thirty (30) days from this date, the City Clerk shall forward a certified copy of this resolution to the Treasurer of the State of Michigan, and also a certified copy of this resolution to the Register of Deeds of the County of St. Joseph, State of Michigan, for recording, and that a proper record of this vacation and abandonment be entered into the Book of Plats of the City of Sturgis.

**Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Dobberteen**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to approve the request from Burr Oak Tool & Gauge Company, Inc. that the City grant a 10-foot wide easement on the east side of Orange Street between Elm Street and Magnolia, and to also grant a 10-foot wide easement on the north side of Elm Street between Orange Street and the portion of Elm Street being vacated.

**Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Holsinger to consider this the introduction and first reading to rezone 400 West Chicago Rd. from B-H (Business Highway) to B-C (Business Central).

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Mayor Dobberteen accepted nominations from the Commission to appoint a member to the Planning Board to fill the unexpired term of Michael Brew, term to expire in May, 1998.

Comm. Fraim nominated Richard Messner, Jr.

Comm. Eaton nominated Ken Chrisman.

Comm. Hayes nominated James VanNest.

Nominations were closed.

Voting for Richard Messner, Jr.: Sunday-Horstman, Fraim, Harrison, Holsinger, Mayor Dobberteen

Voting for Ken Chrisman: Eaton, Chrisman, Kinsey

Voting for James VanNest: Hayes

**Richard Messner, Jr. was appointed to the Planning Board to fill the unexpired term of Michael Brew, term to expire in May, 1998.**

Moved by Comm. Harrison and seconded by Comm. Kinsey to appoint Jerry Dusseau to the Board of Review, based upon his approval, to fill the unexpired term of Ted Warner, term to expire in May, 1999.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

David James, Sturgis Hospital CEO, was present to discuss the Hospital Bills approval process.

Moved by Comm. Harrison and seconded by Comm. Fraim to change the language of approving the payment of the bills so that the City Commission approve the payment of City bills and *ratify* the Hospital bills.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to approve the request from the Trinity Lutheran Church to hold their annual Cross Walk on Good Friday, April 10, 1998 at 12:00 noon through the streets of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$669,808.63 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$477,078.04 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Discussion was held by Commissioners regarding the discrepancy between the City Staff and the Sturgis Foundation on how many members should be on the Doyle Board and the Parks & Recreation Board.

City Manager Jerome Kisscorni will make arrangements for City Staff and the Sturgis Foundation to meet in the near future.

Comm. Harrison expressed his interest in possibly having the City of Sturgis become a member of the St. Joseph County E.D.C. in the future.

Moved by Comm. Harrison and seconded by Comm. Kinsey to review the situation and report back in six months to bring it to another vote before the Commission.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**RESOLUTION**

**Moved by Comm. Holsinger and seconded by Comm. Eaton to recess under the Open Meetings Act to discuss Hospital Labor Negotiations.**

**Voting yea: Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen**

**Voting nay: None**

**MOTION**

**CARRIED**

**The meeting was recessed at 8:18 p.m.**

**The meeting was reconvened at 8:43 p.m.**

Moved by Comm. Holsinger and seconded by Comm. Eaton that the meeting be adjourned.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The meeting was adjourned at 8:44 p.m.

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*Mary M. Stoddard, Deputy City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MARCH 11, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the Annual Planning Meeting held on February 21, 1998 and the Regular Meeting held on February 25, 1998 were approved as presented.

County Commissioner Mike Sutter presented an updated report on the Racism program, the Veteran=s Memorial for the County (that the City consider making a donation), and informed the Commission that Senator Gast requested the status of the Paramount Site.

Public hearing on issuing an Industrial Facilities Exemption Certificate to Sturgis Tool and Die, Inc. was held.

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

**RESOLUTION**

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

**WHEREAS**, on August 9, 1978 the City Commission established the Industrial Development District for the industrial property of Sturgis Tool and Die, Inc., and

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

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

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

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing

the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

**WHEREAS**, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby approve the application of Sturgis Tool and Die, Inc. for an AIndustrial Facilities Exemption Certificate@.

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

Moved by Comm. Fraim and seconded by Comm. Harrison that this be considered the second and final reading to rezone 400 W. Chicago Road (LOT 1 EXC S 12 FT & LOTS 2 AND 3 BLK 35 ORIG PLAT. CITY OF STURGIS) from B-H (Business Highway) to B-C (Business Central).

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

Moved by Comm. Kinsey and seconded by Comm. Eaton to appoint Eric Scheske to the Board of Review to fill the unexpired term of Ted Warner, term to expire in May, 1999.

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

Moved by Comm. Harrison and seconded by Comm. Fraim to appoint Ken Chrisman to the Board of Review to fill the unexpired term of Don Lampe, term to expire in May, 1999.

**Voting yea: Eight**      **Voting nay: Eaton**      **MOTION**  
**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Harrison that the Parks and Forestry Department Mission Statement by-laws be amended as follows:

*The City of Sturgis Recreation, Parks, and Forestry Department exists to provide and maintain parks, facilities, open space, programs and services to the Sturgis Community. It is also the purpose of this department to coordinate and conduct Parks and Recreation programs and activities, utilizing a variety of facilities in the most cost effective means possible without sacrificing the safety of any of the participants.*

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

Moved by Comm. Harrison and seconded by Comm. Kinsey to set a public hearing date of Wednesday, April 8, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to Vulcan Industries, Inc.

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

Moved by Comm. Eaton and seconded by Comm. Hayes to approve the following resolution:

**RESOLUTION**

**WHEREAS**, the City of Sturgis did on September 12, 1997 acquire title to a property which includes an extension of a street known as Galyn Street, and

**WHEREAS**, it is necessary to furnish certain information to the State of Michigan to place this street within the City Local Street System for the purpose of obtaining funds under Act 51, P.A. as amended.

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the centerline description of said street is as follows:  
Commencing at the Northeast corner of Lot 46 of Krueger=s Addition No.  
(Liber 4 of Plats, Page 69) which is the Point of Beginning; thence North  
degrees 01 minutes East, 30.00 feet on the East line of Krueger=s  
Addition No. 2 to the centerline of Galyn Street; thence South 89 degrees 59  
minutes East, 50.00 feet; thence Southeasterly along a 320.00 foot radius curve  
an arc distance of 67.05 feet (said curve being subtended by a  
chord which bears South 83 degrees 58 minutes 49 minutes East, 66.93 feet);  
thence Southeasterly along a 320.00 foot radius curve to the left an arc distance of  
67.05 feet (said curve being subtended by a chord which bears South 83  
degrees 58 minutes 49 minutes East, 66.93 feet); thence South 89 degrees 59  
minutes East, 176.80 feet to the Point of Ending.

2. That said street is located within a City right-of-way and is under the control of  
the City of Sturgis.

3. That said street is a public street and is for public street purposes.

4. That said street is accepted into the City Local Street System.

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,797,076.60 be paid.

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount \$446,006.28 be ratified.

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

Mayor Dobberteen appointed Commissioners Holsinger and Hayes to a committee to explore donation possibilities for the County Veterans Memorial and report back.

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

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

The meeting was adjourned at 8:07 p.m.

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*Carol F. Rambadt, City Clerk*

**RESCHEDULED MEETING - STURGIS CITY COMMISSION  
MONDAY, MARCH 23, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Mayor Dobberteen

Commissioners absent: Fraim, Chrisman

Minutes of the regular meeting held on Wednesday, March 11, 1998 were approved as presented.

Moved by Comm. Harrison and seconded by Comm. Hayes to award the low bid for Hydro turbine repairs for Unit #3 discharge ring for the Electric Department to Leitelt Iron Works, Grand Rapids, Michigan, in the amount of \$88,425.00.

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

Moved by Comm. Harrison and seconded by Comm. Eaton that this be considered the introduction and first reading to rezone all or part of the parcels commonly known as 914, 916, 1260 and 1270 (912) S. Centerville Road from M (Manufacturing) to B-H (Business Highway).

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

Moved by Comm. Holsinger and seconded by Comm. Eaton that the following resolution be adopted:

**RESOLUTION**

**WHEREAS**, the Michigan Department of Transportation (MDOT) , Bureau of Aeronautics has installed a Weather Observation and Data Dissemination System at the Kirsch Municipal Airport; and

**WHEREAS**, the City of Sturgis and Michigan Department of Transportation have agreed to certain operation and maintenance items to be performed by the City.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sturgis City Commission approves the Operation and Maintenance Agreement (NO. 97-0325) and authorizes the City Manager to be designated as the local official to sign said agreement.

**Voting yea: Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Harrison, Mayor  
Dobberteen**

**Voting nay: None**

**Absent: Fraim, Chrisman**

**RESOLUTION**

**ADOPTED.**

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to table the City

Commission Ad Hoc Committee report on Recreation Boards until the next regular meeting.

**Voting yea: Five** **Voting nay: Holsinger, Mayor Dobberteen** **Absent: Fraim, MOTION**  
**Chrisman**  
**CARRIED**

Francis Losinski, resident of 809 Nottingham, voiced his concerns regarding \$65,000 of City funds going towards keeping the Doyle Center operating.

Ron Scheske, City appointee on the Doyle Board of Directors, spoke on the issue in response to Mr. Losinski=s concerns.

City Manager Jerome Kisscorni presented an updated report on the City Forestry Program.

Moved by Comm. Harrison and seconded by Comm. Kinsey to approve the request from the Sturgis Historical Society to hold a Civil War Reenactment at Depot Park on May 16, 1998.

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

Vice-Mayor Holsinger reported on a City donation to the County Veterans Memorial.

Moved by Comm. Harrison and seconded by Comm. Hayes to set a public hearing date of Wednesday, April 8, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider approving an Agreement for Conditional Transfer of property from Fawn River Township to the City of Sturgis.

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

Police Chief Eugene Alli presented the Police Department Annual Report.

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$642,276.52 be paid.

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$529,923.81 be ratified.

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

Moved by Comm. Eaton and seconded by Comm. Holsinger that the meeting be adjourned.

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

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

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, APRIL 8, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held on Monday, March 23, 1998 were approved as presented.

Moved by Comm. Kinsey and seconded by Comm. Eaton to award the low bid for re-surfacing the lower level walls in the Sturges-Young Auditorium to Jansen Plastering, Sturgis, Michigan, in the amount of \$21,500.

**Voting yea: Hayes, Holsinger, Eaton, Chrisman, Fraim, Kinsey, Mayor Dobberteen**

**Voting nay: Sunday-Horstman, Harrison MOTION**

**CARRIED**

Public Hearing was held on the approval of an Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis.

The following citizens spoke regarding their concerns: Lucious Carver, 69910 Eisenhower, Emma Pagels, 69387 Eisenhower, Pastor Calvin Kolzow, 69503 Eisenhower, Doug Couch, 69561 Eisenhower, Don Lampe, 402 Sturgis Avenue, Bill Esseltine, 69353 Eisenhower and Antoinette Hart, 69517 Eisenhower.

Public Hearing was closed.

Comm. Fraim requested that it go on record that he will resist any zoning, other than R-1 or R-2, of the annexed property as described below.

Moved by Comm. Harrison and seconded by Comm. Holsinger that the Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis for the following described properties, be approved:

**Beginning** at the Northwest Corner of the Northeast Quarter of Section 7, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan;

**THENCE** East along the North line of the West half of said Northeast Quarter to the Northeast Corner of said West half of said Northeast Quarter; **THENCE** South along the East line of said West half of said Northeast Quarter to the South line of said Northeast Quarter; **THENCE** South along the East line of the West half of the Southeast Quarter of said Section 7 to the Southeast Corner of the North Half of the Northwest Quarter of said Southeast Quarter; **THENCE** West along the South line of said North Half of the Northwest Quarter of said Southeast Quarter to the West line of said Southeast Quarter of Section 7; **THENCE** North along said West line of the

Southeast Quarter to the Northwest Corner of said Southeast Quarter; **THENCE** North along the West line of said Northeast Quarter of Section 7 to the Northwest Corner of said Northeast Quarter, being the POINT OF BEGINNING.

and

**Commencing** at the Northwest Corner of the fractional West half of the Southwest Quarter of Section 7, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan, **THENCE** East along the North line of said fractional West half of the Southwest Quarter a distance of 744.40 feet to the Northeast Corner of the Plat of Krueger=s Addition recorded in Liber 4 of Plats, Page 25 records of the Office of the St. Joseph County Register of Deeds, being the POINT OF BEGINNING; **THENCE** East along the South line of the Plat of Eastland Estates recorded in Liber 6 of Plats, Page 146 records of the Office of the St. Joseph County Register of Deeds, also being said North line of the fractional West half of the Southwest Quarter, to the Northeast Corner of said fractional West half of the Southwest Quarter; **THENCE** South along the East line of said the fractional

West half of the Southwest Quarter a distance of 50 feet; **THENCE** West parallel with said North line of the fractional West half of the Southwest Quarter to the East line of said Plat of Krueger=s Addition; **THENCE** North along said East line a distance of 50 feet to the POINT OF BEGINNING.

and

**Beginning** at the Southeast Corner of the East half of the Frac. Northwest Quarter of Section 7, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan;

**THENCE** West along the South line of said East half to the West line of said East half;

**THENCE** North along said West line to the South margin of the North 50 acres of said East half;

**THENCE** East along said South margin to the East line of said East half;

**THENCE** South along said East line to the POINT OF BEGINNING.

**Voting yea:** Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Mayor Dobberteen

**Voting nay:** None

**MOTION**

**CARRIED**

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

Moved by Comm. Kinsey and seconded by Comm. Eaton that an Industrial Facilities Exemption Certificate not to exceed \$1,218,500.00 be awarded to Vulcan Industries, Inc. for a period of twelve (12) years and that the following resolution be adopted:

### **RESOLUTION**

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

**WHEREAS**, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of Vulcan Industries, Inc., and

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

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

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

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

**WHEREAS**, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

**NOW, THEREFORE BE IT RESOLVED**, that the Sturgis City Commission does hereby approve the application of Vulcan Industries, Inc. for an AIndustrial Facilities Exemption Certificate@.

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

Moved by Comm. Harrison and seconded by Comm. Fraim that this be considered the second and final reading to rezone all or part of the parcels commonly known as 914, 916, 1260 and 1270 South Centerville Road, from M (Manufacturing) to B-H (Business Highway).

**Legal description:** A parcel of land located in the West half of the Southwest Quarter of Section 12, Town 8 South, Range 10 West, City of Sturgis, St. Joseph County, Michigan, described as: The following parcels, or portions thereof, which are West of a line 330 feet East of and parallel to the West line of said Southwest Quarter: Parcel Number 75-052-777-225-20, Parcel Number 75-052-777-225-25, Parcel Number 75-052-777-225-30, Parcel Number 75-052-777-225-35 and Parcel Number 75-052-777-225-40.

**More particularly described as:** Commencing at the Northwest corner of said Southwest Quarter; thence Southerly a distance so 1010.79 feet along the West line of said Southwest Quarter to the Point of Beginning; thence Southerly a distance of 175.43 feet along the West line of said Southwest Quarter; thence Easterly to a point on a line which line is 330 feet east of and parallel to the West line of said Southwest Quarter; thence Northerly a distance of 350.33 feet parallel to the West line of said Southwest Quarter; thence Westerly to a point on the West line of said Southwest Quarter; thence Southerly a distance of 174.9 feet to along the West line of said Southwest Quarter to the Point of Beginning.

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

Moved by Comm. Harrison and seconded by Comm. Hayes that this be considered the introduction and first reading of an ordinance to amend certain sections of Chapter 110: Fire

Prevention Code of the Ordinances of the City of Sturgis and to provide for an effective date.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Kinsey to take the City Commission Ad Hoc Committee report on Recreation Boards off the table.

**Voting yea: Fraim, Harrison, Kinsey, Mayor Dobberteen,**

**Voting nay: Holsinger, Sunday-Horstman, Eaton, Chrisman, Hayes** **MOTION**

**DEFEATED**

Comm. Fraim requested that it go on record that he believes making the Doyle Board a sub-committee of the Parks and Recreation Board is probably an unwise decision.

Moved by Comm. Fraim and seconded by Comm. Kinsey to amend the recommendation from the City Commission Ad Hoc Committee on the Recreation and Doyle Boards to strike recommendation #1, which reads: **A**The Doyle Board should be focused on their area of concern and should work through and function as a sub-committee of the Recreation Board. This should be reflected in the Organizational Chart.**@**

Moved by Comm. Harrison and seconded by Comm. Kinsey to amend the motion on the floor to be the first portion that says the Doyle Board should be focused on the area of concern as an advisory board to the City of Sturgis on the facilities of Doyle Center. All programming should be brought through the recreation board and report to the director of Parks and Recreation.

**Voting yea: Eaton, Fraim, Harrison, Kinsey, Mayor Dobberteen**

**Voting nay: Chrisman, Hayes, Holsinger, Sunday-Horstman** **MOTION**

**CARRIED**

Vote was taken to strike recommendation #1, as amended.

**Voting yea: Chrisman, Fraim, Harrison, Kinsey, Hayes, Eaton, Mayor Dobberteen**

**Voting nay: Holsinger, Sunday-Horstman** **MOTION CARRIED**

Moved by Comm. Harrison and seconded by Comm. Fraim that the number of members on the Board remain the same and to strike recommendations #3, which reads: **A** The terms of agreement with the Sturgis Foundation should be amended to provide for two (2) members appointed by the Foundation and three (3) members by the City.**@** and #4, which reads: **A**The Recreation Board should be expanded by adding three (3) City and one (1) of the Foundation appointees from the Doyle Board thus creating three (3) staggered classes of three (3) members each with three (3) year terms and an annual appointment of one (1) Sturgis Foundation member.**@**

**Voting yea: Fraim, Harrison, Kinsey, Eaton**

**Voting nay: Hayes, Holsinger, Sunday-Horstman, Chrisman, Mayor Dobberteen**

**MOTION**

**DEFEATED**

Moved by Comm. Holsinger and seconded by Comm. Harrison to strike recommendation #4

from the City Commission Ad Hoc Committee on Recreation Boards.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Fraim to adopt the following resolution:

**RESOLUTION**

**CONTRACT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
AND THE CITY OF STURGIS TO UPGRADE A WATER MAIN CROSSING**

**M-66 AT WENZEL STREET**

**WHEREAS**, the Michigan Department of Transportation is planning to mill and resurface along M-66 (Centerville Road) within the City of Sturgis; and

**WHEREAS**, the City has requested additional work in connection with the planned project that involves the replacement of an existing four inch water main with an eight inch waterman and related facilities crossing under M-66 at Wenzel Street; and

**WHEREAS**, the City will reimburse MDOT for the requested additional work estimated at \$17,350;

**NOW, THEREFORE, BE IT RESOLVED**, that the Sturgis City Commission approves the contract (#98-5044) with the Michigan Department of Transportation and authorizes the City Manager to be designated as the local official to sign said agreement.

**Voting yea: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman,  
Fraim, Mayor Dobberteen**      **Voting nay: None**      **RESOLUTION**

**ADOPTED.**

The report on the Community Development Block Grant (CDBG) Revolving Loan Fund will be included on the April 22nd agenda.

Moved by Comm. Harrison and seconded by Comm. Fraim to approve the request by the Economic Development Corporation to restructure the Community Development Block Grant Revolving Loan to Sutton Tool, Inc.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Fraim to set a public hearing date of April 22, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall, to consider a request by Sturgis Machining, Inc. for a loan from the Community Development Block Grant Revolving Loan Fund.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman to accept the letter of resignation from Cindy Earl, of the Downtown Development Authority Board, and that a letter of appreciation be sent.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Hayes and seconded by Comm. Fraim to nominate Comm. Kinsey to the St. Joseph County Tax Allocation Board.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

City Manager Jerome Kisscorni reported on the Mercom, Inc. notice to the City Commission of an 8% rate increase for Expanded Basic Cable TV service.

Moved by Comm. Sunday-Horstman and seconded by Comm. Harrison that the City bills in the amount of \$1,232,723.20 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Eaton that the Hospital bills in the amount of \$524,284.78 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Hayes would like to go on record in agreement with Comm. Fraim that he will resist any zoning, other than R-1 or R-2, of the annexed property the Commission took action at this meeting tonight.

Moved by Comm. Harrison and seconded by Comm. Fraim to approve the request from the American Legion Auxiliary to sell Poppies on May 14, 15, and 16 in the City of Sturgis.

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

Mayor Dobberteen stated that if the City continues to experience complaints regarding the Sturgis Police Department, the City Commission will form a Reveiw Committee and action will be taken.

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

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

The meeting was adjourned at 9:22 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, APRIL 22, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Holsinger, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held April 8, 1998 were approved as presented.

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman that this be considered the second and final reading of an ordinance to amend certain Sections of Chapter 110: Fire Prevention Code of the Ordinances of the City of Sturgis and to provide for an effective date.

**AMENDMENT TO  
STURGIS FIRE PREVENTION CODE**

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to amend the Fire Prevention Code;

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

The following sections of Chapter 110: Fire Prevention Code of the Ordinances of the City are hereby amended to read as follows, effective as of June 1, 1998:

**110.01 ADOPTION BY REFERENCE OF FIRE PREVENTION CODE.**

(A) There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life and property, the code known as "The BOCA National Fire Prevention Code, Tenth Edition, 1996", and all amendments or supplements thereto, of which code at least one copy has been and is now filed in the office of the clerk of this city and the whole thereof, save and except those portions as are hereinafter deleted, modified, or amended by section 110.04 of this chapter is hereby adopted and incorporated as if set out at length herein.

(B) From the date on which this subchapter shall take effect the provisions of such code shall be controlling within

the limits of this city.

**'110.02 ESTABLISHMENT AND DUTIES OF FIRE PREVENTION BUREAU. . .**

**'110.03 DEFINITIONS.**

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

"Corporation council" or "legal authority." The attorney for the city.

"Fire prevention code" or "code." The BOCA National Fire Prevention Code, Tenth Edition, 1996.

"Municipality" or "city." The City of Sturgis, Michigan.

"Secured key access." A key box approved by the City Fire Marshal to hold keys to any premises and fire alarm systems for structures within the City as provided in Section 110.09 of this Chapter.

"State law." The law of the State of Michigan.

**'110.04 AMENDMENTS TO THE FIRE PREVENTION CODE.**

The fire prevention code is amended and changed as follows:

(A) The fire prevention code in no way supersedes the Michigan State Fire Marshal's Code or regulations.

(B) Chapter 1, Section F-101.1 is amended to read: TITLE -- These regulations as set forth herein shall be known as the Fire Prevention Code of the City of Sturgis, Michigan, and are herein referred to as such, or as "this Code."

(C) Chapter 1, Section F-107.2.4. Any permit required for construction, alteration or demolition of a structure within the city and referenced in this Code shall be reviewed and issued through the City Building Department as otherwise provided by the ordinances of the city.

(D) Chapter 3, Section F-309.1 is amended to read: **Hood system required:** Each existing commercial *cooking appliance* and domestic *cooking appliance* utilized for commercial purposes shall be protected with an approved commercial kitchen exhaust hood and duct system as described in the NFPA 96 Standards. . .

(E) Chapter 44 - Referenced Standards. The National Fire Protection Association Referenced Standards are amended to include NFPA 96 in its entirety.

**'110.05 APPEALS.**

When the code official shall disapprove an application, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the fire prevention code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the code official to the building board of appeals or a committee thereof, by submitting a written application to the code

official with thirty (30) days of the decision appealed. Rules and procedures for appeals shall follow those outlined in Chapter 152 of the City of Sturgis Ordinance also known as the Sturgis Construction Code.

**110.06 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.**

The city manager, the chief of the fire department, the building code official and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits, in addition to those enumerated in the fire prevention code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

**110.07 BURNING ON STREETS AND TERRACES PROHIBITED; BURNING OF REFUSE REGULATED. . .**

(C) *Exception.* Household trash from one- and two-family dwellings, consisting only of processed wood and paper products may be burned between the hours of 7:00 a.m. and 7:00 p.m., except on Sunday, when no burning is allowed, provided that: . . .

**110.8 IMPEDING OR INTERFERING WITH FIRE SUPPRESSION FORCES.**

(A) *False alarm of fire; penalty.*

Any person who shall knowingly and wilfully commit any one or more of the following actions shall be guilty of a misdemeanor:

(a) Raise a false alarm of fire at any gathering or in any public place;

(b) Ring any bell or operate any mechanical apparatus, electrical apparatus or combination thereof, for the purpose of creating a false alarm of fire;

(c) Raise a false alarm of fire orally, by telephone or in person.

(B) *Authority at fires and other emergencies. . .*

(C) *Interference with fire department operations; penalty.*

(1) Any person who shall knowingly and wilfully hinder, obstruct, endanger or interfere with any fireman in the performance of his duties is guilty of a misdemeanor.

(2) Any person who, while in the vicinity of any fire, wilfully disobeys any reasonable order or rule of the officer commanding any fire department at such fire when such order or rule is given by the commanding officer or a fireman there present, is guilty of a misdemeanor.

(3) During a riot, or other civil disturbance any person who shall knowingly and wilfully hinder, obstruct, endanger or interfere with any person who is engaged in the

operation, installation, repair or maintenance of any essential public service facility, including a facility for the transmission of electricity, gas, telephone messages or water, is guilty of a misdemeanor.

**110.09 SECURED KEY ACCESS.**

The owner or occupant of a structure which is approved for construction, major renovation or change of occupancy or use group, as provided for under the ordinances of the city, except residential structures containing less than six (6) dwelling units, when access to or within the structure or an area within or adjacent to the structure is unduly difficult because of secured openings, or where immediate access is necessary for life-saving or firefighting purposes, shall, upon request of the code official, provide secured key access to the structure which shall be provided in an accessible location approved by the code official.

**110.10 INSURANCE SETTLEMENT PROCEEDS.**

Insurance proceeds for property located within the city shall be subject to and held by the city in accordance with the provisions of Act No. 495 of the Public Acts of 1980, as amended, and the Sturgis City Commission shall provide the required notice thereof to the insurance commissioner for the State of Michigan.

**110.11 REPEAL.**

Any provisions of the Code of Ordinance of the City of Sturgis establishing fire prevention standards inconsistent with the provisions of this chapter or the BOCA National Fire Prevention Code, as adopted and amended, are hereby repealed in their entirety to the extent of such conflict.

**110. 12 PENALTY.**

(A) Pursuant to Act 366 of the Public Acts of 1984 of the State of Michigan, if the fire official has reasonable cause to believe that a person has violated any provision of this Code, the fire official may, in his discretion, after the notice of violation provided for in this Chapter, issue and serve upon that person an appearance ticket with respect to the violation, in which event the violation shall be processed as provided by law.

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

A failure to pay any fine imposed by a court or city agency of competent jurisdiction within any specified time

period or a second violation of the same ordinance within a ninety-day period shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the county jail for a period not to exceed ninety (90) days, or both.

(C) Notwithstanding any fine or imprisonment provision set forth in this section, nothing herein shall preclude the city from posting any premises as "unfit for human habitation" pursuant to the Housing Code and/or instituting condemnation proceedings against such property and the owner thereof.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Gerry Mayer, Director of Industrial Development, presented a report on the Community Development Block Grant Revolving Loan Fund.

Public hearing was held to consider a request from Sturgis Machining, Inc. for a \$750,000 loan from the Community Development Block Grant Revolving Loan Fund.

Moved by Comm. Harrison and seconded by Comm. Hayes to approve the request from Sturgis Machining, Inc. for a \$750,000 loan from the Community Development Block Grant Revolving Loan Fund.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Harrison and seconded by Comm. Fraim to approve the request from the Sturgis Area Chamber of Commerce to obtain a twenty-four (24) hour liquor license for the Annual Michigan Week Dance to be held on May 16, 1998 at the Sturgis Armory.

**Voting yea: Six**  
**Kinsey**

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

**Abstaining:**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Hayes to approve the Wireline Crossing Agreement between the City of Sturgis and Michigan Southern Railroad and that the City be authorized to pay a fee of \$1,870.00.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Kinsey and seconded by Comm. Eaton to approve a Master Agreement for Wireline and Pipeline Crossings between the City of Sturgis and Michigan Southern Railroad.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Nominations were made to appoint a member to the Downtown Development Authority Board to fill the unexpired term of Cindy Earl, term to expire in May, 2000.

Comm. Eaton nominated Jill Hobson and Comm. Chrisman seconded the nomination.

Comm. Fraim nominated Mike Speicher and Comm. Harrison seconded the nomination.

Moved by Comm. Eaton and seconded by Comm. Harrison to close the nominations.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**Voting for Jill Hobson: Commissioners: Kinsey, Hayes, Holsinger, Eaton, Chrisman, Mayor Dobberteen**

**Voting for Mike Speicher: Commissioners: Sunday-Horstman, Fraim, Harrison**

Jill Hobson was appointed to the Downtown Development Authority Board to fill the unexpired term of Cindy Earl, term to expire May, 2000.

Moved by Comm. Fraim and seconded by Comm. Eaton to accept the resignation of David McNeill from the Cemetery Board and that a letter of appreciation be sent.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

City Manager Jerome Kisscorni distributed the Fiscal Year 1998-99 City Budget and announced the City Budget workshop dates as April 29, 1998 and May 6, 1998 at 7:00 p.m.

Moved by Comm. Harrison and seconded by Comm. Holsinger to set a public hearing date of May 13, 1998 at 7:30 p.m. in the Wiesloch Raum, City Hall, for the Fiscal Year 1998-99 Budget.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Fraim to refer to the Planning Board a request to vacate an alley that runs from Surprise Street west approximately 104 feet.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Chrisman to proclaim May 21, 1998 as Arbor Day.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Dan Fullenkamp, Director of Parks, Recreation & Forestry, presented a Tree City U.S.A. award to the City Commission, which was won for the fifth straight year, along with one of the ATree City U.S.A.@ signs which will be posted at US 12 East and West as well as Nottawa Street, North and South. Also received and presented to the City Commission was a Growth Award in Forestry.

Moved by Comm. Harrison and seconded by Comm. Fraim to proclaim May 3 - May 9, 1998 as

Arson Awareness Week in the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Holsinger to proclaim the week of April 19 - April 25, 1998 as Victims= Rights Week in the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Chrisman to proclaim the Month of April, 1998 as Month of the Community=s Child in the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,292,103.14 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$612,221.42 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Harrison requested that the D.D.A. Directors job description, which was approved at the last D.D.A. meeting, be presented to the City Commission at the next regular meeting.

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MAY 13, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen

Commissioners absent: Hayes

Minutes of the previous regular meeting held on Wednesday, April 22, 1998 were approved as presented.

Commissioner Hayes present.

Moved by Comm. Holsinger and seconded by Comm. Kinsey to award the low bid for streetlights for the Electric Department to Newkirk Electric Associates, Muskegon, Michigan, in the amount of \$144,600.00.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Public hearing was held on the 1998-1999 Fiscal Year Budget.

Don Lampe, 402 Sturgis Avenue, expressed his concerns regarding the following issues:

Questions regarding purchases in the Electric Dept. Budget.

Savings realized from having a recycling contract should be put towards street lighting.

Add 300 S. Maple to the paving contract for this year.

Recommended that the City increase the dollar amount spent for sidewalk repairs.

Questioned the salaries of the City Attorney and the City Manager.

His questions were addressed by City Commissioners and members of the City Staff.

Moved by Comm. Holsinger and seconded by Comm. Eaton that the annual budget of the City of Sturgis be approved. After holding a public hearing on May 13, 1998 and receiving public comment on the 1998-1999 Budget, the City elects to levy a tax rate below the maximum tax rate authorized of 12.50 mills. The City tax rate for the 1998-1999 fiscal year, to be levied in July 1998, is set at 10.82 mills. The City taxes shall be distributed among the several City funds as shown below. The City Manager shall make no transfers between funds without the approval of the City Commission.

<u>Fund</u>	<u>Appropriations From City Tax Levy</u>
General	1,030,985
Major Street	0
Local Street	230,000
Cemetery	118,000

Library	370,000
Auditorium	220,000
Doyle Community Center	65,000
Parks & Recreation	<u>340,000</u>
Total	2,373,985

**Voting yea: Hayes, Holsinger, Eaton, Fraim, Harrison, Kinsey, Mayor Dobberteen**

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

Moved by Comm. Holsinger and seconded by Comm. Kinsey that the following Electric Rates to into effect October 1, 1998.

Rate	Present Rate Charges	Proposed Rate Charges
<b><u>Domestic Use - City (Rate A)</u></b>		
Customer Charge	\$2.440 per month	\$5.000 per month
Energy Charge:		
First 30 kWh	\$0.000 per kWh	\$0.061 per kWh
Next 570 kWh	\$0.063 per kWh	\$0.061 per kWh
Over 600 kWh	\$0.060 per kWh	\$0.059 per kWh
<b><u>Domestic Use - Rural (Rate B)</u></b>		
Customer Charge	\$3.050 per month	\$7.6000 per month
Energy Charge:		
First 30 kWh	\$0.000 per kWh	\$0.061 per kWh
Next 570 kWh	\$0.066 per kWh	\$0.061 per kWh
Over 600 kWh	\$0.063 per kWh	\$0.059 per kWh
<b><u>General Service (Rate C)</u></b>		
Customer Charge	\$0.000 per month	\$15.000 per month
Energy Charge:		
First 200 kWh	\$0.100 per kWh	\$0.098 per kWh
Next 200 kWh	\$0.100 per kWh	\$0.094 per kWh
Next 4600 kWh	\$0.090 per kWh	\$0.094 per kWh
Over 5000 kWh	\$0.076 per kWh	\$0.062 per kWh
<b><u>Small Industrial Power (Rate D)</u></b>		
Customer Charge	\$0.000 per month	\$100.00 per month
Demand Charge	\$11.200 per kW	\$10.50 per kW
Energy Charge	\$0.040 per kWh	\$0.039 per kWh
<b><u>Primary Industrial Power (Rate PP)</u></b>		
Customer Charge	\$0.000 per month	\$100.00 per month
Demand Charge	\$9.460 per kW	\$9.460 per kW
Energy Charge	\$0.034 per kWh	\$0.031 per kWh
<b><u>Security Outdoor Lighting (Rate SOL)</u></b>		

**One lamp on One Pole**

100 Watt HPS	\$ 8.33 per lamp	\$ 8.33 per lamp
175 Watt MVL	\$10.99 per lamp	\$10.99 per lamp
250 Watt HPS Wood Pole - OH Wiring	\$13.61 per lamp	\$13.61 per lamp
250 Watt HPS Concrete Pole - UG Wiring	\$21.11 per lamp	\$21.11 per lamp
400 Watt MVL Wood Pole - OH Wiring	\$18.60 per lamp	\$18.60 per lamp
400 Watt HPS Concrete Pole - UG Wiring	\$28.76 per lamp	\$28.76 per lamp

**Two lamps on One Pole**

250 Watt HPS Wood Pole - OH Wiring	\$17.01 per lamp	\$17.01 per lamp
250 Watt HPS Concrete Pole - UG Wiring	\$26.39 per lamp	\$26.39 per lamp
400 Watt MVL Wood Pole - OH Wiring	\$23.25 per lamp	\$23.25 per lamp
400 Watt HPS Concrete Pole - UG Wiring	\$35.95 per lamp	\$35.95 per lamp

**Voting yea: Kinsey, Holsinger, Eaton, Mayor Dobberteen****Voting nay: Hayes, Sunday-Horstman, Chrisman, Fraim, Harrison****DEFEATED****MOTION****BOARD APPOINTMENTS****Airport Advisory Committee**

Moved by Comm. Harrison and seconded by Comm. Fraim to reappoint Tom Franks, James Liston, Robert Little, Stewart Swihart, Michael McCarthy, John Hayes (Commissioner, non-voting) and Brian Riley (non-voting) to one-year terms to the Airport Advisory Committee.

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

Moved by Comm. Harrison and seconded by Comm. Kinsey to reappoint Carroll Eaton, Commissioner, to a one-year term to the Ambulance Committee.

**Voting yea: Eight Voting nay: None Abstaining: Kinsey****MOTION****CARRIED****Auditorium Board**

Mayor Dobberteen asked for nominations to fill a vacancy on the Auditorium Board, created by the resignation of Newell Franks, II.

Comm. Kinsey nominated Lois Phillips, as recommended by the Auditorium Board.

Comm. Harrison nominated Ron Roth.

**Voting for Lois Phillips: Commissioners: Sunday-Horstman, Kinsey, Mayor Dobberteen****Voting for Ron Roth: Commissioners: Eaton, Chrisman, Fraim, Harrison, Hayes, Holsinger****Ron Roth was appointed to the Auditorium Board, term to expire in May, 2001.**

Mayor Dobberteen asked for nominations to fill a vacancy on the Auditorium Board created by the resignation of Mary Ann Glance, term to expire in May, 2000.

Comm. Kinsey nominated Barbara Hackman.

Comm. Holsinger nominated Ellen Freeland.

Comm. Holsinger withdrew the nomination upon hearing that Ms. Freeland was not interested to

serve.

**Voting for Barbara Hackman: Nine  
CARRIED**

Jessie Schaeffer and Lynn Brand were reappointed to the Auditorium Board for a term of three years, term to expire May, 2001.

**Economic Development Corporation**

Mayor Dobberteen asked for nominations to the Economic Development Corporation.  
Moved by Comm. Harrison and seconded by Comm. Fraim to appoint Gary Malloy to the Economic Development Corporation, term to expire in May, 2004.

**Voting yea: Nine  
CARRIED**

**Voting nay: None**

**MOTION**

**Brownfield Redevelopment Authority**

Mayor Dobberteen asked for nominations for the Brownfield Redevelopment Authority.  
Comm. Harrison nominated Gary Malloy, term to expire May, 2004.

There being no further nominations, nominations were closed.

**Voting yea: Nine  
CARRIED**

**Voting nay: None**

**MOTION**

**Cemetery Board**

Comm. Kinsey nominated Michael Yaros.  
Comm. Fraim nominated Caralee Mayer.

**Voting for Michael Yaros: Commissioners: Hayes, Sunday-Horstman, Kinsey**

**Voting for Caralee Mayer: Commissioners: Holsinger, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen**

**Caralee Mayer was reappointed to the Cemetery Board, term to expire in May, 2003.**

Comm. Eaton nominated Bob Palmer and Comm. Chrisman seconded the nomination.

Comm. Kinsey nominated Michael Yaros.

**Voting for Bob Palmer: Commissioners: Holsinger, Eaton, Chrisman**

**Voting for Michael Yaros: Commissioners: Sunday-Horstman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen**

**Michael Yaros was appointed to the Cemetery Board, term to expire in May, 2001.**

Moved by Comm. Harrison to reappoint John Hayes to the Cemetery Board for a one-year term (non-voting).

**Voting yea: Nine  
CARRIED**

**Voting nay: None**

**MOTION**

**Construction Board of Appeals**

Comm. Eaton nominated Eric Jones for a three-year term to expire in May, 2001.

**Voting yea: Nine  
CARRIED**

**Voting nay: None**

**MOTION**

**Downtown Development Authority**

Moved by Comm. Harrison and seconded by Comm. Eaton to reappoint Jeff Brazo, Frank

Ianarelli and John Hayes to four-year terms, expiring in May, 2002.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**Doyle Board of Directors**

Moved by Comm. Harrison and seconded by Comm. Hayes to accept the resignation of Ray Dresser and that a letter of appreciation be sent to him.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Harrison nominated Dennis McCarthy to a three year term.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**Dennis McCarthy was reappointed to the Doyle Center of Directors, term to expire in May, 2001.**

Comm. Holsinger nominated Robert John Trocke, 904 Merribe to fill the unexpired term of Ray Dresser.

Comm. Harrison nominated Mary Dresser.

**Voting for Robert Trocke: Commissioners: Sunday-Horstman, Eaton, Chrisman, Kinsey, Hayes, Holsinger**

**Voting for Mary Dresser: Commissioners: Fraim, Harrison, Mayor Dobberteen**

**Robert Trocke was appointed to the Doyle Board of Directors, term to expire in May, 2000.**

**Election Commission**

Moved by Comm. Eaton and seconded by Comm. Kinsey to reappoint Marge Brand, Don Norris and Mary Kerchner to the Election Commission for one-year terms.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**Employee=s Retirement System**

Comm. Harrison nominated John McKillen to a three-year term.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**John McKillen was reappointed to the Employee=s Retirement System, term to expire May, 2001.**

**Hospital Board of Trustees**

Moved by Comm. Harrison and seconded by Comm. Eaton to accept the resignation of Josef Baird and that a letter of appreciation be sent to him.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Harrison nominated Michael McCarthy and Comm. Hayes seconded the nomination for a five-year term.

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

**Michael McCarthy was reappointed to the Hospital Board of Trustees, term to expire May, 2003.**

Comm. Hayes nominated and Comm. Holsinger seconded the nomination to reappoint Comm. Chrisman for a one-year term, non-voting.

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

Moved by Comm. Harrison and seconded by Comm. Hayes to table the appointment left vacant by the resignation of Josef Baird until the Hospital Board can make a recommendation.

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

### **Library Board**

Comm. Holsinger nominated Dr. Page Spray.

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

**Dr. Page Spray was reappointed to a five-year term, term to expire in May, 2003.**

Moved by Comm. Harrison and seconded by Comm. Fraim to reappoint Comm. Holsinger to a one-year term, non-voting.

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

### **Parks & Recreation Advisory Board**

Moved by Comm. Harrison and seconded by Comm. Kinsey to reappoint John Fair, Jr. to a three-year term to expire in May, 2001.

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

Moved by Comm. Kinsey and seconded by Comm. Eaton that the appointment of a member of the Parks & Recreation Advisory Board to fill the vacancy of David Roberts be referred to the Board for their recommendations.

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

### **Planning Board**

Moved by Comm. Eaton and seconded by Comm. Harrison to reappoint Phyllis Wolfe, Harold Houser and Richard Messner, Jr. to three-year terms to expire in May, 2001.

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

Moved by Comm. Eaton and seconded by Comm. Chrisman to reappoint Comm. Fraim to a one-year term, non-voting.

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

### **Sister City Committee**

Moved by Comm. Kinsey and seconded by Comm. Harrison to accept the resignation of Marcia Arend and that a letter of appreciation be sent.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Chrisman to reappoint Michael Thomasma, Dori Leo and Lois Phillips to three-year terms to expire in May, 2001.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Harrison nominated Claire Mueller to fill the vacancy of Marcia Arend.

Comm. Chrisman nominated Georgia Austermann.

**Voting for Claire Mueller: Commissioners: Eaton, Fraim, Harrison, Holsinger, Sunday-Horstman, Mayor Dobberteen**

**Voting for Georgia Austermann: Commissioners: Chrisman, Kinsey, Hayes**

**Claire Mueller was appointed to the Sister City Committee, term to expire in May, 2001.**

### **Sturgis Housing Commission**

Comm. Holsinger nominated Don Norris.

Comm. Eaton moved to close the nominations.

**Don Norris was reappointed to the Sturgis Housing Commission for a five-year term to expire in May, 2003.**

### **Zoning & Building & Housing Board of Appeals**

Comm. Harrison nominated Comm. Holsinger and Comm. Eaton.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**Carl Holsinger and Carroll Eaton were reappointed to three-year terms to expire in May, 2001.**

Moved by Comm. Holsinger and seconded by Comm. Kinsey that Phyllis Youga be reappointed Auditorium Manager for one year at a salary of \$40,943.

**Voting yea: Eight**

**Voting nay: Harrison**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Harrison that Carol F. Rambadt be reappointed City Clerk/Treasurer for one year at a salary of \$40,170.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton that Roger Bird be reappointed City Attorney for one year at a retainer fee of \$51,260 and John Svendsen, Robert Brothers and Eric Scheske be reappointed Assistant City Attorneys.

**Voting yea: Eight  
CARRIED**

**Voting nay: Fraim**

**MOTION**

Moved by Comm. Kinsey and seconded by Comm. Fraim that Sandra Gerow be reappointed City Librarian for one year at a salary of \$42,805.

**Voting yea: Eight  
CARRIED**

**Voting nay: Harrison**

**MOTION**

Moved by Comm. Harrison and seconded by Comm. Hayes that Jerome Kisscorni be reappointed City Manager for one year at a salary of \$72,000.

**Voting yea: Eight  
CARRIED**

**Voting nay: Fraim**

**MOTION**

Moved by Comm. Holsinger and seconded by Comm. Harrison that the contract of City Manager Jerome Kisscorni be renewed for one year, as presented.

**Voting yea: Nine  
CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Fraim and seconded by Comm. Eaton that the following resolution be adopted:

**RESOLUTION**

**WHEREAS**, there may now be and may hereafter from time to time come into the hands of Carol F. Rambadt, Treasurer of the City of Sturgis, Michigan certain monies belonging to or being held by the state, county or other political units of the state, or otherwise held according to law, and

**WHEREAS**, under the law of the State of Michigan this Commission is required to provide by resolution for the deposit of all monies including tax monies coming into the hands of said Treasurer, in one or more banks, hereinafter called banks, to be designated in such resolution.

**NOW THEREFORE, BE IT RESOLVED**, that said Treasurer Carol F. Rambadt, is hereby directed to deposit all public monies including tax monies coming into her hands as Treasurer, in the following banks:

Citizens Bank - Sturgis, Michigan  
Sturgis Bank & Trust Co., FSB - Sturgis, Michigan  
Century Bank & Trust - Sturgis, Michigan  
Key Bank - Sturgis, Michigan

**Voting yea: Nine  
CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Holsinger and seconded by Comm. Eaton to accept the proposed rates for Township Service Contracts for library services as presented by City Librarian, Sandra Gerow.

**As of 2/28/98, the residential breakdown of library cardholders and payment received for service is:**

<b><u>LOCATION</u></b>	<b><u># PATRONS</u></b>	<b><u>PAYMENT RECEIVED</u></b>	<b><u>TOTAL</u></b>
------------------------	-------------------------	--------------------------------	---------------------

**POPULATION**

Sturgis City	9044	471,101.80	10,130
Sturgis Township	827	7,584.90	1,965
Fawn River Township	544	6,064.06	1,571
Sherman Township	1062	8,048.10	2,085
Florence Township	30	1,462.94	379
Other	200	7,500.00	2,393

**PROPOSED CHANGES:**

Population	1571
# Library Patrons	544
% Of Residents	34.6
Est. # of Households	644
34.6% of Households	223
@ \$20 each=	
Contract Fee	\$4460

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

Moved by Comm. Harrison and seconded by Comm. Fraim to accept the proposed rate changes for the Doyle Community Center as presented by Dan Fullenkamp, Director.

**COURT FEES*****Current Court Fees:***

<u>Day</u>	<u>Time</u>	<u>Member</u>	<u>Non-Member</u>
Mon. - Fri.	6 a.m. - 9 p.m.	\$10	\$12
Mon. - Fri.	9 a.m. - 5 p.m.	\$12	\$14
Mon. - Fri.	5 p.m. - Close	\$14	\$16
Sat.	8 a.m. - 10 a.m.	\$10	\$12
Sat.	10 a.m. - Close	\$12	\$14
Sun.	12 Noon - Close	\$12	\$14

***Proposed Court Fees: 12 noon to 3 p.m. (September to May)******12 noon to 5 p.m. (June, July, August)******Half Price*****Purpose: To promote usage during less utilized court time.****DAY PASS FEES*****Current Day Pass Fees:***

Adult	with member \$5	without member \$10
Student/Senior	with member \$3	without member \$7

***Proposed Day Pass Fees:***

Adult	\$5
Student/Senior	\$3

**Purpose: To simplify fee structure and not alienate potential members and current members.**

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Fraim that the following resolution be adopted:

**RESOLUTION**

**TRANSFER OF ROAD JURISDICTION TO THE CITY OF STURGIS**

**WHEREAS**, the Board of County Road Commissioners of the County of St. Joseph currently has jurisdiction over two road segments on Ivanhoe Street and Congress Street. The centerline descriptions of these two road segments are:

- Ivanhoe Street from the centerline of Vinewood Avenue to 145 feet east.
- Congress Street from the centerline of Vinewood Avenue to 145 feet east.

**WHEREAS**, the abutting roads to the east and west of the Ivanhoe Street segment listed above are City Local Streets. The abutting road to the west of the Congress Street segment listed above is a City Local Street and the area to the east is Sturgis Public School property within the City, and

**WHEREAS**, the City of Sturgis requests that jurisdiction over these road segments be transferred to the City,

**THEREFORE, BE IT RESOLVED**, that a copy of this resolution be sent to the Board of County Road Commissioners of the County of St. Joseph requesting that the Board adopt a similar resolution as send copies of both resolutions to the Transportation Planning Services Division of the Michigan Department of Transportation requesting that these transfers be made to the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to set a public hearing date of Wednesday, May 27, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall, to spread 1996 Sidewalk Special Assessments.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Chrisman to set a public hearing date of Wednesday, May 27, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider an Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,519,769.87 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$654,146.25 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Eaton to approve the request from the Sturgis Lions Club to proclaim May 18- 22, 1998 as AWhite Cane Week@ and to solicit funds on the streets of Sturgis.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, MAY 27, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: Eaton

Minutes of the previous regular meeting held on Wednesday, May 13, 1998 were approved as presented.

Roger Krontz, General Machine & Tool, presented a clean up proposal and estimate of building renovations for the Berridge Shearer Co. Site.

Public hearing to spread Special Assessments on the 1996 Sidewalk Program was held.  
Moved by Comm. Holsinger and seconded by Comm. Harrison to approve the spread of Special Assessments on the following properties:

**RESOLUTION**

**WHEREAS**, the City Commission has determined the spread of Special Assessments for the 1996 Sidewalk Program on:

**N. Lakeview** : 522, 619, 700, 704, 705, 708, 713, 716

**S. Centerville Rd.** : 801, 901, 1001

**Chella**: 901, 903, 907, 911, 926, 1007

**Cato Lane**: 1005, 1131, 1212, 1300, 1301

**W. South**: 1050

**Gateway Ct.**: 1001

**Center**: 520, 523

**Susan**: 520

**George**: 617

**W. Congress**: 510, 606

**Enterprise**: 410, 411, 604, 700

**S. Orange**: 306, 403, 407

**E. Lafayette**: 101, 102, 104, 200, 206, 208, 300, 301, 302, 308, 402, 408, 498, 500, 600, 601, 603, 702, 703, 705, 801, 803

**Wenzel**: 411, 506, 600, 601

**Norwood**: 507

**Marian**: 900

**THEREFORE, BE IT RESOLVED**, that a Special Assessment District was created for assessment of costs of construction of new sidewalks against the respective property owners; that

the assessments were computed on the basis of 50% property owner cost and 50% City cost; that payment of these assessments be made in not more than five (5) annual installments, with interest at 6% per annum, in lieu of payment in full, to the Treasurer of the City of Sturgis,

**BE IT FURTHER RESOLVED**, new sidewalks have been constructed thereon and the cost of the project spread on the tax rolls and assessed against the abutting properties on a front foot basis as determined by the City Assessor.

**Voting yea: Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen**

**Voting nay: None      Absent: Eaton      THE      RESOLUTION      WAS  
ADOPTED**

Public hearing on an Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis was held.

Moved by Comm. Kinsey and seconded by Comm. Hayes to approve the Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis as presented.

**Voting yea: Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Chrisman, Mayor Dobberteen**

**Voting nay: None      Absent: Eaton      MOTION  
CARRIED**

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

**RESOLUTION**

**WHEREAS**, ARCH, Inc. holds legal title in fee to more than one-half of certain real property consisting of vacant land located in Fawn River Township and adjacent to the City of Sturgis and which parcel is legally described in the attached "Schedule A" entitled "Legal Description of Land Proposed for Annexation"; and

**WHEREAS**, ARCH, Inc. has petitioned the City of Sturgis and the Township of Fawn River for approval of the detachment of said described property from Fawn River Township and the annexation of said described property to the City of Sturgis; and

**WHEREAS**, the described property is contiguous to the City of Sturgis, and

**WHEREAS**, development of the said described property requires services including water and sewer, from the City of Sturgis; and

**WHEREAS**, the City of Sturgis desires to annex the said described property, as legally described on attached "Schedule A" entitled "Legal Description of Land Proposed for Annexation".

**BE IT FURTHER RESOLVED**, that all such resolutions in conflict herewith are hereby revoked to the extent of any such conflict.

**Voting yea: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Chrisman, Fraim, Mayor Dobberteen.**

**Voting nay: None      Absent: Eaton      THE      RESOLUTION      WAS  
ADOPTED**

Moved by Comm. Holsinger and seconded by Comm. Kinsey to approve the tentative Preliminary Plat of the Sturgis City Subdivision.

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

Moved by Comm. Fraim and seconded by Comm. Hayes to set a public hearing date of Wednesday, June 24, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider a request to vacate an alley located perpendicular to Surprise Street behind the former Oasis property.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Fraim that the City bills in the amount of \$1,535,525.22 be paid.

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

Moved by Comm. Harrison and seconded by Comm. Hayes to set a public hearing date of Wednesday, June 10, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall to review an application from Stapleton's, 113 W. Chicago Rd. for a Class C liquor license to be issued under Public Act 440 of 1996, permitting additional liquor licenses for businesses in a Downtown Development District.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Fraim that the Hospital bills in the amount of \$552,391.95 be ratified.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Harrison that the City purchase four tickets to the Sturgis Neighborhood Program Golf Outing scheduled for June 12, 1998.

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

Nominations were accepted for the vacancy on the Hospital Board, term to expire in May, 2003. Comm. Kinsey nominated Dr. Paul Brothers to fill the vacancy on the Hospital Board.

Comm. Holsinger nominated Lee Austermann.

**Voting for Dr. Paul Brothers: Kinsey, Hayes, Sunday-Horstman, Chrisman, Fraim, Harrison**

**Voting for Lee Austermann: Holsinger, Mayor Dobberteen      Absent: Eaton**

**Dr. Paul Brothers was appointed to the Hospital Board to fill a vacant position, term to expire in May, 2003.**

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

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

The meeting was adjourned at 7:59 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JUNE 10, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Holsinger, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Public hearing was held to consider issuing a Downtown Class C Liquor License to Roger Beamish of Stapleton's Restaurant.

Moved by Comm. Fraim and seconded by Comm. Hayes to issue a Downtown Class C Liquor License to Roger Beamish of Stapleton's Restaurant.

**Voting yea: Fraim, Harrison, Hayes**

**Voting nay: Sunday-Horstman, Eaton, Chrisman, Holsinger, Mayor Dobberteen**

**Abstaining: Kinsey MOTION DEFEATED.**

Moved by Comm. Holsinger and seconded by Comm. Hayes to hold a public hearing on Wednesday, July 8, 1998 at 7:30 p.m. in the Prairie Room of the Sturges-Young Auditorium to review a proposed ordinance to allow the City to contract a single hauler for trash services and recycling in the City of Sturgis.

The following citizens addressed the Commission regarding their concerns with the City contracting a single hauler: Susan Furr, 435 Edka, Jeff Gibson, 115 ½ S. Fourth, Sheldon Fieberkorn, 106 Wenzel, Paul Currier, 69626 S. Nottawa and Glen Nissley, Burr Oak.

**Voting yea: Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen.**

**Voting nay: None MOTION**

**CARRIED**

Comm. Holsinger reported on the Idle Building Committee and presented a proposal from Roger Krontz to clean up and renovate the Berridge Shear Building.

Moved by Comm. Holsinger and seconded by Comm. Fraim that the City accept the proposal from Roger Krontz and grant not more than \$10,000.00 for the clean up and renovations to the Berridge Shear Building.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Warren English presented a report from the Pool Committee regarding the operating expenses of the Sturgis Community Pool. The Committee requested that the City consider splitting the operating deficit with the school system.

Moved by Comm. Harrison and seconded by Comm. Hayes that the City grant \$15,000 to the Sturgis Community Pool to help cover the cost of the operating expenses.

**Voting yea: Eight**

**Voting nay: Holsinger**

**MOTION**

**CARRIED**

City Manager Jerome Kisscorni reported on a request from Parker Ambulance Service, Inc. to start "Advance Life Support" service in July with an increase of fees.

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

**RESOLUTION**

**WHEREAS**, the provisions of Act 495 of the Public Acts of 1980 provide that a portion of certain casualty losses for fire or explosion otherwise payable by insurers may be withheld in escrow by participating municipalities in order to secure repair, replacement or removal of damaged structures which violate the City of Sturgis health or safety standards; and

**WHEREAS**, the City of Sturgis has determined that participation in said program would protect and promote the public health, safety and welfare and wishes to be included in the list of participating municipalities published by the Commissioner of Insurance; and

**WHEREAS**, the City of Sturgis desires to implement all procedures necessary to administer said program by designating Fire Chief Paul Trinka responsible for administration of the program and establish an escrow account for said purpose.

***NOW, THEREFORE, BE IT RESOLVED:***

**THAT** the City of Sturgis does hereby become a participating municipality in the program providing for the escrow of fire insurance as established by Act 495 of the Public Acts of 1980 and as provided for in Chapter 110, City of Sturgis Fire Prevention Code, specifically 110.10 "Insurance Settlement Proceeds" adopted April 22, 1998, and does declare its intention to uniformly apply the provisions of Section 2845 to all property within the City of Sturgis.

**THAT** the City of Sturgis official responsible for the administration of Section 2845 of said Act and the rules promulgated by the Commissioner of Insurance is hereby designated as follows: Paul G. Trinka, Fire Chief, 130 N. Nottawa Street, Sturgis, MI 49091, (616) 651-2321.

**THAT** the City of Sturgis Controller shall establish an escrow account with Key Bank for the purpose of receiving and holding deposits of money received from insurers pursuant to Section 2845 of the Act, which account shall be separately maintained from all other accounts and may be an interest bearing account.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Eaton to set a public hearing date of Wednesday, July 8, 1998 at 7:30 p.m. in the Prairie Room of the Sturges-Young Auditorium to consider issuing an Industrial Facilities Exemption Certificate to Sturgis Machining, Inc.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Fraim that the City bills in the amount of

\$1,182,576.03 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$398,366.08 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The Sturgis City Commission and the Hospital Advisory Committee will hold a joint meeting on Wednesday, June 17, 1998, with a dinner at 6:30 p.m. and the meeting starting at 7:30 p.m. at the Sturges-Young Auditorium.

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The meeting adjourned at 9:22 p.m.

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*Carol F. Rambadt, City Clerk*

**SPECIAL MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JUNE 17, 1998  
UNION ROOM "A" - STURGES-YOUNG AUDITORIUM**

Mayor Dobberteen called the meeting to order at 7:30 p.m. in Union Room "A" at the Sturges-Young Auditorium.

Commissioners present: Mayor Dobberteen, Vice-Mayor Holsinger, Sunday-Horstman, Harrison, Chrisman, Kinsey, Eaton.

Commissioners absent: Fraim (arrived at 8:30), Hayes

Also present: City Manager, City Attorney, Assistant City Manager, Mike Stiles, Mark Hunter, Larry Franks, Warren English, Greg Hackman, James Allen, Lee Austermann, Dr. John Kirkpatrick, Dan Monahan.

Mayor Dobberteen reviewed the reasons behind the Commission's creation of the Hospital Advisory Committee.

The Chairman of the Committee, Larry Franks, presented a report reviewing the results of nine meetings by the committee, receiving information from doctors, the hospital administration, Borgess and Hillsdale Hospitals and the City Attorney.

Mr. Franks reviewed options available for the future of Sturgis Hospital and presented the committee's recommendation which is:

"That the City Commission pursue means of creating a Membership Hospital Authority similar to Hillsdale, allowing the community to retain a successful hospital, but without ties to the City."

Discussion was held on a variety of questions posed by Commissioners and the audience.

Some of the issues discussed were:

- This is the third time such a hospital change has been proposed. What has changed to make it more palatable this time?
- The Committee may not have contacted sufficient sources of information and more study is needed.
- What will be the status of existing labor contracts if the Hospital is sold in any form?

The City Attorney reviewed some of the legalities involved in establishing an authority to operate the hospital and some of the pros and cons of making a change.

Key issues include:

- Competitiveness, liability, local control, value of an asset, requirement for the electorate to decide, type of authority created.

Moved by Comm. Harrison and seconded by Comm. Kinsey that the City Commission accept the

Hospital Advisory Committee's report, take 90 days to review the report, decide on a course of action and put a plan together to ensure the future success of Sturgis Hospital.

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

The meeting adjourned at 8:45 p.m.

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Gerry Mayer, Assistant City Manager

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JUNE 24, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Chrisman, Eaton, Fraim, Mayor Dobberteen

Commissioners absent: Holsinger, Sunday-Horstman

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

Minutes of the previous regular meeting held on Wednesday, June 10, and the special meeting held on June 17, 1998 were approved as presented.

County Commissioner Mike Sutter spoke regarding the St. Joseph County EDC and Work Force Development. Comm. Sutter also advised the Commission that a County Parks and Recreation Director would be appointed within the next sixty days.

Public hearing was held to consider a request to vacate an alley located perpendicular to Surprise Street behind the former Oasis property.

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

**RESOLUTION**

**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 in the best interests of the City of Sturgis that the following alley now situate and being within the City of Sturgis be vacated, being commonly known as "Surprise Avenue Alley", to-wit:

A parcel of land being a portion of Lot 1, Block "A", of C. Jacob's 1st Addition to the City of Sturgis, recorded in the Office of the St. Joseph County Register of Deeds in Liber 1 of Plats, Page 12, City of Sturgis, St. Joseph County, Michigan, more particularly described as follows: Beginning at the Southeast corner of Lot 1; thence North 89 degrees 53 minutes 39 seconds West, 107.15 feet along the southerly margin of Lot 1 to the Southwest corner of Lot 1; thence South 00 degrees 38 minutes 18 seconds West, 16.50 feet to the Northwest corner of Lot 2; thence South 89 degrees 53 minutes 39 seconds East, 107.95 feet along the northerly margin of Lot 2 to the Northeast corner of Lot 2; thence North 02 degrees 08 minutes 47 seconds West, 16.52 feet along the West side of Surprise Street to the point of beginning;

and

**WHEREAS**, it being advisable to vacate and abandon the said described property, due notice was published in the Sturgis Journal, a newspaper published and circulated in the City of Sturgis, County of St. Joseph, State of Michigan, as required by law, notifying the public and all interested persons that the City Planning Board would meet and be in session on Tuesday, 19th day of May, 1998, at 7:30 p.m. in the Wiesloch Raum, Sturgis City Hall, to hear and consider objections thereto; and

**WHEREAS**, no one appeared at said meeting to object to the proposed vacation and abandonment and no objections having been filed with the City Clerk; and

**WHEREAS**, the owners of the property adjacent to both sides of the portions of Surprise Avenue Alley proposed for abandonment have agreed that the City of Sturgis may retain an easement upon the easterly five (5) feet of the alley to be vacated for the purpose of constructing, repairing, substituting, removing, enlarging, replacing and maintaining streets and sidewalks; and **WHEREAS**, the City Commission at its meeting on June 24, 1998, conducted a public hearing with respect to the proposed vacating of said Surprise Avenue Alley, and received no objections thereto;

**NOW, THEREFORE, BE IT RESOLVED**, subject to the City of Sturgis reserving an easement on the easterly five (5) feet of said alley for the purpose of constructing, repairing, substituting, removing, enlarging, replacing and maintaining utilities, that the above described alley be hereby vacated, abolished, abandoned and discontinued, and

**BE IT FURTHER RESOLVED**, that within thirty (30) days from this date, the City Clerk shall forward a certified copy of this resolution to the Treasurer of the State of Michigan, and also a certified copy of this resolution to the Register of Deeds of the County of St. Joseph, State of Michigan, for recording, and that a proper record of this vacation and abandonment be entered into the Book of Plats of the City of Sturgis.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-Horstman**

**MOTION**

**CARRIED**

Lou Van Liere and Richard Jubinville, Earth Tech Engineering, presented a report on the "Sanitary Sewer System Master Plan" Study.

Sandra Gerow, Library Director, discussed amending the Nonresident Fee Policy.

Moved by Comm. Harrison and seconded by Comm. Kinsey to amend the Nonresident Fee Policy to allow property owners located in the City of Sturgis the opportunity to receive library cards with full privileges if they show a paid City of Sturgis tax bill.

**Voting yea: Harrison, Kinsey, Fraim**

**Voting nay: Hayes, Eaton, Chrisman, Mayor Dobberteen**

**Absent: Holsinger, Sunday-Horstman**

**MOTION**

**DEFEATED**

Laura Sutter and Tami Smith spoke on behalf of the St. Joseph County Tobacco Reduction Action Committee.

Moved by Comm. Fraim and seconded by Comm. Kinsey to table any action until the County can draft an appropriate resolution.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-Horstman**

**MOTION**

**CARRIED**

Moved by Comm. Hayes and seconded by Comm. Eaton to approve the request from the Recreation Department to hold their Second Annual 5K Run and Walk on August 22, 1998.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-Horstman**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Hayes to accept the resignation of Warren English from the Recreation, Parks and Forestry Board.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-Horstman**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Chrisman to accept the resignations of Robert Trocke and Caralee Mayer from the Doyle Board of Directors.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Hayes to present a proclamation to the employees of Kirsch, Inc. for achieving one year without a lost time accident.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-**

**Horstman**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Fraim that the City bills in the amount of \$604,695.61 be paid.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Fraim that the Hospital bills in the amount of \$623,629.91 be ratified.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to accept the "Sanitary Sewer System Master Plan" Study as presented by Earth Tech Engineering.

**Voting yea: Seven**      **Voting nay: None**      **Absent: Holsinger, Sunday-**

**Horstman**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Hayes that the meeting be adjourned.

**Voting yea: Seven      Voting nay: None      Absent:      Holsinger,      Sunday-Horstman**

**MOTION**

**CARRIED**

The meeting was adjourned at 9:05 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JULY 8, 1998  
STURGES-YOUNG AUDITORIUM**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen

Commissioners absent: None

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

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

Moved by Comm. Hayes and seconded by Comm. Eaton that an Industrial Facilities Exemption Certificate not to exceed \$3,500,000 be awarded to Sturgis Machining, Inc. for a period of twelve (12) years and that the following resolution be adopted:

**RESOLUTION**

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

**WHEREAS**, on August 11, 1976 the City Commission established the Industrial Development District for the industrial property of Sturgis Machining, Inc., and

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

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

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

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

**WHEREAS**, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

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

Certificate".

**Voting yea: Nine**

**Voting nay: None  
ADOPTED.**

**THE RESOLUTION WAS**

City Manager Jerome Kisscorni gave a presentation regarding the proposed Sturgis Waste Disposal and Curbside Recycling Program.

Comm. Holsinger spoke on behalf of the Curbside Recycling Committee which consisted of the following members: former commissioners Don Lampe, Sue Bir and Mike McCarthy, Carl Holsinger, citizens Hugh McCullough, Robert Magness, David Watters, Wendy Weith and Korie Bachleda, and present commissioners Sunday-Horstman, Fraim and Hayes.

Public hearing on the proposed Sturgis Waste Disposal and Curbside Recycling Program was held.

The following citizens spoke regarding their concerns: Gary Bowman-1329 Sunnyfield Rd., Joe Yankovich-1209 E. Hatch St., Dennis Eagan-507 Sturgis Ave., Chuck Leis-306 N. Nottawa St., Mike Patten-213 N. Jefferson St., Charles Thomasma-1434 Carlton Rd., Sheldon Fieberkorn-106 Wenzel, Willa Yoder-513 Jean, Linda Thornburgh-410 Center Ave., Lori Boughton-205 St. Joseph St., Mel Scheske-902 Madison St., Korie Bachleda-Three Rivers, Michigan, Charles Walsh-1216 E. Hatch St., Dennis Brew-707 Market St., Albert Rowden-804 Canterbury, Rosemary Osmun-812 Nottingham, Ruth Ann Beers-111 N. Fourth St., Librado Andaverde-501 W. West St., Clarence Wooten-337 N. Lakeview Ave., Ernest Yoder-513 Jean, Mary Christner-213 N. Orange St., Jay Lego-310 S. Monroe St., Walter Stark-805 Canterbury, Lauren Horrom-608 Lancashire, Roland Weidner-617 Wilshire, Bryan Rawlings-215 Jacob, Don Lampe-402 Sturgis Ave., Peggy Rutenbar-1214 Tulip and Michael McCarthy-903 Michigan Ave.

**RESOLUTION**

**Moved by Comm. Fraim and seconded by Comm. Kinsey to consider this the introduction and first reading of a proposed amendment to Chapter 92 of the Ordinances of the City of Sturgis pertaining to the regulation of garbage within the City and to provide for an effective date contingent on a referendum vote.**

**Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen**

**Voting nay: Harrison, Kinsey**

**THE RESOLUTION WAS  
ADOPTED**

The meeting was recessed at 9:12 p.m.

The meeting was reconvened at 9:21 p.m.

Moved by Comm. Harrison and seconded by Comm. Fraim to adopt the following resolution:

**RESOLUTION**

Resolution adopting and approving the execution of the sponsor agreement by the City of Sturgis, Michigan, and the Department of Transportation, for the purpose of obtaining state aid for airport pavement crack sealing at the Kirsch Municipal Airport under Contract No. M 84-00-C3.

**BE IT RESOLVED** by the members of the City Commission of Sturgis, Michigan:

**Section I.** That the City Commission, of Sturgis, Michigan, shall enter into a Sponsor Agreement for the development of the Kirsch Municipal Airport, and that such Sponsor shall be as set forth herein below:

**Section II.** That the City Manager of the City of Sturgis, Michigan, is hereby authorized and directed to execute said Sponsor Agreement on behalf of the City of Sturgis, Michigan, and the City Clerk is hereby authorized and directed to impress the official seal and to attest said execution;

**Section III.** That the Sponsor Agreement referred to herein below shall be as on file with the Sturgis City Clerk's office.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Hayes and seconded by Comm. Eaton to approve the Cemetery Board's recommendation on prices for columbarium burials in Oaklawn Cemetery to be as follows:

Double niche with marker	\$665.00	Single niche with marker	\$665.00
Endowment	\$ 50.00	Endowment	\$ 50.00
Internment	\$100.00	Internment	\$ 50.00
<b>TOTAL</b>	<b>\$815.00</b>	<b>TOTAL</b>	<b>\$765.00</b>

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Hayes that the following resolution be adopted:

**RESOLUTION**

**WHEREAS**, Act 425 of the Public Acts of Michigan, 1984, as amended, MCL 124.21 et seq. (The "Act"), authorizes and provides for the transfer of property and jurisdiction over territory from one municipality to another pursuant to a written agreement between them; and

**WHEREAS**, Fawn River Township (the "Township") has proposed that certain property located in the Township, legally described on Exhibit A attached hereto and identified on Exhibit B attached hereto, be transferred into the City of Sturgis (the "City") by written agreement between the City and the Township pursuant to the Act; and

**WHEREAS**, in accordance with the Act, a written agreement entitled "Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis (Agreement 1)" (the "Agreement"), attached hereto has been prepared and presented to the Township Board and the City Commission; and

**WHEREAS**, the Act requires that before entering into the Agreement, the City Commission and the Township Board must each hold a public hearing after notice is given in accordance with the Open Meetings Act, Act 267 of the Public Acts of Michigan 1976, as amended, MCL 15.261, et seq. (the "Open Meetings Act"); and

**WHEREAS**, after giving notice pursuant to the Open Meetings Act, the City Commission held a public hearing on May 27, 1998 and the Township Board held a public hearing on April 15, 1998; and

**WHEREAS**, following the public hearings, the City Commission and the Township Board each adopted motions approving the Agreement; and

**WHEREAS**, the Act provides if, within 30 days after the Township public hearing, a petition signed by 20% or more of the registered electors residing within the Transferred Property or signed by persons owning 50% or more of the property if there are no registered electors residing in the Transferred Area is filed with the Township Clerk, the parties may not enter into the Agreement until and unless the transfer is approved by a referendum of the electors in the Township; and

**WHEREAS**, no such petition has been timely filed with the Township Clerk; and

**WHEREAS**, no resolution has been adopted by either the City Commission or the Township Board calling for a referendum on the conditional transfer of property;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;**

1. The agreement is hereby approved with an effective time and date as stated in the Agreement, and the Mayor and the Clerk are hereby authorized to complete for and on behalf of the City.
2. The City Clerk is hereby authorized and directed to file the fully executed Agreement together with certified copies of this Resolution and of the Resolution of the Township Board, with the St. Joseph County Clerk and the Michigan Secretary of State.
3. All resolutions or parts of resolutions inconsistent herewith are hereby rescinded to the extent of any such conflict.

**Voting yea: Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen**

**Voting nay: None**

**THE RESOLUTION WAS  
ADOPTED**

Moved by Comm. Harrison and seconded by Comm. Eaton to approve the request from Riley Aviation to hold the first annual "Sturgis Air Fair" at Kirsch Municipal Airport on August 1<sup>st</sup> and 2<sup>nd</sup>, 1998.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Mayor Dobberteen accepted nominations to appoint two members to the Recreation, Parks and Forestry Board to fill the unexpired terms of Warren English (1999) and Dave Roberts (2001). Comm. Harrison nominated Randy Pahls (2001) and Comm. Fraim seconded the nomination.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Comm. Fraim nominated Catherine Gilbert (1999) and Comm. Harrison seconded the nomination.

Comm. Eaton closed the nominations.

**Voting yea: Nine**

**Voting nay: None**

**MOTION CARRIED**

Mayor Dobberteen accepted nominations to appoint two members to the Doyle Board of Directors to fill the unexpired terms of Robert Trocke (2000) and Caralee Mayer (2000).

Comm. Kinsey nominated James Allen.

Comm. Fraim nominated Michael Rutenbar.

Comm. Harrison closed the nominations.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Kinsey to approve the following proclamation honoring the Dresser Law Firm on their 100<sup>th</sup> Anniversary.

**PROCLAMATION**

For one hundred years, the law firm now bearing the name of Dresser, Dresser, Gilbert & Haas has provided legal services to the residents of Sturgis.

Partners, past and present, in the firm, have provided leadership in the community through their efforts in social, service, business, religious and political organizations.

In particular, the City of Sturgis desires it to be known and recognized the outstanding contributions to the City made by Raymond Dresser, Sr. and Raymond Dresser.

In honor of the achievements of these individuals, I do hereby proclaim the City of Sturgis join in celebrating 100 years of service by the Dresser Law Firm to this community.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Fraim to approve the proclamation congratulating the employees of Americraft on their Safety Achievement Award.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,007,182.58 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$576,338.86 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Comm. Fraim thanked Comm. Holsinger for all of his hard work and dedication to the community for his efforts in researching different options for the Curbside Recycling issue.

Mayor Dobberteen congratulated the Sturgis Police Department for receiving the 1997 Traffic Safety Award, which was presented by the Michigan Association of Chiefs of Police (M.A.C.P.) and AAA Michigan. Mayor Dobberteen commended Chief Alli and the officers of the Sturgis Police Department for a job well done.

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

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

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Carol F. Rambadt, City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JULY 22, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen

Commissioners absent: None

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

Moved by Comm. Harrison and seconded by Comm. Kinsey to approve the request of the Sturgis Hospital to purchase a Meditech/Data General:MedArchive System in the amount of \$94,383.90.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Kinsey to award the low bid for HVAC Modifications for the Police/Fire Station to Industrial Piping & Maintenance, Sturgis, Michigan, in the amount of \$22,100.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Public hearing on Agreements 1 and 2 regarding Conditional Transfer of Property from Sherman Township to the City of Sturgis was held.

The following residents spoke regarding their concerns: Dr. Louis Blesch, N. M-66, John Waltke, 925 N. Nottawa and Karen Easterday, 400 Devonshire.

**RESOLUTION**

Moved by Comm. Harrison and seconded by Comm. Chrisman to approve Agreements 1 and 2 regarding the Conditional Transfer of Property from Sherman Township to the City of Sturgis.

**Voting yea: Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Hayes that this be considered the second reading and conditional approval of an ordinance to amend Chapter 92 of the Ordinances of the City of Sturgis pertaining to the regulation of garbage within the City and to provide for an effective date of January 1, 1999.

**AMENDMENT TO GARBAGE REGULATIONS OF THE CITY OF STURGIS**

An ordinance to amend Chapter 92 of the Ordinances of the City of Sturgis pertaining to the regulation of garbage within the City and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of

the City to amend the Ordinance regulating garbage;

**NOW, THEREFORE**, the City of Sturgis, St. Joseph County, Michigan ordains, subject to this Ordinance being approved by a majority of those electors casting votes pertaining to it at the next general election, as follows:

**Chapter 92:** Garbage Regulations, of the Ordinances of the City of Sturgis is hereby amended in its entirety to provide as follows effective as of January 1, 1999:

**CHAPTER 92: SOLID WASTE DISPOSAL AND RECYCLING ORDINANCE**

Section

- 92.01 Definitions
- 92.02 Accumulation of solid waste ad recyclables
- 92.03 Collection; transportation; disposal
- 92.04 Billing
- 92.05 Validity
- 92.06 Rules and regulations
- 92.99 Penalty

**92.01 DEFINITIONS**

“Backyard” means a specific location in the sideyard or backyard which is readily accessible to the Contractor from a suitable walking surface. All dwelling units at which the head of household has a disability shall be entitled to backyard service upon request.

“Building Refuse” means waste materials from demolition, construction, remodeling and repair operations on residences and other buildings.

“Bulky Waste” means large discarded items from dwelling units within the City, such as boxes, barrels, crates, furniture, white goods such as refrigerators, stoves, sinks and other household appliances; and carpets except those items which are banned from direct disposal into a landfill or otherwise excluded in this ordinance.

“Contractor” means the individual, either private or corporate, hired by the City to transport and dispose of the solid waste, recyclables, and yard waste from all the dwelling units of the City.

“Curbside” means that area within arm’s reach of a public street.

“Disability” means, with respect to an individual, a physical or mental impairment that substantially limits his or her ability to reasonably utilize curbside disposal and recycling services.

“Dumpster” means hoppers or roll-off boxes of one (1) cubic yard capacity or larger.

“Dwelling Unit” means a building designed for occupancy by one (1) family or two (2) families, living independently of each other, for residential purposes. (Dwelling Unit includes both residential units in a duplex). All other buildings and/or properties are designated commercial properties for purposes of this Ordinance.

“Garbage” means rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, or

storing of meat, fish, fowl, fruit or vegetable except for those items which are banned from direct disposal into the landfill.

“Household Trash” means any and all accumulation of the material from the operation of a home, which is not included within the definition of garbage, except for those which are banned from direct disposal into a landfill. Household trash shall not include such things as automobile parts, tires and building material waste from residential type do-it-yourself projects.

“Recyclables” means all plastics, glass, newspapers, metal cans, corrugated cardboard, styrofoam, magazines, catalogs, office paper and other items as may be designated by the City Commission.

“Rubbish” means nonputrescible waste, excluding ashes, consisting of both combustible and noncombustible waste, including wood, crockery, or litter of any kind that may be a detriment to the public health and safety.

“Solid Waste” means garbage, rubbish, ashes, street cleanings, household trash, and bulky waste. Solid waste specifically excludes hazardous waste, recyclables and yard waste.

## **92.02 ACCUMULATION OF SOLID WASTE AND RECYCLABLES**

- (A) No person shall store solid waste in or around a dwelling unit for a period of more than ten (10) days. The person in charge of the dwelling unit must ensure that the stored solid waste does not become a public nuisance. The accumulation of solid waste for a period in excess of ten (10) days shall be *prima facie* evidence of posing a health hazard and creating a public nuisance.
- (B) Solid waste must be stored either in containers of rigid construction with tightly fitting covers and sturdy handles or deposited in thirty (30) gallon plastic bags. However, the person in charge of the dwelling unit is not required to place bulky items in bags or containers. Such bulky items must be secured to prevent scratching.
- (C) The contractor shall provide each dwelling unit with a container or containers for the accumulation of recyclables and transfer the contents of said containers one (1) time every two (2) weeks on the same day as that dwelling unit’s normal solid waste collection. All recyclables must be cleaned and sorted according to the requirements set forth by the contractor. The contractor will replace the containers at no cost to the person in charge of the dwelling unit when the containers are damaged except in cases of misuses or carelessness on the part of the occupants of the dwelling unit. The City Manager or designee shall arbitrate any disputes concerning the causation of damage or loss of recycling containers. All containers are to remain as part of the property when the occupants move.
- (D) All dumpsters within the City must have sturdy covers that completely cover the opening of the dumpster and are capable of being securely fastened down to prevent the scattering of solid waste placed in the dumpster. Dumpsters placed at construction sites for the

purpose of accumulating building refuse are exempted from this subsection.

### **92.03 COLLECTION: TRANSPORTATION: DISPOSAL**

- (A) It is unlawful for any individual, private or corporate, other than the City's designated contractor to collect solid waste or recyclables from a dwelling unit within the City. Any individual, private or corporate, may contract with the owner or occupant of a commercial property for waste disposal services.
- (B) The contractor shall collect solid waste from dwelling units one (1) time every week. Recyclables shall be collected one (1) time every two (2) weeks. The collection shall occur on the same day of the week every week with the exception of weeks containing holidays or emergencies. The schedule of pick up for the remainder of the affected week shall be shifted ahead a day so that the following week can start on schedule.
- (C) Collections shall be made between the hours of 7:00 a.m. and 6:00 p.m. for all dwelling units. The contractor shall use every precaution to prevent unnecessary noise during the early morning hours.
- (D) All dwelling units at which the head of the household has a disability are entitled to backyard service upon request to the contractor. All other dwelling units will receive curbside service. Solid waste, recyclables and yard waste may be placed at the curb no earlier than 4:00 p.m. on the day prior to collection. Empty containers must be removed by 8:00 p.m. on the day of collection. The City Manager, or his designee, shall arbitrate any dispute regarding entitlement to backyard service.
- (E) No more than one ninety-six (96) gallon container or three (3) thirty (30) gallon bags of solid waste will be collected each week.
- (F) The contractor shall collect bulky items when the person in charge of the dwelling unit requests the contractor to do so. The person in charge of the dwelling unit must contact the contractor to arrange for this service.
- (G) For one (1) week in January designated by mutual agreement of the City and its contractor, Christmas trees may be placed at the curb for collection on the day of normal waste collection.
- (H) Under no circumstances will the contractor be required to collect building refuse, stumps, motor vehicle or machinery parts, concrete, or automobile tires. Disposal of such materials is the responsibility of the person in charge of the dwelling unit.
- (I) Any material spilled from the collection containers at the curbside prior to the arrival of the collection vehicle shall be cleaned up by the person in charge of the dwelling unit. Any material spilled during collection shall be picked up by the operator of the collection vehicle and the area suitably cleaned.
- (J) Recyclables may not be deposited in any landfill and must be disposed of in a manner

agreed upon by the contractor and the City.

#### **92.04 BILLING**

The City shall bill the customer(s) of the electric service of each dwelling unit on a monthly basis for the services specified herein.

The City reserves the right to collect said amounts in the same manner as electric, water and sewer bills.

#### **92.05 VALIDITY**

The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other section of this Ordinance which can be given effect without such invalid part or parts.

#### **92.06 RULES AND REGULATIONS**

- (A) The City Manager or designee is hereby authorized to promulgate such rules and regulation as may be necessary to effectuate the terms and provisions of this Ordinance.
- (B) It shall be unlawful for anyone except the contractor to take, remove, or carry away anything deposited at a collection point by the person lawfully in control of the dwelling unit nor in any other way interfere with such material, except by permission of the City Manager.

#### **92.99 PENALTY**

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

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

**Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen**

**Voting nay: Kinsey**

**MOTION CARRIED**

Moved by Comm. Harrison and seconded by Comm. Fraim to approve the following resolution:

#### **RESOLUTION TO SUBMIT SOLID WASTE DISPOSAL AND RECYCLING ORDINANCE TO PUBLIC REFERENDUM**

**WHEREAS**, the Sturgis City Commission on July 8, 1998, following a public hearing and due consideration as provided by the Charter, adopted a Solid Waste Disposal and Recycling Ordinance (“Ordinance”) regulating the disposal and recycling of solid waste within the City;

and

**WHEREAS**, the Ordinance was adopted subject to approval by the qualified electors of the City at the next general election;

**NOW, THEREFORE**, be it resolved that the following question be placed on the ballot for the general election scheduled for November 3, 1998 for consideration by the electors of the City of Sturgis:

**CITY OF STURGIS WASTE DISPOSAL AND RECYCLING ORDINANCE**

Should the City of Sturgis enact the Waste Disposal and Recycling Ordinance approved by the Sturgis City Commission on July 22, 1998 providing for the regulation of the disposal and recycling of solid waste within the City of Sturgis:

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton to approve the request from the Sturgis Toy Run, Inc. to hold their 15<sup>th</sup> Annual Toy Run through the City of Sturgis on September 12, 1998.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Kinsey to approve the request from the D.S.A. to close Pleasant Street and the adjoining parking lot to the east; and North Street from Chicago Road to the City Parking Lot for their annual Dream Fest to be held on July 24 and 25, 1998.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Gerry Mayer, Director of Industrial Development, presented a report from the Idle Buildings Committee.

Moved by Comm. Fraim and seconded by Comm. Eaton to designate Mayor Dobberteen as the City's official representative and Vice-Mayor Holsinger as alternate to the Michigan Municipal League Annual Business Meeting, September 9-11, 1998.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Chrisman to set a public hearing date of Wednesday, August 26, 1998 at 7:30 p.m. in the Wiesloch Raum of City Hall to consider issuing an Industrial Facilities Exemption Certificate to L.T.I Printing, Inc.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$573,370.84 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Fraim that the Hospital bills in the amount of \$541,680.91 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

Moved by Comm. Fraim and seconded by Comm. Eaton that the meeting be adjourned.

**Voting yea: Nine**

**Voting nay: None**

**MOTION  
CARRIED**

The meeting was adjourned at 8:52 p.m.

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*Carol F. Rambadt, City Clerk*

**SPECIAL MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, JULY 28, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Sunday-Horstman, Chrisman, Eaton, Holsinger, Mayor Dobberteen

Commissioners absent: Harrison, Kinsey, Hayes, Fraim

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

David James, Chief Executive Officer of the Sturgis Hospital, presented a report regarding the purchase of an air conditioning compressor for Sturgis Hospital.

Comm. Harrison present at 6:02 p.m.

Comm. Hayes present at 6:03 p.m.

Moved by Comm. Harrison and seconded by Comm. Holsinger to award the low bid for one Trane Air Cooled Chiller Unit for the Sturgis Hospital to Industrial Piping & Maintenance, Sturgis, Michigan, in the amount of \$130,458.35.

Moved by Comm. Eaton and seconded by Comm. Hayes that the meeting be adjourned.

The meeting was adjourned at 6:08 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, AUGUST 12, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Vice-Mayor Holsinger

Commissioners absent: Kinsey, Mayor Dobberteen

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

Minutes of the previous regular meeting held on Wednesday, July 22, 1998 were approved as presented.

Don Lampe, 402 Sturgis Avenue, voiced his concerns regarding the B.O.C.A. Codes.

City Attorney Roger Bird spoke on behalf of Del Rood, Rood Industries (701 Prairie St., Sturgis), and made a recommendation that the City consider granting an extension on an easement to expand the building by approximately 0.27 feet into the right-of-way to make it flush with the existing building.

Moved by Comm. Eaton and seconded by Comm. Hayes to accept the recommendation to grant an extension on an easement to expand the Rood Industries building by approximately 0.27 feet into the right-of-way and to pass a resolution authorizing the City Clerk and the Mayor to grant the easement.

**Voting yea: Seven      Voting nay: None      Absent: Kinsey, Mayor Dobberteen**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Chrisman to award the low bid for street and utility improvements for the Bullard Industrial Park for the Engineering Department to Bryant Excavating, Kalamazoo, Michigan in the amount of \$169,086.60.

**Voting yea: Seven      Voting nay: None      Absent: Kinsey, Mayor Dobberteen**

**MOTION**

**CARRIED**

Moved by Comm. Hayes and seconded by Comm. Harrison to award the second to lowest bid for carpeting and installation for the Auditorium lower level to Barnell's Quality Carpets in the amount of \$13,315.30.

**Voting yea: Six      Voting nay: Vice-Mayor Holsinger      Absent: Kinsey, Mayor Dobberteen**

**MOTION**

**CARRIED**

Representatives from Fishbeck, Thompson, Carr and Huber presented a detailed report on the Storm Water Master Plan.

Moved by Comm. Fraim and seconded by Comm. Harrison to approve the Storm Water Master Plan and Storm Water Design Criteria Manual for the City of Sturgis.

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Dobberteen**

## MOTION

## CARRIED

Moved by Comm. Harrison and seconded by Comm. Eaton to postpone the approval of changes to the Sturges-Young Civic Center and Auditorium Board by-laws until further review with the Auditorium Board and City Manager.

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Dobberteen**

## MOTION

## CARRIED

Moved by Comm. Fraim and seconded by Comm. Hayes to terminate Mike Clipfell from the Recreation, Parks and Forestry Board due to his absence at four (4) consecutive meetings.

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Dobberteen**

## MOTION

## CARRIED

Moved by Comm. Fraim and seconded by Comm. Eaton to table the appointment of a member to the Recreation, Parks and Forestry Board until the next regular City Commission meeting.

**Voting yea: Seven** **Voting nay: none** **Absent:** **Kinsey,** **Mayor**  
**Dobberteen**

## MOTION

## CARRIED

Moved by Comm. Harrison and seconded by Comm. Fraim to adopt the following resolution:

## RESOLUTION

RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF THE GRANT AGREEMENT BETWEEN THE CITY OF STURGIS, MICHIGAN, AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION, FOR THE PURPOSE OF OBTAINING STATE AID FOR AIRPORT PAVEMENT MARKING AT THE KIRSCH MUNICIPAL AIRPORT, UNDER PROJECT NO. M 84-00-C2.

**BE IT RESOLVED** by the members of the City Commission of Sturgis, Michigan;

**Section I.** That the City Commission, of Sturgis, Michigan, shall enter into a Grant Agreement for airport pavement marking at the Kirsch Municipal Airport, and that such

**Section II.** That the City Manager of the City of Sturgis, Michigan, is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Sturgis, Michigan, and the City Clerk is hereby authorized and directed to impress the official seal and to attest said execution;

**Section III.** That the Grant Agreement referred to herein below shall be as attached:

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Dobbertine**

## CARRIED

Moved by Comm. Fraim and seconded by Comm. Harrison to table the Commission's consideration to approve amendments to the City Charter until Mayor Dobberteen can review the proposed amendments and possibly break them down to discuss them individually.

**Voting yea: Seven**      **Voting nay: None**      **Absent:**      **Kinsey,**      **Mayor**  
**Dobberteen**

## CARRIED

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman to postpone adopting a resolution supporting a county ordinance eliminating outdoor advertisement of tobacco products until a final draft is presented before the Commission.

**Voting yea: Seven**      **Voting nay: None**      **Absent:**      **Kinsey,**      **Mayor**  
**Dobberteen**

## CARRIED

Moved by Comm. Eaton and seconded by Comm. Hayes to move the September 9<sup>th</sup> City Commission meeting to Monday, September 14<sup>th</sup>, due to a conflict with the Michigan Municipal League's Annual Convention.

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Doherty**

## CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$2 044 441.73 be paid

**Voting yea: Seven**      **Voting nay: None**      **Absent:**      **Kinsey,**      **Mayor Doherty**

## CARRIED

Moved by Comm. Eaton and seconded by Comm. Fraim that the Hospital bills in the amount of \$697,182.98 be ratified.

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Dobberteen** **MOTION**

## CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to approve the request from the American Heart Association to hold their annual "Heart Walk" on September 26, 1998 in the City of Sturgis with a police escort.

**Voting yea: Seven** **Voting nay: None** **Absent:** **Kinsey,** **Mayor**  
**Dobberteen** **MOTION**

## CARRIED

Vice-Mayor Holsinger voiced Mayor Dobberteen's request to form a committee of commissioners to review the recommendation of the Hospital Advisory Committee.

Discussion followed.

It was decided to table this issue until a Special Meeting is held so that all nine commissioners would have the opportunity to review the recommendation of the Hospital Advisory Committee.

## **RESOLUTION**

Moved by Comm. Fraim and seconded by Comm. Hayes to recess under the Open Meetings Act for the purpose of updating the City Commission on pending litigations.

**Voting yea: Hayes, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Vice-Mayor Holsinger**

## **Voting nay: None**

## **Absent: Kinsey, Mayor Dobberteen**

## MOTION

## CARRIED

**The meeting recessed at 9:23 p.m.**

The meeting reconvened at 9:50 p.m.

Moved by Comm. Eaton and seconded by Comm. Fraim that the meeting be adjourned.

## CARRIED

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

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Mary M. Stoddard, Deputy City Clerk

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, AUGUST 26, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Kinsey, Harrison, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Public hearing on issuing an Industrial Facilities Exemption Certificate to LTI Printing, Inc. was held.

Moved by Comm. Holsinger and seconded by Comm. Eaton that an Industrial Facilities Exemption Certificate not to exceed \$1,900,000.00 be awarded to LTI Printing, Inc. for a period of twelve (12) years and that the following resolution be adopted:

**RESOLUTION**

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

**WHEREAS**, on April 22, 1987 the City Commission established the Industrial Development District for the industrial property of LTI Printing, Inc., and

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

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

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

**WHEREAS**, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and

**WHEREAS**, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years.

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

**Voting yea: Commissioners: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen**

**Voting nay: None  
ADOPTED.**

**THE**

**RESOLUTION**

**WAS**

Moved by Comm. Harrison and seconded by Comm. Chrisman to grant the request of the State Tax Commission to amend the Lakeland Paper IFEC Resolution dated December 10, 1997 to read: "Tax abatement for twelve (12) years beginning 1998 and ending 2010."

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

Dan Whalen, Williams & Works, Inc., presented to the Commission the City of Sturgis Wellhead Protection Program.

Moved by Comm. Harrison and seconded by Comm. Kinsey to accept the Sturgis Wellhead Protection Program as presented.

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

Moved by Comm. Holsinger and seconded by Comm. Kinsey to approve the following resolution regarding the execution of an Agreement for Conditional Transfer of Property from Sherman Township to the City of Sturgis (Agreement 1) involving property in the South ½ of the North ½ of Section 36 of Sherman Township:

**RESOLUTION**

**WHEREAS**, Act 425 of the Public Acts of Michigan of 1984, as amended, MCL 124.21 et seq. (the "Act"), authorizes and provides for the transfer of property and jurisdiction over territory from one municipality to another pursuant to a written agreement between them; and

**WHEREAS**, Sherman Township (the "Township") has proposed that certain property located in the Township, legally described on Exhibit A attached hereto and identified on Exhibit B attached hereto, be transferred into the City of Sturgis (the "City") by written agreement between the City and the Township pursuant to the Act; and

**WHEREAS**, in accordance with the Act, a written agreement entitled "Agreement for Conditional Transfer of Property from Sherman Township to the City of Sturgis (Agreement 1)" (the "Agreement"), attached hereto, has been prepared and presented to the Township Board and the City Commission; and

**WHEREAS**, the Act requires that before entering into the Agreement, the City Commission and the Township Board must each hold a public hearing after notice is given in accordance with the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended, MCL 15.261, et seq. (the "Open Meetings Act"); and

**WHEREAS**, after giving notice pursuant to the Open Meetings Act, the City Commission held a public hearing on July 22, 1998, and the Township Board held a public hearing on July 1, 1998; and

**WHEREAS**, following the public hearings, the City Commission and the Township Board each adopted motions approving the Agreement; and

**WHEREAS**, the Act provides if, within 30 days after the Township public hearing, a petition signed by 20% or more of the registered electors residing within the Transferred Property or signed by persons owning 50% or more of the property if there are no registered electors residing

in the Transferred Area is filed with the Township Clerk, the parties may not enter into the Agreement until and unless the transfer is approved by a referendum of the electors in the Township; and

**WHEREAS**, no such petition has been timely filed with the Township Clerk; and

**WHEREAS**, no resolution has been adopted by either the City Commission or the Township Board calling for a referendum on the conditional transfer of property;

***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***

1. The Agreement is hereby approved with an effective time and date as stated in the Agreement, and the Mayor and the Clerk are hereby authorized to complete the Agreement by inserting appropriate dates and are further authorized to execute the Agreement for and on behalf of the City.
2. The City Clerk is hereby authorized and directed to file the fully executed Agreement together with certified copies of this Resolution and of the Resolution of the Township Board, with the St. Joseph County Clerk and the Michigan Secretary of State.
3. All resolutions or parts of resolutions inconsistent herewith are hereby rescinded to the extent of any such conflict.

**Voting yea: Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Mayor Dobberteen**

## **Voting nay: None ADOPTED.**

# THE RESOLUTION WAS

Moved by Comm. Kinsey and seconded by Comm. Hayes to approve the following resolution regarding the execution of an Agreement for Conditional Transfer of Property from Sherman Township to the City of Sturgis (Agreement 2) involving property in the South 1/2 of Section 36 of Sherman Township:

## RESOLUTION

**WHEREAS**, Act 425 of the Public Acts of Michigan of 1984, as amended, MCL 124.21 et seq. (the “Act”), authorizes and provides for the transfer of property and jurisdiction over territory from one municipality to another pursuant to a written agreement between them; and

**WHEREAS**, Sherman Township (the "Township") has proposed that certain property located in the Township, legally described on Exhibit A attached hereto and identified on Exhibit B attached hereto, be transferred into the City of Sturgis (the "City") by written agreement between the City and the Township pursuant to the Act; and

**WHEREAS**, in accordance with the Act, a written agreement entitled "Agreement for Conditional Transfer of Property from Sherman Township to the City of Sturgis (Agreement 2)" (the "Agreement"), attached hereto, has been prepared and presented to the Township Board and the City Commission; and

**WHEREAS**, the Act requires that before entering into the Agreement, the City Commission and the Township Board must each hold a public hearing after notice is given in accordance with the Open Meetings Act, Act 267 of the Public Acts of Michigan of 1976, as amended, MCL 15.261, et seq. (the “Open Meetings Act”); and

**WHEREAS**, following the public hearings, the City Commission and the Township Board each adopted motions approving the Agreement; and

**WHEREAS**, the Act provides if, within 30 days after the Township public hearing, a petition signed by 20% or more of the registered electors residing within the Transferred Property or signed by persons owning 50% or more of the property if there are no registered electors residing

in the Transferred Area is filed with the Township Clerk, the parties may not enter into the Agreement until and unless the transfer is approved by a referendum of the electors in the Township; and

**WHEREAS**, no such petition has been timely filed with the Township Clerk; and

**WHEREAS**, no resolution has been adopted by either the City Commission or the Township Board calling for a referendum on the conditional transfer of property;

***NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:***

1. The Agreement is hereby approved with an effective time and date as stated in the Agreement, and the Mayor and the Clerk are hereby authorized to complete the Agreement by inserting appropriate dates and are further authorized to execute the Agreement for and on behalf of the City.
2. The City Clerk is hereby authorized and directed to file the fully executed Agreement together with certified copies of this Resolution and of the Resolution of the Township Board, with the St. Joseph County Clerk and the Michigan Secretary of State.
3. All resolutions or parts of resolutions inconsistent herewith are hereby rescinded to the extent of any such conflict.

**Voting yea: Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen**

**THE RESOLUTION WAS  
ADOPTED.**

Mayor Dobberteen requested nominations to appoint a member to the Recreation, Parks and Forestry Board to fill the unexpired term of Mike Cliffell, term to expire May, 2000.

Forestry Board to fill the unexpired term of **MIKE CIPRIANI**, term to expire May, 2000. Comm. Eaton nominated **Adan Perez**. Comm. Sunday Harstman accorded the nomination.

Comm. Eaton nominated Adam Perez. Comm. Fajim nominated Ghayad Jordan.

Moved by Comm. Kinney and seconded by Comm. Fraim to close the nominations.

Moved by C.  
Vatinus was

## **Voting for Adam Perez, Chrisman, Kinsey, Mayor Dabberteen**

**Voting for Cheryl Jordan: Fraim, Harrison**  
Adan Perez was appointed to the Recreation, Parks and Forestry Board to fill the unexpired term

Gerry Mayer, Director of Industrial Development, presented a proposal for a Business Loan

## Program.

Discussion followed.  
Mr. Mayer stated he would consider the comments made during the discussion and work on

Moved by Comm. Harrison and seconded by Comm. Fraim to approve the request from the Sturgis Area Chamber of Commerce for a one-day liquor license for their annual car raffle to be

held on October 17<sup>th</sup>

Discussion followed.

Comm. Eaton stated he would be voting no due to the  
Senate's Kincer amendment.

Comm. Harrison questioned the abstention of Comm. Kinsey and wanted to know on which grounds he could abstain.

City Attorney Roger Bird responded by saying that if a member is going to abstain on a vote because of a conflict of interest, or a perceived conflict of interest, they are supposed to announce their intentions ahead of time and not participate in any discussion or debate. Comm. Kinsey abided by these rules. Attorney Bird also stated that over a period of time this may be perceived as a dereliction of duty for failure to participate in the vote. He said the bigger question was whether or not one could always abstain from a vote and still fulfill their responsibilities.

Mayor Dobberteen stated that according to the rules adopted by the Sturgis City Commission last November, a commissioner may abstain when there is a conflict of interest, or lack of knowledge on the issue.

Comm. Harrison stated that there should be a separation of Church and State and that the Commissioners represent a government body. He felt there should be a clear-cut reason why a member would abstain.

Comm. Kinsey responded to Comm. Harrison by stating that he would gladly repeat his reasons why he felt the need to abstain. He opposes alcoholic consumption in general and in principle although he is not a total abstainer. For these reasons he feels that in environments such as the Sturgis Armory for a car raffle, he finds it inappropriate for alcoholic consumption. He went on to say that because he personally is not a total abstainer, he felt he could not vote no but also felt like he could not vote yes, therefore, he was left with the option of abstaining.

Comm. Fraim stated that there have been many issues to which he has been personally opposed, but which have benefitted the community. He encouraged Comm. Kinsey to vote.

**Voting yea: Fraim, Harrison, Hayes, Holsinger, Chrisman, Mayor Dobberteen**

## **Voting nay: Sunday-Horstman, Eaton      Abstaining: Kinsey      MOTION**

## Voting may CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$886,074.87 be paid.

## **Voting yes: Nine**

### **Voting nay: None**

## MOTION

**Voting year  
CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$658 596 32 be ratified

### **Voting yes: Nine**

### **Voting nay: None**

## MOTION

**Voting year  
CARRIED**

City Manager Jerome Kisscorni thanked the Electric Department and the Department of Public Works for their fine job in cleaning up after the storm earlier in the week.

Comm. Chrisman inquired about reviewing the recommendation of the Hospital Advisory Committee

Committee.

It was decided that a Special Meeting would be held on Wednesday, September 2, 1998 at 6:00 p.m. in the Wiesloch Raum of City Hall to discuss the recommendation of the Hospital Advisory

Committee.

Comm. Hayes expressed his appreciation and commended the City Staff for a job well done regarding the storm earlier in the week.

Comm. Kinsey inquired about several issues which had been tabled at the August 12<sup>th</sup> meeting and wanted to know when they would be on the agenda again. He also wanted to thank the Department of Public Works and the Electric Department for all of their hard work cleaning up the City and repairing the damages after the storm earlier in the week.

Comm. Eaton voiced his concerns regarding the issue of a new sound system for the Wiesloch Raum and wanted to know if it was still being researched. Assistant Manager Gerry Mayer responded by saying that a few companies were still looking at submitting proposals and that he would have documentation at the next meeting for the Commission to review. Comm. Eaton also asked that action be taken regarding a trailer illegally parked on West Street. City Manager Jerome Kisscorni assured him the situation was being handled.

**RESOLUTION**

**Moved by Comm. Eaton and seconded by Comm. Fraim to recess under the Open Meetings Act for the purpose of discussing a proposed property purchase.**

**Voting yea: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen.**

**Voting nay: None**

**MOTION**

**CARRIED**

**The meeting recessed at 8:55 p.m.**

**The meeting reconvened at 9:38 p.m.**

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The meeting was adjourned at 9:39 p.m.

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*Mary M. Stoddard, Deputy City Clerk*

**SPECIAL MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, SEPTEMBER 2, 1998  
STURGES-YOUNG AUDITORIUM**

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

Commissioners present: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: Harrison, Kinsey, Hayes

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

Comm. Harrison and Comm. Kinsey present at 6:03 p.m.

An introduction by Mayor Dobberteen provided a summary of the past several months of research and meetings by the Hospital Advisory Committee.

Mr. Larry Franks, Chairman of the Hospital Advisory Committee reviewed the recommendations made by the Committee.

City Attorney Roger Bird reviewed the Hillsdale Hospital Authority. He stated that the City had received a recommendation from the Hospital Advisory Committee for a potential restructuring of the Hospital. He encouraged the Commission to identify the community health care concerns and to identify the monetary value of the Hospital if we are going to go forward with this project.

Mayor Dobberteen opened the meeting to members of the Hospital Board, Hospital Advisory Committee and other members of the audience. The following citizens spoke: John Mayer-Hospital Board, David James-Hospital Administrator, Jim Phillippe-Quorum, Dr. Brothers, Dr. Kirkpatrick, David Marshall-Union Representative for Hospital employees, Dr. Leo, Mr. Larry Franks-Chairman of the Hospital Advisory Committee, Warren English-member of the Hospital Advisory Committee, Ray Dresser, Jr.-member of the Hospital Advisory Committee, Lee Austermann-member of the Hospital Advisory Committee and Tom McLaughlin-member of the Hospital Advisory Committee.

Discussion followed among the Commissioners.

Moved by Comm. Harrison and seconded by Comm. Fraim that the City contract with a consultant as soon as possible to obtain information that will allow the Commission to decide whether or not the issue should go to a referendum. This information should include the dollar amount needed to operate the hospital and if it is financially feasible to run it as a not-for-profit entity.

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

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

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

The meeting was adjourned at 8:50 p.m.

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Mary M. Stoddard, Deputy City Clerk

**RESCHEDULED MEETING - STURGIS CITY COMMISSION  
MONDAY, SEPTEMBER 14, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, August 26, 1998 were approved as presented. Minutes of the special meeting held on Wednesday, September 2, 1998 were approved as corrected.

Al Kuhlman, 213 Virginia Ave., voiced his concerns regarding the enforcement of the City Zoning Ordinance in regards to the building on the northwest corner of Chicago Road, displaying cars for sale, and front yard parking of trailers.

Moved by Comm. Hayes and seconded by Comm. Kinsey that the bid for an X-ray machine for the Sturgis Hospital be awarded to Philips Medical, Shelton, Connecticut, in the amount of \$138,000.

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

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman to reject all bids for the Franks Park Sports Complex and to rebid the project.

The following citizens voiced their concerns regarding fences and easements: Randy Pahls, 1433 Carlton; Madeline Casault, 1430 E. Rishel; Charles Thomasma, 1434 Carlton; and Sherry Link, 1425 W. Rishel.

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

Moved by Comm. Eaton and seconded by Comm. Kinsey to award the low bid for the Engineering Department for the Paramount Site Clearance to Bierlein Companies, Inc., Midland, Michigan in the amount of \$292,090.00.

**Voting yea: Eight** **Voting nay: Harrison** **MOTION**  
**CARRIED**

Dave Locey gave a presentation on the Sturgis Area Recreation Authority.

(Comm. Harrison absent at 8:20 p.m.)

Moved by Comm. Kinsey and seconded by Comm. Fraim to endorse the Sturgis Area Recreation Authority.

**Voting yea: Sunday-Horstman, Eaton, Chrisman, Fraim, Kinsey, Hayes, Holsinger, Mayor Dobberteen**

**Voting nay: None**      **Absent: Harrison**      **MOTION**  
**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Fraim to approve the changes to the Sturges-Young Civic Center and Auditorium By-Laws as presented.

**Voting yea: Eaton, Chrisman, Fraim, Kinsey, Hayes, Holsinger, Sunday-Horstman, Mayor Dobberteen**

**Voting nay: None**      **Absent: Harrison**      **MOTION**  
**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Holsinger to adopt the proposal for a business loan program as presented by Gerry Mayer, Director of Industrial Development, at a limit of \$100,000.

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

Moved by Comm. Fraim and seconded by Comm. Kinsey to approve an updated Idle Buildings and Site list.

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

Fire Chief Paul Trinka presented a report on the Sturgis Property Maintenance Code regarding rental inspections.

Moved by Comm. Holsinger and seconded by Comm. Eaton that this be considered the first reading to amend the Sturgis Property Maintenance Code and to provide for an effective date.

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

Moved by Comm. Holsinger and seconded by Comm. Kinsey to approve the Fiscal Year Amendments to the 1997-98 Budget.

The following accounts need to have their approved budget(s) for the fiscal year ending September 30, 1998 amended, for audit house keeping, as follows:

**ACCOUNT NO.**      **ADJUSTMENT AMOUNT**      **ADJUSTED**

**BUDGET**

**General Fund**

Revenue

101-000-000-664 (interest income)	\$130,000	\$280,000
Additional Revenue Appropriated	130,000	

Expenses

101-101-000-956 (Comm.)	\$ 10,000	\$ 42,000
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101-172-000-956 (Manager)	2,500	48,000
101-210-000-700 (Attorney)	9,700	82,700
101-301-000-702 (Police)	14,000	1,081,435
101-301-000-801 (Police)	20,300	31,800
101-301-000-930 (Police)	9,000	24,000
101-301-000-970 (Police)	41,000	41,000
101-956-000-999.005 (Sch's & Recr.)	15,000	40,000

**Total Adjustment:General Fd. Exp. 121,500**

**Major Street Fund**

202-451-002-956	25,000	25,000
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**Law Enforcement Grant Fund**

211-000-000-694.001	7,000	7,000
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**Drug Enforcement Fund**

Revenue		
213-000-000-656.002	30,000	50,000
Expense		
213-000-000-956	7,000	19,000

**D.D.A. Fund**

Expense		
214-000-000-970	48,000	48,000

**Fund Balances of Affected Funds**

Following are estimated Fund balances (after) for those Funds affected by Budget adjustments:

Fund	Budgeted 09-03-98 Balance	Amended 09-03-98 Balance
General Fund	\$1,402,630	\$1,411,130
Major Street	311,552	286,552
Law Enforcement Grant Fund	-0-	-0-
Drug Enforcement Fund	1,957	24,957
D.D.A. Fund	129,636	81,636

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$2,418,184.97 be paid.

**Voting yea: Eight Voting nay: None Absent: Harrison MOTION**

## CARRIED

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$829,571.32 be ratified.

Discussion was held on creating a committee to draft a list of questions to present to the consultant regarding the future of the Sturgis Hospital. Commissioners Hayes, Holsinger and Sunday-Horstman were appointed to the committee. City Manager Jerome Kisscorni will also recruit three Hospital trustees to join the committee.

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman to refer the request from the Sturgis Neighborhood Program to rezone property for Eastwood Village to the Planning Board.

The meeting was adjourned at 9:26 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, SEPTEMBER 23, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous re-scheduled meeting held on Monday, September 14, 1998 were approved as presented.

## RESOLUTION

Moved by Comm. Holsinger and seconded by Comm. Kinsey to grant final approval of the preliminary plat of the Sturgis City Subdivision.

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the low bid for the Sturgis City Subdivision street and utility improvements for the Engineering Department be awarded to Bryant Excavating, Kalamazoo, Michigan, in the amount of \$236,808.30.

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

Moved by Comm. Harrison and seconded by Comm. Eaton to approve the purchase of a 1998 John Deere F-935 Mower/Tractor through the State of Michigan purchasing contract for the Cemetery Department and to award the low bid to Heslinga Lawn & Power Equipment, Inc., Vicksburg, Michigan, in the amount of \$11,073.96.

**Voting yea: Eight** **Voting nay: Fraim** **MOTION**  
**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Holsinger to consider this the second reading and approval to amend the Sturgis Property Maintenance Code and to provide for an effective date of November 1, 1998.

**AMENDMENT TO  
STURGIS PROPERTY MAINTENANCE CODE**

An Ordinance to adopt by reference the National Property Maintenance Code, 1996 Edition, to provide certain modification therein in its application to the City of Sturgis, to establish minimum standards governing properties within the City of Sturgis, to provide a system for the registration, inspection and certification of rental properties, to repeal ordinances inconsistent with this Ordinance, and to provide for an effective date of this Ordinance.

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of

the City to amend the Property Maintenance Code by enacting technical amendments thereto;

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

Chapter 153 of the Sturgis Code of Ordinances, shall be amended to read as follows, effective as of November 1, 1998:

**Section 1. ADOPTION BY REFERENCE.** Pursuant to the provisions of Public Act 230 of 1972, as amended and Section 3(k) Public Act 270 of 1909, as amended, the BOCA National Property Maintenance Code, 1996 Edition, as published by the Building Officials and Code Administrators International, Inc., including the Referenced Standards in Chapter 8 attached thereto, is hereby adopted by reference and made a part of this Ordinance as if fully set forth herein, subject to the modifications and amendments as the City of Sturgis may make from time to time.

**Section 2. DEFINITION.** Whenever the words "City", "Jurisdiction" or "Governmental Unit" are used in the BOCA National Property Maintenance Code, as herein adopted and amended, they shall mean the City of Sturgis. Whenever the word "State" is used in the BOCA National Property Maintenance Code, as herein adopted and amended, it shall mean the State of Michigan.

**Section 3. AMENDMENTS TO THE BOCA NATIONAL PROPERTY MAINTENANCE CODE.** The following sections of the BOCA National Property Maintenance Code are amended as follows:

**PM 101.1 TITLE:** These regulations shall be known as the Property Maintenance Code of the City of Sturgis, may be cited as such and will be referenced to herein as "The Property Maintenance Code of the City of Sturgis", or, alternately, as "The Code".

**PM 101.3 INTENT:** This code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. The code official should exercise reasonable discretion in granting modifications to this code as provided for under Section 104.2.

**PM 104.2 MODIFICATIONS:** Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the *owner* or the *owner's* representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

The code official shall have the power, with the consent of both the City Manager and the Chief of the Fire Department, to modify any of the provisions of the Property Maintenance Code on application in writing by the owner or the owner's representative when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the

code shall be observed and any such modification does not pose an unreasonable threat to the health, safety or welfare of an occupant of the property. The particulars of such modification, when granted or allowed, and the decision of the code official thereon, together with the consent in writing thereto of the City Manager and the Chief of the Fire Department, shall be kept within the records of the City and a signed copy shall be furnished to the applicant. Any refusal of a request for modification hereunder may be appealed by the applicant as provided for under this code.

**PM 104.2.1 RECORDS:** The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

**PM 106.1 UNLAWFUL ACTS:** It shall be unlawful for any *person*, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, *let* to another or occupy or permit another *person* to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code. Upon failure of any *person* to obey a lawful order of the code official, the code official may effectuate compliance with the lawful order through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the owner or operator of the real estate which is the subject matter of the lawful order and any such costs shall be a lien upon such real estate.

**PM 106.2 PENALTY**

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

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

**(B)** Notwithstanding any fine or imprisonment provision set forth in this section, nothing herein shall preclude the city from posting any premises as "unfit for human habitation" pursuant to the Housing Code and/or instituting condemnation proceedings against such property and the owner thereof.

**PM 107.3 METHOD OF SERVICE:** Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the *owner* personally; or (b) sent by first class mail addressed to the *owner* at the last known address. Service of such notice in the foregoing manner upon the *owner's* responsible local agent shall constitute service of notice upon the *owner*.

**PM 107.5 TRANSFER OF OWNERSHIP:** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has

been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. The *owner* shall provide written notice to the code official at least ten (10) days prior to the sale or transfer of any registered unit providing the name and address of any such purchaser or transferee and the date the sale or transfer is to be completed.

**PM 108.2 CLOSING OF VACANT STRUCTURES:** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the owner or operator of the real estate which is the subject matter of such an order and any such costs and shall be a lien upon such real estate.

**PM 109.5 COSTS OF EMERGENCY REPAIRS:** Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* or operator of the *premises* where the unsafe structure is or was located for the recovery of such costs and any such costs shall be a lien upon such real estate.

**PM 110.3 FAILURE TO COMPLY:** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private *persons*, and the cost of such razing and removal shall be charged against the owner or operator of the real estate which is the subject matter of such an order and any such costs and shall be a lien upon such real estate.

**PM 111.2 MEMBERSHIP OF THE BOARD:** The Board of Appeals shall consist of those persons who are from time to time serving as members of the Construction Board of Appeals.

**PM 112.1 REGISTRATION OF RENTAL UNITS:** No property owner shall lease, rent or otherwise allow a rental unit to be occupied unless the rental unit has been registered with the City and a person designated as responsible local agent. For purposes of this Section "rental unit" is defined to be a single unit providing complete, independent living facilities for one or more persons. The responsible local agent shall be obligated to assure operation of the registered rental unit in compliance with the Code of Ordinances adopted by the City, shall be responsible for providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the Code of Ordinances adopted by the City, and shall accept all legal notices or service of process with respect to the rental unit on behalf of the owner if the

responsible local agent is a person other than the owner of the registered rental unit. The responsible local agent shall maintain a list of the names and number of occupants of each rental unit for which they are responsible.

**PM 112.2 REGISTRATION TERM AND RENEWAL OF EXISTING RENTAL UNITS:**

Property owners shall register any and all rental units within the City, and shall designate a responsible local agent. For all rental units registered in calendar years 1999 and 2000 the registration shall be effective for at least eighteen (18) and not more than thirty (30) months. For all rental units registered in other calendar years the registration shall be effective for at least twenty-four months. It shall be the responsibility of the property owner to re-register said rental unit on the first day of the month immediately preceding the expiration of the registration for each rental unit.

**PM 112.3 CHANGE IN REGISTRATION INFORMATION:** The property owner of a rental unit registered with the City shall re-register within sixty (60) days after any change occurs in registration information. A new owner of a registered rental unit shall re-register the rental unit as provided in the Ordinance and shall pay a registration fee. An existing owner shall re-register the rental unit as provided in the ordinance but shall not be obligated to pay a registration fee as a result of re-registration under this section.

**PM 112.4 RE-REGISTRATION:** A property owner shall re-register prior to expiration of a certificate of compliance.

**PM 112.5 REGISTRATION OF RENTAL UNITS:** An application for registration of a rental unit shall be made in such form and in accordance with such instructions as may be provided by the City and shall include at least the following information:

- (i) The address of the rental unit;
- (ii) The names and addresses of all owners of the rental units;
- (iii) The names, addresses, and telephone numbers of the persons authorized to collect rent from the individuals occupying the rental units;
- (iv) The name, local address, and telephone number of the responsible local agent;
- (v) The number of rental units in each building; and
- (vi) The authorization appointing a responsible local agent signed by both the owner and the responsible local agent.

**PM 112.6 INACCURATE OR INCOMPLETE REGISTRATION INFORMATION:** It shall be a violation of this Ordinance, punishable as provided in Section PM 106.2, as amended, for a property owner or a responsible local agent to willfully provide materially inaccurate information for the registration of rental units or to fail to provide information required by the City for said registration. In those cases in which the owner is not a natural person, responsibility for providing the owner information shall be that of the chief executive officer of the organization or his or her designee. Where more than one natural person has an ownership interest, the required information shall be provided by each such owner.

**PM 112.7 CERTIFICATE OF COMPLIANCE:**

- (i) **REQUIRED.** No person shall operate, lease, rent or occupy a rental unit unless there is

a valid certificate of compliance issued by the City in the name of the operator and issued for the specific rental unit. The certificate shall be issued for each building containing a rental unit. The certificate of compliance shall be retained by the owner and a copy shall be given to each lessee. The certificate of compliance shall be issued after registration of the rental unit with the City and after inspection by a person from the City, and shall state that inspection has demonstrated compliance with the provisions of the Ordinance adopted by the City at the time of inspection. A certificate of compliance shall be valid for at least eighteen (18) months and not more than thirty (30) months from its date of issuance and must be renewed in conformity with the registration provisions of this Ordinance.

(ii) **PREREQUISITES FOR ISSUANCE.** The City may not issue a certificate of compliance unless a current rental unit registration is in effect, the responsible local agent is properly designated, any fees for registration or any penalties are paid in full and an inspection, as required in subsection (iii) below, has determined that compliance has been secured with the minimum standards and other provisions of the Code of Ordinances adopted by the City.

(iii) **INSPECTIONS.** All facilities, areas and units governed by this Ordinance shall be open and accessible for inspection. All facilities, areas and units inspected shall comply with the standards of the Code.

**PM 112.08 REVOCATION OF CERTIFICATE OF COMPLIANCE:** If the City shall ascertain the failure of any property owner to comply with a notice of violation issued pursuant to Section PM 107.1 of this Code, the certificate of compliance shall be revoked and the property owner or responsible local agent shall immediately surrender such certificate to the City.

**PM 112.09 APPEAL OR DENIAL OF REGISTRATION OR REVOCATION OF CERTIFICATE OF COMPLIANCE:** Any property owner whose rental unit registration has been denied or whose certificate of compliance has been revoked may file an appeal pursuant to Section 111.1 et seq. of this Code.

**PM 112.10 VACATION AND/OR FINE FOR A REVOCATION OF CERTIFICATE:**

(i) Upon revocation of a certificate of compliance or a determination by the Board of Appeals that a rental unit is unfit for human habitation, the owner or operator of said unit shall immediately vacate said unit, and no person shall thereafter occupy for sleeping or living purposes the unit therein until such unit shall again be in compliance with the Code and same shall have been inspected and re-registered.

(ii) When a rental unit is found to be in violation of the provisions of this Code but determined to be habitable, the code enforcement officials may determine that an order to vacate shall not issue but, rather that the certificate of compliance shall be deemed to have expired and the rental unit shall then be in violation of the terms of this Code.

**PM 112.11 EXPIRATION OF CERTIFICATE OF COMPLIANCE:** A certificate of compliance shall expire on the latest of the following:

- (i) The date stated on the certificate;
- (ii) The repair date stated on any notice to repair issued to the property owner or responsible local agent; or
- (iii) Sixty (60) days after the date the City provided notice of the expiration of the certificate pursuant to Section 112.12 of this Code.

Sixty (60) days after such expiration date, it shall be unlawful for any rental unit to be occupied unless a new certificate of compliance has been issued. A rental unit which has not been previously certified shall be deemed to have an expiration date on the date the responsible local agent is notified to register the rental unit.

**PM 112.12 NOTIFICATION OF EXPIRED CERTIFICATE:** At least sixty (60) days prior to the expiration of a certificate of compliance, the City shall notify the registered owner to re-register the rental unit and to arrange for a compliance inspection and shall provide re-registration forms therefor. The property owner shall be responsible for re-registering a rental unit and arranging a compliance inspection prior to the expiration date on the certificate.

**PM 112.13 CERTIFICATE OF COMPLIANCE NOT REQUIRED:** A certificate of compliance shall not be required for living or sleeping accommodations in jails, hospitals, nursing homes, school dormitories, convalescent homes, foster homes or temporary group shelters provided by legal not-for-profit agencies which are inspected, certified and or licensed by the State of Michigan.

**PM 112.14 BASIS OF INSPECTIONS:** Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon any one (1) of the following:

- (i) A complaint received by the City indicating that there is a violation of the Standards of this Ordinance in writing with signature and method to contact the person filing complaint and verification that the owner or the responsible local agent designated by the owner has been notified of the alleged violation, except in emergency situations involving the health, safety or welfare of an occupant of the property.
- (ii) An observation by the City of a violation of the standards of this Ordinance;
- (iii) A report or observation of a dwelling that is unoccupied, unsecured or a dwelling is fire damaged;
- (iv) The registration and certification of a rental unit as required by this code;
- (v) The need to determine compliance with a notice or an order issued by the City;
- (vi) An emergency observed or reason to believe an emergency exists;
- (vii) A request for an inspection by the property owner; or
- (viii) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.

**PM 112.15 INSPECTION PROCEDURES:** Except with respect to inspections involving an unreasonable threat to the health, safety or welfare of an occupant of the property, the code official shall attempt to provide notice to the owner or the responsible local agent designated by the owner by telephone or personal contact of a complaint or alleged violation of this ordinance and if unable to do so shall provide written notice thereof by first class mail at least nine (9) days prior to an inspection of the property.

- (i) The complaint must be made on a form developed by the code official and must contain all material information set forth thereon.
- (ii) An inspection of the property for which a complaint has been filed shall be conducted by the code official or his designee.
- (iii) If the inspection of the property reveals a violation of this ordinance, a notice of the violation shall be sent to the owner, or the responsible local agent designated by the owner,

or occupant of the property, as the case may be.

- (iv) The notice shall set forth the work which must be completed in order to comply with the ordinance and the time period within which the aforementioned work must be completed. Generally, the time period shall be as follows:
  - (A) All work of an emergency nature shall be completed immediately.
  - (B) All work which may be done by the owner or occupant shall be completed within thirty (30) days.
  - (C) All work which is to be done by a licensed contractor shall be completed within sixty (60) days.
- (v) Upon termination of the time period for completion of the required work as set forth in the notice, the code official shall inspect the property in order to determine if the property conforms to the provisions of this ordinance.
- (vi) If the code official believes that sufficient progress has been achieved by the owner or occupant in attempting to conform the property to this ordinance, but the required time period for completion has expired, the code official, in his discretion, may extend the time period for an additional thirty (30) days within which the required work is to be completed.
- (vii) The owner or occupant may appeal the determination of a violation or the order for correction to the Board of Appeals.
- (viii) If an owner or occupant fails to properly and timely complete the work which is required in order to comply with this ordinance, the code official shall issue an appropriate citation to the owner or occupant. Thereafter, the matter shall be referred to the City Attorney for appropriate action.

**PM 112.16 COMPLAINT INITIATED INSPECTIONS:** If an inspection is initiated by a complaint and no violation is found to exist, no inspection fees will be assessed against the owner of the inspected rental unit but an inspection fee will be assessed against the complainant.

**PM 112.17 RE-INSPECTION:** Where a re-inspection must be made to insure conformity of this Ordinance, or before a certificate of compliance is issued for those rental units that have been issued violation notices, there will be charged a separate fee for every inspection when the violation has not been abated or corrected, which fee shall be specified in a fee schedule compiled, from time to time, by the City Commission.

**PM 112.18 TRANSFER OF OWNERSHIP INSPECTION:**

- (i) If there is a transfer of ownership concerning any rental unit, and a current certificate of compliance exists, a final inspection by the City shall be waived.
- (ii) If there is a transfer of ownership concerning any rental unit, and a current certificate of compliance does not exist, there shall be a final inspection by the City. If violations of this Code are found then a notice of violations shall be issued to both the current owner and the prospective buyer.
- (iii) In the event ownership of any rental unit is transferred contrary to subsection (i) or (ii) above, the certificate of compliance and rental unit registration shall be deemed to expire within sixty (60) days of the transfer unless appropriate steps are taken to obtain a rental unit registration and certificate of compliance.

(iv) In the event of a transfer of ownership where violations are found during the final inspection, the rental unit registration shall become invalid. Any new owner shall register within ten (10) days of the date of transfer of any rental unit(s). Every person holding such registrations shall notify the City in writing of the change in the ownership of such rental unit(s).

(v) Any residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, shall be notified of any transfer of ownership.

**PM 112.19 FEES:** Fees for registration of rental units, inspections, re-inspections and certificates of compliance shall be as established from time to time by resolution of the City Commission.

**PM 302.1 Definitions shall include:**

**OPERATOR.** Any person who has charge, care or control of structure or *premises* which is *let* or offered for *occupancy* or utilized for a commercial purpose.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit. With respect to a corporation, partnership or any other group acting as a unit, "person" shall include any shareholder, director, partner or other individual actually participating, or who has authority to participate, in the management or operation of a premises.

**RENTAL UNIT.** Any residential premises which is let for occupancy or let, as herein defined.

**RESPONSIBLE LOCAL AGENT.** A person or representative of an individual, a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his, her or its place of residence or business in an area from which the City of Sturgis is accessible by motor vehicle within a period of time not exceeding thirty (30) minutes and designated by the property owner as responsible for operating such property in compliance with all the provisions of the Code adopted by the City. In the event the owner or the designated responsible local agent cannot be reasonably located by the code official, and an emergency situation exists which threatens bodily injury or property damage, then, in such an event and until the owner or designated responsible local agent can be located, the code official shall serve as the responsible local agent. In such an event the owner shall remain liable for any reasonable expenses incurred by the City. All official notices of the City may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.

**PM 304.15 INSECT SCREENS:** During the period from April 1 to November 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

**PM 306.2.1 RUBBISH STORAGE FACILITIES:** The *owner* of every occupied *premises* shall supply approved covered containers for *rubbish*, and the *owner* of the *premises* shall be

responsible for the removal of *rubbish*. With respect to single family rental properties the occupant, not the *owner*, shall supply approved covered containers for *rubbish*, and the occupant of the *premises* shall be responsible for the removal of *rubbish*.

**PM 602.2.1 HEAT SUPPLY:** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to June 1 to maintain the room temperatures specified in Section PM 602.2 during the hours between 6:30 a.m and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during the other hours.

**PM 602.3 NONRESIDENTIAL STRUCTURES:** Every enclosed occupied work space used for mercantile, business or similar purposes shall be supplied with sufficient heat during the period from September 1 to June 1 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**Section 4. SEVERABILITY.** This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall be not be affected.

**Section 5. ADMINISTRATIVE LIABILITY.** No City of Sturgis employee or agent, or member of the City Commission or Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence rising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

**Section 6. REPEALER.** All other Ordinances, parts of Ordinances or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

**Voting yea:** Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen

**Voting nay:** None

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Kinsey to approve the changes to the Doyle Community Center Corporate Membership Program Discounts.

**Voting yea:** Nine

**Voting nay:** None

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Hayes to approve the extension of

Mercom's Cable TV franchise ninety (90) days to allow for further negotiations on a new Franchise Agreement, or until the new Franchise Agreement is effective, whichever date comes first.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$682,169.68 be paid.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$694,131.65 be ratified.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

**RESOLUTION**

**Moved by Comm. Fraim and seconded by Comm. Holsinger to recess under the Open Meetings Act to discuss the purchase of property.**

**Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Dobberteen**

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

**MOTION**

**The meeting recessed at 8:15 p.m.**

**The meeting reconvened at 8:51 p.m.**

Moved by Comm. Hayes and seconded by Comm. Eaton that the meeting be adjourned.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

The meeting was adjourned at 8:51 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, OCTOBER 14, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, September 23, 1998 were approved as presented.

Andy Crow, National Serv-All, has purchased the C.A.R.E. facility in Ft. Wayne, Indiana, and invited the Commissioners and City Officials to visit and tour the facility.

Mayor Dobberteen presented a plaque to Ralph Levin, Sturgis Iron & Metal, for fifty years in operation in the City of Sturgis.

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

**RESOLUTION**

**WHEREAS**, on October 14, 1948 Ralph and Sam Levin incorporated a small scrap metal business at 317 Center Court in Sturgis; and

**WHEREAS**, in the fifty years that followed, Sturgis Iron & Metal Co., Inc. has grown to well over 300 employees, with additional facilities in Kalamazoo and Three Rivers, Michigan, Elkhart, South Bend, Peru and Fort Wayne, Indiana; and

**WHEREAS**, its headquarters, since 1972 located on a 55-acre site on South Centerville Road in Sturgis, features some of the most modern equipment in the field and plays a major environmental role in recycling; and

**WHEREAS**, since its inception, Sturgis Iron & Metal Co., Inc. has made many community contributions including the capping of the old city dump site, providing equipment and manpower for snow removal following major storms, facilities to assist the City's annual large trash pickup and the removal of scrap metal from the Paramount site; and

**WHEREAS**, in the 1970's, the company led the effort to retain rail transportation in Sturgis, and Mr. Ralph Levin remains an anonymous benefactor for dozens of worthwhile community

projects.

**NOW, THEREFORE, BE IT RESOLVED** that on this, the 50<sup>th</sup> anniversary of the incorporation of Sturgis Iron & Metal Co., Inc. the Sturgis City Commission hereby bestows its gratitude and congratulations to Sturgis Iron & Metal Co., Inc. and to its president, Mr. Ralph Levin for their many

years of corporate success and community contributions, and expresses the utmost desire for continued accomplishments in the future.

**Voting yea: Harrison, Kinsey, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen**

**Voting nay: None**

**RESOLUTION**

**ADOPTED.**

Moved by Comm. Hayes and seconded by Comm. Kinsey to award the low bid to re-roof the Cemetery Office to Hickman Home Improvement, Sturgis, Michigan, in the amount of \$4,973.66.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Kinsey to reject the bid for the Franks Park Development to allow for a possible approval of a DNR Grant in April 1999.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Eaton to approve the Sturgis Hospital 1999 Operating and Capital Budget.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Hayes to approve the Airport Lease Agreement between the City of Sturgis and Larry and Susan Werschky.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Fraim to approve the Airport Lease Agreement between the City of Sturgis and Riley Aviation, Inc.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

City Attorney Roger Bird recommended Attorney Richard Lague of Muskegon to be a consultant to assist the City in analyzing the possible conversion of the Hospital to a non-profit entity. The Hospital Study Committee will meet and present questions for the consultant before making a final recommendation or decision.

City Manager Jerome Kisscorni introduced Tom Asp, Consultant, Power Systems Engineering, who presented a proposal on advanced communications services.

Moved by Comm. Harrison and seconded by Comm. Kinsey to accept the proposal as presented.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Holsinger to approve the new Electric Rate (LI) for the City's large Industrial customers.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey to change the City's Halloween trick-or-treat hours from 5:00-8:00 p.m. to 5:00-7:00 p.m.

Motion died due to lack of support.

Moved by Comm. Fraim and seconded by Comm. Hayes to accept the letter of resignation from Susan Anable from the Sturgis Planning Board and that a letter of appreciation be sent.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to accept the letter of resignation from Donald R. Norris from the Sturgis Housing Commission and the Election Board and that a letter of appreciation be sent.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Eaton to approve an "Option Agreement" to purchase the Moose Lodge property on the north and south sides of John Street.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Kinsey that a Waiver of Rights under a First Right of Refusal between the City of Sturgis and Jack and Sharon Meyers be considered.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Hayes to approve the request from the Christmas Lighting Committee that the City Electric Department put lights in the trees in Free Church Park.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,404,353.11 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$812,960.45 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Sunday-Horstman that the City purchase .890 acres for a right-of-way for Haines Blvd. in the amount of \$9,790.00.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Harrison and seconded by Comm. Fraim that the Taste of Asia building at the Airport be razed as recommended by the Airport Committee.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

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

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, OCTOBER 28, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Sunday-Horstman, Chrisman, Eaton, Fraim, Holsinger, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting held on Wednesday, October 14, 1998 were approved as presented.

Moved by Comm. Harrison and seconded by Comm. Kinsey to award the low bid for Industrial Substation Modifications for the Electric Department to Newkirk Associates, Muskegon, Michigan in the amount of \$94,470.00.

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

Dan Fullenkamp, Director of Parks, Forestry and Recreation presented a “Fitness City Award” received by the National Recreation and Parks Association.

Moved by Comm. Kinsey and seconded by Comm. Holsinger to initiate the recommendation as presented by the Advance Communication Services Committee and that the City Staff work with the Committee and report back to the City Commission.

**Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Hayes, Mayor Dobberteen.**

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

Ray Dresser, Jr. presented a report from the Economic Development Corporation.

Moved by Comm. Harrison and seconded by Comm. Eaton that the City not join the St. Joseph County Economic Development Corporation.

**Voting yea: Eight** **Voting nay: Kinsey** **MOTION**  
**CARRIED**

Michael Simpson, Vice President and General Manager of M.E. Simpson Co., gave a presentation on a Valve Maintenance Program.

Moved by Comm. Harrison and seconded by Comm. Fraim that the Auditorium Board look into a plan for more affordable and usable usage in the Auditorium Theater.

**Voting yea: Eight**      **Voting nay: Eaton**      **MOTION**

**CARRIED**

Mayor Dobberteen requested nominations to appoint a member to the Planning Board to fill the unexpired term of Susan Anable, term to expire in May, 2000.

Comm. Eaton nominated Ken Chrisman.

Comm. Sunday-Horstman nominated Norberto Briones.

Comm. Harrison nominated Scott Jeffries.

Moved by Comm. Fraim and seconded by Comm. Eaton to close the nominations.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

**Voting for Ken Chrisman: Eaton, Chrisman, Hayes, Holsinger, Mayor Dobberteen**

**Voting for Norberto Briones: Sunday-Horstman, Fraim, Kinsey**

**Voting for Scott Jeffries: Harrison**

Ken Chrisman was appointed to the Planning Board to fill the unexpired term of Susan Anable, term to expire in May, 2000.

As no names were submitted, no action was taken to appoint a member to the Sturgis Housing Commission to fill the unexpired term of Don Norris, term to expire in May, 2000.

Nominations were accepted to appoint a member to the Election Commission to fill the unexpired term of Don Norris, term to expire in May, 1999.

Comm. Eaton nominated Duke Lutz.

Moved by Comm. Fraim and seconded by Comm. Kinsey to make it a unanimous vote to appoint Duke Lutz.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Duke Lutz was unanimously appointed to the Election Commission to fill the unexpired term of Don Norris, term to expire in May, 1999.

Moved by Comm. Holsinger and seconded by Comm. Hayes to table the issue of roller skating and skateboard ordinance options until a further study of similar ordinances of other cities within the state of Michigan has been completed.

**Voting yea: Eight**

**Voting nay: Chrisman**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,821,955.42 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$590,311.89 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Hayes requested that it go on record that he is against fencing in Oak Lawn Cemetery, which was being considered due to recent vandalism.

Comm. Eaton wanted to publicly commend Police Officer Luis Rosado for his dedication to our community and for his outstanding work in the 1998 Michigan Safe and Sober Campaign. Officer Rosado recently received a Safe and Sober Champion Award from the Michigan Office of Highway Safety Planning.

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

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

The meeting was adjourned at 9:34 p.m.

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Carol F. Rambadt, City Clerk

**ORGANIZATIONAL MEETING  
NOVEMBER 9, 1998  
CITY HALL CONFERENCE ROOM**

The City Clerk called the meeting to order at 8:00 p.m.

Commissioners present: Harrison, Hayes, Dobberteen, Sunday-Horstman, Holsinger, Chrisman, Eaton, Fraim

### Commissioners absent: Kinsey

Also present: City Manager, Assistant City Manager

The Clerk asked for nominations for the office of Mayor.

Comm. Eaton nominated Comm. Dobberteen

Comm. Fraim nominated Comm. Harrison

Comm. Sunday-Horstman nominated Comm. Holsinger. Comm. Holsinger declined the nomination.

Comm. Fraim moved the nominations be closed and Comm. Dobberteen seconded the motion.

**Voting for Comm. Dobberteen:** Commissioners Eaton, Chrisman, Hayes, Holsinger, Sunday-Horstman, Dobberteen

## **Voting for Comm. Harrison: Commissioners Fraim, Harrison**

**Comm. John Dobberteen was seated as Mayor of the City of Sturgis.**

Mayor Dobberteen asked for nominations for the office of Vice-Mayor.

Comm. Fraim nominated Comm. Holsinger. Comm. Holsinger declined the nomination. Comm. Helmer nominated Comm. Holsinger.

Comm. Holsinger nominated Comm. Hayes.  
Comm. Folsom nominated Comm. Hayes.

Comm. Fraim nominated Comm. Harrison.

Comm. Eaton moved the nominations be closed and Comm. Chrisman seconded the motion. **MOTION**

**Voting for Comm. Hayes:** Commissioners Chrisman, Hayes, Holsinger, Sunday-Horstman, Eaton, Mayor Dobberteen

## **Voting for Comm. Harrison: Commissioners Fraim, Harrison, Gandy, H. H. and W. M. — of the City of Gadsden.**

**Comm. Hayes was elected Vice-Mayor of the City of Sturgis.**

Mayor Dobberteen made the following appointments:

**Finance Committee:** Commissioners Eaton, Chrisman, and Sunday-Horstman

**Bid Opening Committee:** Commissioners Eaton, Kinsey, Chrisman, and Fraim as alternate.

**Idle Industrial Buildings Committee:** Commissioners Harrison, Fraim, Eaton, and Sunday-Horstman as alternate.

**IFEC:** Commissioners Hayes, Chrisman, Harrison and Eaton

Moved by Comm. Holsinger and seconded by Comm. Eaton to approve the General Rules of Order for the Sturgis City Commission meetings, as printed.

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

Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to set the date of January 30, 1999 for the Annual Planning meeting.

Moved by Comm. Fraim and seconded by Comm. Eaton that the meeting be adjourned.

The meeting was adjourned at 8:14 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, NOVEMBER 11, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen

Commissioners absent: None

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

In honor of Veterans' Day, the Pledge of Allegiance was recited.

Minutes of the previous regular meeting held on Wednesday, October 28, 1998 and of the Organizational meeting held on November 9, 1998 were approved as presented.

County Commissioner Mike Sutter updated the Commission on County issues. He also requested that the City make a donation to the Veterans' Memorial of St. Joseph County.

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman that the City contribute \$1,000 to the Veterans' Memorial of St. Joseph County.

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

Don Lampe requested a discussion on the Civic Beautification and Garbage Ordinance. Moved by Comm. Fraim and seconded by Comm. Kinsey that the issue be referred to the Planning Board.

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

Dan Fullenkamp, Director of Parks, Recreation and Forestry, reported on the city recreation programming and activities.

Moved by Comm. Fraim and seconded by Comm. Hayes to adopt the following resolution:

## RESOLUTION

**WHEREAS**, the City of Sturgis, County of St. Joseph, State of Michigan (the "Authority") intends to issue and sell bonds, in an amount not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying the costs of acquiring, constructing and installing an Approved Cable Television System and an Approved Communications System, together with all necessary interests in land, rights of way and all appurtenances, attachments therefor (the "Project"); and **WHEREAS**, the City intends at this time to state its intentions to be reimbursed from the proceeds of the bonds for any expenditures of the City for the Project prior to the issuance of the

bonds.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the Authority.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$8,000,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2 (c)) under general Federal income tax principles (as determined at the time the expenditure is paid.)

(f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) Expenditures for the Project to be reimbursed for the proceeds of the borrowing for purposes of this resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of \$100,000 or five percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, which items can be reimbursed from bond proceeds regardless of the adoption of this resolution, but do

not include land acquisition, site preparation, and similar costs incident to commencement or construction, which must fall within the parameters of this resolution to be reimbursed from bond proceeds).

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

**Voting yea: Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Mayor Dobberteen**

**Voting nay: None**

**RESOLUTION**

**ADOPTED.**

Moved by Comm. Eaton and seconded by Comm. Kinsey to accept the resignation of Ken Chrisman from the Zoning Board of Appeals.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Hayes and seconded by Comm. Fraim to accept the resignation of Jeff Brazo from the Downtown Development Authority Board.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Eaton to accept the resignation of Carol Rueckert from the Sister City Committee.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Sunday-Horstman to nominate Georgianna Austermann to fill the unexpired term of Carol Rueckert from the Sister City Committee, term to expire in May, 2000.

There being no other nominations, Georgianna Austermann was appointed to the Sister City Committee.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Chrisman to approve the recommendation to move the November 25<sup>th</sup> City Commission meeting to Monday, November 23<sup>rd</sup> due to the Thanksgiving Holiday.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Fraim and seconded by Comm. Hayes to approve the request from the Shrine Club to sell candy bars in the City on December 4<sup>th</sup> and December 5<sup>th</sup>, 1998.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,291,034.71 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$452,006.88 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Kinsey and seconded by Comm. Hayes to authorize a resolution that the City of Sturgis believes in and encourages recycling.

**Voting yea: Eight**

**Voting nay: Harrison**

**MOTION**

**CARRIED**

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The meeting was adjourned at 8:30 p.m.

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*Carol F. Rambadt, City Clerk*

**RE-SCHEDEDULED MEETING - STURGIS CITY COMMISSION  
MONDAY, NOVEMBER 23, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Sunday-Horstman, Holsinger, Chrisman, Eaton, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: None

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

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

**RESOLUTION SUBMITTING  
FIBER OPTIC COMMUNICATIONS SYSTEM  
REVENUE BOND PROPOSAL**

**WHEREAS**, the City Commission of the City of Sturgis (the "City") has determined that it is necessary for the health, safety and welfare of the City and its residents that the City acquire, construct and equip a Fiber Optic Communications System, including, but not limited to the capacity for voice, video and data communications, together with all necessary interests in land, rights of way and all appurtenances, attachments therefor, as set forth in the ballot proposal of page 2 hereof (the "Improvements"); and

**WHEREAS**, the City has determined that the City should borrow money in an amount not to exceed Eight Million Dollars (\$8,000,000) and issue revenue bonds of the City in such amount for the purpose of paying the cost of the Improvements; and

**WHEREAS**, it is necessary to submit the proposition regarding the issuance of the revenue bonds to the qualified electors of the City at a special election to be held on March 9, 1999.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. At a special election which is hereby called to be held in the City on Tuesday, March 9, 1999, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m., there shall be submitted to a vote of the qualified electors of the City the proposition of borrowing a sum not to exceed Eight Million Dollars (\$8,000,000) and issuing revenue bonds of the City for the Improvements.

2. The proposition to be submitted at the special election shall be stated on a separate ballot, or as a separate proposition on voting equipment, in substantially the following form:

**FIBER OPTIC COMMUNICATIONS SYSTEM REVENUE BOND PROPOSAL**

Shall the City of Sturgis, St. Joseph County, Michigan borrow the principal sum of not to exceed Eight Million Dollars (\$8,000,000) and issue its Revenue Bonds therefor for the purpose of paying the cost of constructing and equipping a Fiber Optic Communications System, including, but not limited to the capacity for

voice, video and data communications, together with all necessary interests in land, rights of way and all appurtenances, attachments therefor?

3. The City Clerk shall cause notice of last day for registration to be published as a display advertisement at least twice in *The Sturgis Journal*, a newspaper of general circulation in the City, prior to the last day for receiving registrations, the first publication to be not less than ten (10) full days prior to the last day for receiving registrations.

4. The notice of registration shall be in substantially the following form:

**NOTICE OF LAST DAY OF REGISTRATION  
OF THE QUALIFIED ELECTORS OF  
THE CITY OF STURGIS  
COUNTY OF ST. JOSEPH, MICHIGAN  
FOR THE SPECIAL ELECTION TO BE HELD ON  
TUESDAY, MARCH 9, 1999**

---

TO THE QUALIFIED ELECTORS OF SAID CITY:

PLEASE TAKE NOTICE that any qualified elector of the City of Sturgis, County of St. Joseph, State of Michigan, who is not already registered may register for the special election to be held on Tuesday, March 9, 1999, in the City.

The City Clerk will be at the Clerk's office on each working day during regular working hours until and including, Monday, February 8, 1999, for the purpose of receiving registrations of qualified electors of the City not already registered.

On Monday, February 8, 1999, which is the last day for receiving registrations for the special election to be held on Tuesday, March 9, 1999, the City Clerk will be at the Clerk's office between the hours of 9:00 a.m. and 5:00 p.m., Eastern Standard Time, for the purpose of receiving registrations of qualified electors.

The following proposition will be submitted to the electors at the special election on Tuesday, March 9, 1999:

**FIBER OPTICS COMMUNICATIONS SYSTEM REVENUE BOND PROPOSAL**

Shall the City of Sturgis, St. Joseph County, Michigan borrow the principal sum of not to exceed Eight Million Dollars (\$8,000,000) and issue its Revenue Bonds therefor for the purpose of paying the cost of constructing and equipping a Fiber Optic Communications System, including, but not limited to the capacity for

voice and data communications, together with all necessary interests in land, rights of way and all appurtenances, attachments therefor?

THE LAST DAY FOR RECEIVING REGISTRATIONS FOR THE SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 1999 WILL BE MONDAY, FEBRUARY 8, 1999.

This notice was given by the order of the City Commission of the City of Sturgis, County of St. Joseph, Michigan.

5. The City Clerk shall cause notice of the submission of the proposition to be published at least twice as a display advertisement before the date of election in *The Sturgis Journal*, a newspaper of general circulation in the City, the first publication to be not less than 10 full days prior to the date of the election.

6. The notice of the submission of the proposition shall be in substantially the following form:

**NOTICE OF SPECIAL ELECTION  
TUESDAY, MARCH 9, 1999  
CITY OF STURGIS  
COUNTY OF ST. JOSEPH, MICHIGAN**

---

TO THE QUALIFIED ELECTORS OF SAID CITY:

NOTICE IS HEREBY GIVEN that a special election will be held in the City of Sturgis, County of St. Joseph, Michigan, on Tuesday, March 9, 1999, between the hours of 7:00 a.m. and 8:00 p.m., prevailing Eastern Time. At said election, the following proposition shall be submitted to vote of the qualified electors of the City:

**FIBER OPTIC COMMUNICATIONS SYSTEM REVENUE BOND PROPOSAL**

Shall the City of Sturgis, St. Joseph County, Michigan borrow the principal sum of not to exceed Eight Million Dollars (\$8,000,000) and issue its Revenue Bonds therefor for the purpose of paying the cost of constructing and equipping a Fiber Optic Communications System, including, but not limited to the capacity for voice, video and data communications, together with all necessary interests in land, rights of way and all appurtenances, attachments therefor?

THE PRINCIPAL AND INTEREST OF SAID REVENUE BONDS SHALL BE PAYABLE SOLELY AND ONLY FROM REVENUES DERIVED FROM THE OPERATION OF THE COMMUNICATIONS SYSTEM TO BE ACQUIRED AND CONSTRUCTED WITH THE PROCEEDS OF THE BONDS. SUCH REVENUES CONSIST OF RATES AND CHARGES TO BE CHARGED USERS OF SAID COMMUNICATIONS SYSTEM. A PROPOSED SCHEDULE OF SUCH RATES WILL BE ON FILE IN THE OFFICE OF THE CITY CLERK 30 DAYS PRIOR TO THE ELECTION. IN NO INSTANCE WILL THE CITY'S GENERAL FUNDS OR AD VALOREM TAXES BE USED TO PAY EITHER OPERATION AND MAINTENANCE EXPENSES OF THE COMMUNICATIONS SYSTEM OR DEBT SERVICE ON THE REVENUE BONDS.

All qualified and registered electors of the City may vote on the above revenue bonding

proposition.

The places of voting for the special election to be held on March 9, 1999, will be as follows:

STURGES-YOUNG AUDITORIUM

This notice is given by order of the City Commission of the City of Sturgis, County of St. Joseph, Michigan.

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

**Voting yea: Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Kinsey, Mayor Dobberteen**

**Voting nay: None**  
**ADOPTED.**

**RESOLUTION**

Moved by Comm. Fraim and seconded by Comm. Eaton that the following resolution be adopted:

**RESOLUTION**

**WHEREAS**, the City of Sturgis ("City") is a home rule city under the provisions of 1909 P.A. 279, as amended ("Act");

**WHEREAS**, the City has entered into an Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis which became effective as of July 15, 1998 ("Agreement");

**WHEREAS**, pursuant to the Agreement territory located within the Township of Fawn River upon the occurrence of certain events, including the request for rezoning as residential property by a party having an interest in a parcel of land located within the territory, shall immediately be transferred from the jurisdiction of Fawn River Township to the jurisdiction of the City for all purposes;

**WHEREAS**, Sturgis Neighborhood Program is a party having an interest in the following described parcel of real estate subject to the Agreement and has requested rezoning of said parcel to R-4 Apartment;

**WHEREAS**, pursuant to the Agreement upon the transfer of full jurisdiction of a parcel of property pursuant to the terms of the Agreement the City is to evidence said transfer by filing with the Office of the Great Seal of the State of Michigan and with the St. Joseph County Clerk a Resolution certifying that an event for transfer of full jurisdiction has occurred under the terms of the Agreement and that jurisdiction over the parcel is transferred from Fawn River Township to the City for all purposes.

**NOW, THEREFORE, BE IT RESOLVED, THAT:**

1. An event has arisen pursuant to the Agreement giving rise to the transfer of the following described property from the jurisdiction of the Township of Fawn River to the jurisdiction of the City for all purposes:

The following described real estate situate and being in the City of Sturgis ( formerly Township of Fawn River), County of St.

Joseph and State of Michigan, known and described as follows, to wit:

The northerly 351.29 feet of the following described parcel; the West ½ of the Northeast 1/4 of Section 7, T8S, R9W, excepting therefrom the North 66 feet and the West 80 feet, consisting of approximately ten (10) acres.

2. The City Clerk is hereby authorized and directed to file a certified copy of this Resolution to evidence the transfer of the jurisdiction of the above described parcel of real estate from the Township of Fawn River to the City for all purposes with the Office of the Great Seal of the State of Michigan and with the St. Joseph County Clerk, together with such other documents as may be required to evidence the transfer with those agencies and other governmental units, departments or agencies as may be appropriate.

**Voting yea: Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Mayor Dobberteen**

**Voting nay: None**

**ADOPTED.**

**RESOLUTION**

Moved by Comm. Eaton and seconded by Comm. Chrisman that this be considered the introduction and first reading of an ordinance to amend Article III, Section 1.0302(A) of the Zoning Ordinance of the City of Sturgis to rezone approximately ten (10) acres of land on S. Franks Avenue from "R-1 Rural Residential" to "R-4 Apartment" and to provide for an effective date.

Francis Losinski, 809 Nottingham, voiced his concerns regarding the new apartments.

**Voting yea: Holsinger, Sunday-Horstman, Eaton, Chrisman, Mayor Dobberteen**

**Voting nay: Fraim, Harrison, Kinsey, Hayes**

**MOTION**

**CARRIED**

Comm. Hayes introduced Susan Faulkner, Plante and Moran, who gave a presentation on the City Management Review.

Moved by Comm. Holsinger and seconded by Comm. Eaton to accept the resignation of Rose Arbanas from the Sturgis Public Library Board and that a letter and certificate of appreciation be sent.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$316,575.61 be paid.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$734,294.84 be ratified.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Comm. Sunday-Horstman wished to publicly thank the Sturgis Police Department for attacking the war on drugs in her neighborhood and encouraged them to keep up the good work and to continue their efforts to clean up our City.

**RESOLUTION**

**Moved by Comm. Hayes and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act for the purpose of discussing a proposed property purchase.**

**Voting yea: Kinsey, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Mayor Dobberteen**

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

**CARRIED**

**The meeting recessed at 9:02 p.m.**

**The meeting reconvened at 9:40 p.m.**

Moved by Comm. Kinsey and seconded by Comm. Eaton to proceed with Option #1 regarding property purchase.

**Voting yea: Harrison, Kinsey, Hayes, Holsinger, Eaton, Chrisman, Fraim, Mayor Dobberteen**

**Voting nay: Sunday-Horstman** **MOTION**

**CARRIED**

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

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

**CARRIED**

The meeting was adjourned at 9:47 p.m.

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*Carol F. Rambadt, City Clerk*

**REGULAR MEETING - STURGIS CITY COMMISSION  
WEDNESDAY, DECEMBER 9, 1998  
WIESLOCH RAUM - CITY HALL**

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

Commissioners present: Harrison, Kinsey, Sunday-Horstman, Holsinger, Chrisman, Eaton, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular rescheduled meeting held on Monday, November 23, 1998 were approved as presented.

Representative Elect Cameron Brown appeared before the Commission in conclusion of his term as District 6 County Commissioner and expressed a heartfelt thanks to the Commission. Mr. Brown wished to extend his appreciation and gratitude for having the privilege to be able to work with the City Commission and for the Sturgis community and is looking forward to serving us in his new position.

Don Eaton requested that the Zoning Board put into effect a 60-90 day moratorium on issuing a variance in the downtown area.

Moved by Comm. Harrison and seconded by Comm. Sunday-Horstman to put a 60-90 day moratorium into effect (Option 1).

City Attorney Roger Bird informed the Commission that the Zoning Board, without amending the current ordinance, did not have the authority to hold the requests for 60-90 days before taking any action and suggested that the movement (Option 1) be amended to have the City Commission direct the Planning Board, Downtown Development Authority, City Staff and Zoning Board of Appeals, over the next 60-90 days, to review the look of downtown, review the ordinances affecting its appearance and report on solutions to the problems. The Commission also requested that the Zoning Board table any requests for variances effecting the aesthetics of downtown pending the 60-90 day study.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Eaton that this be considered the second and final reading to amend Article III, Section 1.0302(A) of the Zoning Ordinance of the City of Sturgis to rezone approximately ten (10) acres of land on S. Franks Avenue and to provide for an effective date.

**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF  
STURGIS**

An ordinance to amend Article III, Section 1.0302(A) of the Zoning Ordinance of the City of Sturgis and the Zoning Map incorporated therein by reference and to provide for an effective date of this Ordinance.

**WHEREAS**, the following described parcel of real estate is subject to a certain Agreement for Conditional Transfer of Property from Fawn River Township to the City of Sturgis which became effective as of the 15<sup>th</sup> day of July, 1998 ("Agreement"); and

**WHEREAS**, pursuant to the Agreement the City assumes full jurisdiction for all purposes over a parcel of property within the Transferred Area described in the Agreement when a party having interest in a parcel of land in the Transferred Area makes an application for rezoning of such parcel to a different uses classification; and

**WHEREAS**, the following described parcel is currently zoned "R-1 Rural Residential" and the Sturgis Neighborhood Program having an interest in the parcel having made application for rezoning of the parcel to "R-4 Apartment"; and

**WHEREAS**, the request for rezoning was referred by the City Commission to the Planning Board; and

**WHEREAS**, the Planning Board conducted a public hearing following proper notice on November 17, 1998 and has recommended granting the request for rezoning to R-4 Apartment; and

**WHEREAS**, the City Commission has determined that it is in the best interest of the residents of the City to amend the Zoning Ordinance of the City to rezone the following parcel from R-1 Residential to R-4 Apartment;

**NOW, THEREFORE**, the City of Sturgis, St. Joseph County, Michigan, ordains: Article III, Section 1.0302(A), and the Zoning Map referred to therein, are hereby amended effective as of January 15, 1999, to provide for the rezoning of the following described parcel to R-4 Apartment:

The following described real estate situate and being in the City of Sturgis (formerly Township of Fawn River), County of St. Joseph and State of Michigan, known and described as follows, to wit:

The northerly 351.29 feet of the following described; the West ½ of the Northeast 1/4 of Section 7, T8S, R9W, excepting therefrom the North 66 feet and the West 80 feet, consisting of approximately ten (10) acres.

Janet Hutchison, 110 N. Prospect, asked that the City reconsider another site for the apartments.

Moved by Comm. Fraim and seconded by Comm. Holsinger to amend the motion to include the Planning Board to review potential uses for the site directly north of the site under consideration.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Vote was taken on the original motion:

**Voting yea: Holsinger, Eaton, Chrisman, Fraim, Kinsey, Sunday-Horstman, Mayor Dobberteen**

**Voting nay: Harrison, Hayes**

**MOTION**

**CARRIED**

Ed Brooks, AEP's Forestry Manager, presented a proposal to utilize AEP's tree trimming services.

Moved by Comm. Harrison and seconded by Comm. Hayes to allow the City Manager to enter into a one (1) year contract upon approval of the City Attorney.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Moved by Comm. Holsinger and seconded by Comm. Eaton that the City approve the St. Joseph County Solid Waste Plan Update, prepared pursuant to act 641 of 1978, as amended, and the rules promulgated thereunder.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Nominations were accepted to appoint a member to the Zoning Board of Appeals to fill the unexpired term of Ken Chrisman, term to expire in May, 1999.

Comm. Kinsey nominated Keith Waltke to the Zoning Board of Appeals to fill the unexpired term of Ken Chrisman, term to expire in May, 1999.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Nominations were accepted to appoint a member to the Library Board to fill the unexpired term of Rose Arbanas, term to expire in May, 2002.

Comm. Kinsey nominated Lee Ann Franks McConnell.

Comm. Eaton nominated Hugh McCullough.

**Voting for Lee Ann Franks McConnell: Fraim, Harrison, Kinsey, Hayes, Holsinger, Sunday-Horstman, Chrisman, Mayor Dobberteen**

**Voting for Hugh McCullough: Eaton**

Lee Franks was appointed to the Library Board to fill the unexpired term of Rose Arbanas, term to expire in May, 2002.

Nominations were accepted to appoint a member to the Sturgis Housing Commission to fill the unexpired term of Don Norris, term to expire in May, 2003.

Sturgis Housing Commission recommended L. Robert Kline.

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to appoint L. Robert Kline to the Sturgis Housing Commission to fill the unexpired term of Don Norris, term to expire in May, 2003.

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

Nominations were accepted to appoint a member to the Downtown Development Authority Board (DDA) to fill the unexpired term of Jeff Brazo, term to expire in May, 2002.

DDA recommended Father William Murphy.

Comm. Holsinger nominated Father William Murphy.

Comm. Fraim nominated Jan Johns.

**Voting for Father Murphy: Harrison, Hayes, Holsinger, Sunday-Horstman, Eaton, Chrisman, Mayor Dobberteen**

**Voting for Jan Johns: Kinsey, Fraim**

Father William Murphy was appointed to the Downtown Development Authority Board to fill the unexpired term of Jeff Brazo, term to expire in May, 2002.

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman to approve the following proclamation as a tribute to Glenn Oxender:

**PROCLAMATION**  
**TRIBUTE TO GLENN OXENDER**

The Sturgis City Commission, on behalf of its residents, takes this opportunity to pay tribute to Representative Glenn Oxender on his 16 years of service in the state legislature from this 59<sup>th</sup> District.

As our voice in Lansing, Glenn has made tireless efforts to improve state government, brought economic sense to its many operations and made it more responsive to the people in his district.

A prime example of his success was his commitment to negotiating an agreement to improve our educational system while lifting a major burden from the property owner.

Glenn's guidance in securing state financial assistance to advance local economical development and public works projects has long been appreciated by the City of Sturgis.

The Sturgis City Commission hereby extends its thanks to State Representative Glenn Oxender for his dedicated service to the residents of the 59<sup>th</sup> Legislative District.

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$627,777.34 be paid.

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

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$472,953.17 be ratified.

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

Moved by Comm. Fraim and seconded by Comm. Chrisman to reschedule the next City Commission meeting from December 23 to December 21, due to the Christmas holiday.

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

Moved by Comm. Fraim and seconded by Comm. Sunday-Horstman that \$10,000 budgeted by the Sturgis Police Department be directed to drug enforcement.

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

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

**Voting yea: Nine**

**Voting nay: None**

**MOTION**

**CARRIED**

The meeting was adjourned at 9:37 p.m.

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*Carol F. Rambadt, City Clerk*

**RE-SCHEDULED MEETING - STURGIS CITY  
COMMISSION  
MONDAY, DECEMBER 21, 1998  
WIESLOCH RAUM, CITY HALL**

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

Commissioners present: Harrison, Kinsey, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Hayes, Mayor Dobberteen

Commissioners absent: None

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

Minutes of the previous regular meeting, held on Wednesday, December 9, 1998 were approved as corrected.

Mayor Dobberteen requested that all present observe a moment of silence in memory of Mary Milhahn, a long time City employee who tragically lost her life in an automobile accident on December 17, 1998.

John Griffith, Electrical Superintendent, introduced Kraig Fontaine of the Line Division to the Commission. Mr. Fontaine recently completed the lineman apprenticeship training program offered by Wolverine Power Supply Cooperative in Cadillac, Michigan.

Moved by Comm. Eaton and seconded by Comm. Hayes to set a public hearing date of January 27, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall for the purpose of discussing Agreement #2 for conditional transfer of property from Fawn River Township to the City of Sturgis.

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

Moved by Comm. Kinsey and seconded by Comm. Sunday-Horstman to set a public hearing date of January 27, 1999 at 7:30 p.m. in the Wiesloch Raum of City Hall for the purpose of discussing Agreement #3 for conditional transfer of property from Fawn River Township to the City of Sturgis.

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

City Manager Jerome Kisscorni presented the Electric Department Annual Report. Moved by Comm. Fraim and seconded by Comm. Hayes to accept the Electric Department Annual Report as presented.

**Voting yeas: Nine**      **Voting nays: None**      **MOTION**  
**CARRIED**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the City bills in the amount of \$1,325,286.38 be paid.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

Moved by Comm. Eaton and seconded by Comm. Sunday-Horstman that the Hospital bills in the amount of \$756,018.83 be ratified.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

### **RESOLUTION**

**Moved by Comm. Hayes and seconded by Comm. Fraim to recess under the Open Meetings Act for the purpose of discussing a property purchase.**

**Voting yea: Kinsey, Holsinger, Sunday-Horstman, Eaton, Chrisman, Fraim, Harrison, Hayes, Mayor Dobberteen**

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

**MOTION**

**The meeting recessed at 8:12 p.m.**

**The meeting reconvened at 9:27 p.m.**

Moved by Comm. Eaton and seconded by Comm. Hayes that the meeting be adjourned.

**Voting yea: Nine**  
**CARRIED**

**Voting nay: None**

**MOTION**

The meeting adjourned at 9:28 p.m.

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*Mary M. Stoddard, Deputy City Clerk*