The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, January 09, 2002:

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, JANUARY 09, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy

Commissioners absent: None

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

Mayor Murphy introduced Kenneth Rhodes, the newly appointed City Clerk/Treasurer.

Minutes of the previous rescheduled meeting held on Wednesday, December 19, 2001 were approved as presented.

Public hearing on issuing an Industrial Facilities Exemption Certificate was held. Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed $663,000 be awarded to LTI Printing, Inc. for a period of twelve (12) years, with an ending date of December 31, 2014, 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 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 with an ending date of December 31, 2014.

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: Austermann, Mayer, Ludders, Lampe, Sunday-Horstman, Littman, Harmon, Mayor Murphy
Voting nay: None   Abstaining: Haas     THE RESOLUTION WAS ADOPTED.

Moved by Comm. Haas and seconded by Comm. Lampe to approve the Liquor License Policy as presented.

LIQUOR LICENSE POLICY
CITY OF STURGIS

I. Policy Statement
The City of Sturgis (the “City”), acting through its City Commission, is required to review and approve/reject the issuance of liquor licenses. As part of its review, the City takes into consideration a variety of factors. All the factors are designed to help the City determine which license approvals will bestow the greatest benefit on the community. The City has adopted this Liquor License Policy (the “Policy”) as a means to help it make that determination.

II. Applicability
This Policy shall apply to applications for licenses to sell beer, wine or spirits for on-premises consumption, including, but not limited to, Class C licenses, tavern licenses and Class A and B hotel licenses. This Policy applies to new licenses or the transfer or sale of an existing license. This Policy does not apply to license renewals, applications for SDD and SDM licenses, applications for special licenses granted by the Michigan Liquor Control Commission (“MLCC”), or applications for one-day licenses as allowed by Michigan statute. Unless defined otherwise in this Policy, terms are given their same meaning as set forth in the Michigan Liquor Control Code (MCL 436.1101 et seq) and the Rules promulgated thereunder.

III. Liquor License Criteria
In making its determination concerning an applicant's request for a liquor license, the City will consider the following criteria:

   (1) Ownership.
       (a) The applicant's management experience in the alcohol/liquor business.
       (b) The applicant's general business management experience.
       (c) The applicant's general business reputation.
       (d) The applicant's financial status and ability to build and/or operate
the proposed facility for which the liquor license is proposed.

(e) Whether the applicant has timely paid all property taxes and other liabilities charged owed to the City (e.g., utility charges) during the past five years.

(f) Past criminal convictions of the applicant for crimes involving moral turpitude, violence or alcoholic liquors.

For purposes of this section, “applicant” includes all owners, shareholders, partners, or members.

(2) Establishment.

(a) The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and/or the compatibility of the proposed facility with the surrounding architecture and land use.

(b) The overall quality of the establishment. (Does the existing or proposed business have a reputation for serving excellent food and attracting a responsible clientele? Will it add to the recreational diversity in the community?)

(c) Whether the existing or proposed establishment generates significant revenue from the service of food.

(d) Compatibility with the community’s existing setting and customer base.

(e) The permanence of the establishment in the community as evidenced by proposed or actual commitments made by the applicant.

(f) Any history of police complaints at the proposed location or other establishments operated by the applicant. If a chain, police complaints at other establishments similar in operation.

(g) For transfer of licenses: Whether the new licensee will be continuing the same type of business at the same location.

(3) Facility.

(a) Whether the facility to which the proposed liquor license is to be issued complies, or can reasonably be expected to comply, with the applicable building, plumbing, electrical and fire prevention codes, and zoning statutes and ordinances.

(b) The recommendations of the local law enforcement agency, building department and/or fire department with regard to the proposed facility.

(c) The availability of utilities to serve the facility.

(d) The fitness of the proposed building, including safety, square footage of the proposed site, and occupant parking.

(4) Neighborhood/General Public.

(a) The effects that the proposed license would have upon the health, safety and welfare of nearby neighborhoods and/or business establishments, including impact upon residential areas, church
and school districts.

(b) The effects that the issuance of a license would have on the health, safety and welfare of the general public.

c) The proximity to complimentary uses such as office and commercial development.

d) The effect that the issuance of a license would have upon the development and redevelopment of the surrounding area.

e) The proximity to a residential area. (Is the existing or proposed establishment located near a residential area in such a manner that the licensing of alcoholic beverage sales would likely result in a nuisance to the residential neighborhood?)

(f) The consensus of neighboring residences or businesses.

g) The effects the business facility to which the proposed license is to be issued would have upon vehicular and pedestrian traffic in the area.

(5) Priorities.
In addition to the above criteria, the City will also consider the geographic distribution of existing licenses and the economic development needs of the City. In this regard, the City has determined that, due to current circumstances, it will give priority to license applications that will establish a business in the downtown area (the area along U.S. 12, between Maple Street and Jefferson Street). This priority will periodically be reviewed in light of the City’s changing circumstances and, if appropriate, revised.

IV. Process approval or denial of application for new liquor license.
The Applicant shall not be required to file a separate application with the City. When making its determination whether to approve or reject an applicant, the City will use the materials provided by the MLCC, though the City reserves the right to request additional information from the applicant or to obtain additional information from other sources. All deliberations with respect to the application will be conducted in compliance with Michigan’s Open Meetings Act. If the City rejects an application, it will state, in writing, the reasons for the denial.

V. Ordinance.
This Policy should be read and interpreted in conjunction with Chapter 116 of the City’s Ordinances. Chapter 116 sets forth additional criteria that the City will consider and procedures that will be followed when considering license applications.

Voting yea: Nine Voting nay: None MOTION CARRIED

City Manager Jerome Kisscorni presented the Electric Department 2000-01 Annual Report. Moved by Comm. Ludders and seconded by Comm. Haas to direct the City Attorney to present a resolution at the next regular meeting regarding the approval of a Neighborhood Park in the
Sturgis City Subdivision.
Voting yea: Austermann, Ludders, Lampe, Haas, Mayor Murphy
Voting nay: Mayer, Sunday-Horstman, Littman, Harmon

MOTION CARRIED
Nominations were accepted to appoint a member to the Board of Review to fill the unexpired term of Ken Chrisman, term to expire in May, 2003.
Comm. Haas nominated Todd Galbraith.
Discussion followed.
Comm. Sunday-Horstman withdrew her nomination.
Moved by Comm. Lampe and seconded by Comm. Austermann to cast a unanimous ballot for Todd Galbraith.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Todd Galbraith was appointed to the Board of Review, term to expire in May, 2003.

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $985,697.81 be paid.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,051,245.12 be ratified.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Comm. Harmon was appointed to the St. Joseph County Comprehensive Traffic Safety Commission.

Mayor Murphy presented a plaque to Carol Rambadt, City Clerk/Treasurer and thanked her on behalf of the current Commission, as well as the previous commissioners and mayors. The plaque commemorated twenty-five years of dedication and commitment to the City of Sturgis and the Sturgis City Commission thanked her for her invaluable service to the City of Sturgis.

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss the purchase of property.

Voting yea: Mayer, Ludders, Lampe, Sunday-Horstman, Haas, Littman, Harmon, Austermann, Mayor Murphy  
Voting nay: None  
MOTION CARRIED

The meeting was recessed at 8:56 p.m.  
The meeting reconvened at 9:02 p.m.

The meeting was adjourned at 9:02 p.m.

Carol F. Rambadt, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Mayer, Ludders, Lampe, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: Austermann

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, City Grant Writer, CEO Sturgis Hospital, City Clerk

Minutes of the previous scheduled meeting held on Wednesday January 9, 2002 were approved as presented.

Jim Vicalvi, 306 N. Lakeview, addressed the City Commission in regards to the holiday lighting that is still on around City Hall. The City Manager said the lighting would be taken care of.

Audrey Jensen, 1401 E Hatch, addressed the City Commission in regards to the profits of the electric department and the service fees for utilities. The City Manager explained that there was a net profit this year totaling $376,952.00 compared to a loss in 1997-1998 of more than $585,000.00, a loss in 1998-1999 of more than $2,000,000.00, and a profit in 1999-2000 of $164,000.00 after increases. Commissioner Lampe explained that Sturgis industry customers had traditionally paid more than their fair share and that now Sturgis residential customers are paying their fair share. Mayor Murphy explained that the current profit is a small percentage of the operating costs of the utility and that the rates are lower than many surrounding communities.

Ed Brooks, Three Rivers, of American Electric Power described the work being done on the Tree Trimming efforts related to safeguarding the power lines. The fee for this service averages around $1.00 per month, which is lower than most surrounding communities. The line clearing should be completed by the end of March.
Moved by Comm. Harmon and seconded by Comm. Littman to award the bid for a 2002 Insulated Bucket Truck for the Department of Public Works, Electric Line Department to Altec Industries, Inc., Indianapolis, Indiana in the amount of $122,550.00.  
*Voting yea: Eight  Voting nay: None  Absent: Austermann  MOTION CARRIED*

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to award the bid for two Skag Turf Tiger Mowers for Cemetery Department to Goshen Farm and Lawn, Goshen, Indiana in the amount of $15,424.98.  
*Voting yea: Eight  Voting nay: None  Absent: Austermann  MOTION CARRIED*

Robert J. LaBarge, CEO of Sturgis Hospital, presented a proposal to remodel the Sturgis Hospital Fitness Center for use as a specialty clinics / oncology office with space for Dr. Griffin and Dr. Kotia.  Mr. LaBarge explained that Bronson Methodist Hospital will fund $250,000.00 of this project, based on their affiliation agreement with Sturgis Hospital.  
The total projected cost of this project is $300,900.00.  Therefore, only $50,900 of Sturgis Hospital funds will be required for this project.  

Moved by Comm. Haas and seconded by Comm. Harmon to approve the renovation of the Sturgis Hospital Fitness Center for use as a specialty clinics / oncology offices with offices for Dr. Griffin and Dr. Kotia for an amount not to exceed $300,900.00.  
*Voting yea: Eight  Voting nay: None  Absent: Austermann  MOTION CARRIED*

Discussion was held regarding the possibility of establishing a park on Galyn Street.  

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

**RESOLUTION**

WHEREAS, the City of Sturgis owns a parcel of property adjacent to the northwest corner of Sturgis City Subdivision No. 1; and  
WHEREAS, the City Commission has determined that the parcel of property could be utilized as a public park for recreational opportunities within the neighborhood in which the parcel is located; and  
WHEREAS, the City Commission wishes to dedicate and accept said parcel as a public park;  

NOW, THEREFORE, BE IT RESOLVED that the following described parcel of property is hereby dedicated and accepted as a public park within the City of Sturgis:  
Commencing at the Southeast Corner of Lot 5 of Krueger’s Addition, which is the Point of Beginning; Thence running along the North line of Galyn Street along the following 4 courses; Thence S 89º 25’ 06” E, 49.88 feet; Thence Southeasterly along a 350 foot radius curve to the right an arc distance of 73.41 feet; Thence Easterly along a 290 foot radius curve to the left an arc distance of 60.77 feet; Thence S 89º 25’ 05” E, 26.37 feet to the Southwest corner of Lot 7
of the Sturgis City Subdivision recorded at the St. Joseph County Register of Deeds on Liber 6, pages 181 & 182; Thence N 00º 41’ 59” E, 132.15 feet to the Northwest corner of said Lot 7; Thence N 89º 40’ 57” W, 209.48 feet along the Southerly line of “Amended Plat of Lots 7, 8, 9, 10, & 11 of Eastland Estates” to the East line of Lot 5 of Krueger’s Addition; Thence S 00º 41’ 55” W, 117.30 feet along the East line of said Lot 5 to the Point of Beginning.

**BE IT FURTHER RESOLVED** that the park shall be known as “Galyn Park” until such time as the City Commission shall modify the name of the park.

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

**Voting nay:** Lampe, Littman, Harmon, Sunday-Horstman, Mayer

**Absent:** Austermann

RESOLUTION DEFEATED

Lisa Miller, City of Sturgis Grants Writer, outlined the grants that are pending, those that are being researched, and the process of applying for and obtaining a grant.

Moved by Comm. Lampe and seconded by Comm. Mayer to adopt the following resolution:

**RESOLUTION**

**WHEREAS,** the City of Sturgis will apply for an MDOT Economic Development Fund Grant to improve Clark Street and,

**WHEREAS,** the Grant Application will request funds for new construction of Clark Street and,

**WHEREAS,** the City of Sturgis, Michigan will maintain the new Clark Street and,

**WHEREAS,** the City Commission of Sturgis agrees and approves the execution of the Grant Application by the City of Sturgis, Michigan and the Michigan Department of Transportation for the purpose of attaining a Federal Grant for the development of Clark Street,

**BE IT FURTHER RESOLVED,** that the City Manager of the City of Sturgis, Michigan, is hereby authorized and directed to execute said Grant Agreement electronically for $419,000 and participate in a local match requirement of $110,535 on behalf of the City of Sturgis, and the City Clerk is hereby authorized and directed to impress the official seal to attest to said execution.

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

RESOLUTION

ADOPTED

Nominations were accepted to appoint a member to the Cemetery Board to fill the unexpired term of Robert Magness, term to expire in May, 2004.


Moved by Comm. Sunday-Horstman and seconded by Comm. Harmon to cast a unanimous ballot for Francis Losinski.

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

MOTION CARRIED

Francis Losinski was appointed to the Cemetery Board, term to expire in May, 2004.
Nominations were accepted to appoint two (2) new members to the Library Board, term to expire in May, 2007.
Comm. Ludders nominated Patricia LaBarge.
Comm. Haas nominated Carol Wallman.
Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to cast a unanimous ballot for Patricia LaBarge and Carol Wallman.
**Voting yea: Eight    Voting nay: None    Absent: Austermann**  
PATRICE LAHR CARRIED  
Patricia LaBarge and Carol Wallman were appointed to the Library Board, term to expire in May, 2007.

Moved by Comm. Littman and seconded by Comm. Harmon that the City bills in the amount of $1,433,702.36 be paid.
**Voting yea: Eight    Voting nay: None    Absent: Austermann**  
MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Harmon that the Hospital bills in the amount of $560,945.96 be ratified.
**Voting yea: Eight    Voting nay: None    Absent: Austermann**  
MOTION CARRIED
Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to hold a public hearing on Wednesday, February 13, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall regarding the Clark Street Infrastructure Project.

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

By consensus, the Commission approved the release of the Community Development Block Grant funds in the amount of $4,800.00.

City Manager commended Century Bank for the lease interest rate of 4.895% on the new fire truck. He also commended John Hayes on the receipt of the $800,000.00 grant.

City Manager set the date for the next Boards and Commission meeting for March 21, 2002 at 6:00 p.m. at the Sturges-Young Auditorium.

Mayor Murphy read the thank you letter from Carol Rambadt. He also read a letter from the Mayor of Wiesloch.

The meeting was adjourned at 9:04 p.m.

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Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Manager, City Controller, City Library Director, DDA Director, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, City Grant Writer, CEO Sturgis Hospital, CFO Sturgis Hospital, City Clerk

Minutes of the previous scheduled meeting held on Wednesday January 23, 2002 were approved as presented.

Al Kuhlman, 213 Virginia Ave, commented on the Zoning Board of Appeals rulings as they relate to signs. He explained that the board was trying to compromise.

The City Manager introduced the new Library Director, Susan Wess.

The City Manager brought the Commission up to date regarding the water main break and sewer backup on January 26, 2002. He explained the new state statute that relates to such an occurrence. Approximately 35 homeowners were affected. By consensus, the Commission agreed to work with citizens to pay their bills related to the backup.

A Public Hearing was held on the City’s $800,000 Community Development Block Grant (CDBG) for the relocation of Clark Street. The Director of Economic Development read letter from the owner of Sturgis Molded Products in regards to their plans for expansion.
Moved by Comm. Lampe and seconded by Comm. Ludders to adopt the following resolution:

RESOLUTION

WHEREAS, the City of Sturgis desires to extend water and sanitary sewer utilities to the 15 acre parcel known as the Sturgis Molded Products Property, which is part of the Sturgis Industrial Park; and
WHEREAS, the City of Sturgis desires to finance this project with an $800,000 Community Development Block Grant Loan; and
WHEREAS, the City of Sturgis believes this project to be consistent with the local community development plan as described in the Application; and
WHEREAS, to the maximum extent feasible, this proposed project would principally benefit low and moderate income persons; and
WHEREAS, local funds and any other funds to be invested in the project have not been expended and will not be expended prior to a formal grant award, completion of the environmental review procedures and a formal written authorization to incur costs from Business Finance.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis City Commission hereby grants local authorization to the City of Sturgis administration to submit a Michigan CDBG Application; and
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Sturgis City Commission hereby designates City Manager Jerome Kisscorni as the person authorized to sign the Application Forms.

Voting yea: Nine     Voting nay: None     RESOLUTION ADOPTED

Michael Vance, City Controller, presented the audited Financial Statements for the Fiscal year ending September 30, 2001. Michael Wilson, auditor with Norman and Paulsen, detailed his firm’s work involved with the audit. Mr. Wilson noted that the City millage rate is lower than most comparable communities.

Harry VanMunster, CFO of Sturgis Hospital, presented the Sturgis Hospital audited Financial Statements for the fiscal year ending September 30, 2001. Pat Horan, auditor with Plante and Moran, detailed his firm’s work involved with the audit.

Kim Musolff, DDA Director, provided the Downtown Development Authority Annual Report and an update of their activities.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to set a Public Hearing for the adoption of a proposed ordinance amending the boundaries of the Downtown district to be held in the Wiesloch Raum of City Hall located in Sturgis, Michigan on March 13, 2002 at 7:30 p.m.

Voting yea: Nine     Voting nay: None     MOTION CARRIED

By consensus, the Commission agreed to develop review a plan for possible implementation of a Community Promotion Campaign, for consideration at a future
Commission meeting.

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

By consensus, the Commission agreed to accept the resignation of Robert Magness from the Library Board and that a letter of appreciation be sent.

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $585,603.91 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,221,919.57 be ratified.

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

The Boards and Commission meeting will be rescheduled for April 11, 2002 at 6:00 p.m. at the Sturges-Young Auditorium.

The sign ordinance will be reviewed.

By consensus, the Commission agreed to accept the resignation of Larry Franks from the Planning Board, the Economic Development Corporation, and the Sturgis Improvement Association and that a letter of appreciation be sent.

Mayor Murphy requested that the Commission return the City Manager evaluation forms by the end of the month.

The meeting was adjourned at 10:30 p.m.

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*Kenneth D. Rhodes, City Clerk*
REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, FEBRUARY 27, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: Lampe, Ludders

Also present: City Manager, City Controller, DDA Director, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, City Electric Department Superintendent, Chief of Police, City Clerk

Minutes of the previous scheduled meeting held on Wednesday February 13, 2002 were approved as presented.

Voting yea: Seven Voting nay: None Absent: Lampe, Ludders MOTION CARRIED

John Dobberteen, County Commissioner, provided an update on St. Joseph County activities, including a prescription drug program and the transportation authority.

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

RESOLUTION
WHEREAS, the City of Sturgis owns and operates an Electric Department which maintains certain poles and other equipment for use by the Electric Department; and
WHEREAS, the City has permitted, and intends to continue to permit, other parties to attach cables, wires and appliances to its poles where, in the sole judgment of the City, such use will not interfere with the City's own service requirements; and
WHEREAS, the City has revised a Pole Attachment Agreement, with supporting exhibits, draft copies of which are attached hereto and incorporated herein by reference ("Pole Attachment Agreement"); and
WHEREAS, the City Commission has determined that it is in the best interest of the City to enter into Pole Attachment Agreements with parties attaching cables, wires and appliances to its electric poles;
NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to enter into Agreements with various parties, in his sole discretion, provided said
Agreements are substantially in conformity with the Pole Attachment Agreement. Voting yea: Seven Voting nay: None Absent: Lampe, Ludders  RESOLUTION ADOPTED

City Manager, Electric Department Superintendent, and Jad Donaldson of Titanium Solutions provided an update on the City’s Metropolitan Area Network (MAN) and Initial Digital Services Offering (IDSO). Discussion followed.

Gary Black, RGB Network Services, commented on his firm’s involvement with the MAN.

Newell Franks, Burr Oak Tool, commented on his firm’s and the City’s past and current involvement with the MAN.

By consensus, the Commission agreed to continue to review deployment of the Metropolitan Area Network

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to appoint a Project Review Committee and to approve the Project Review Committee By-laws as follows:

**Membership:** The Project Review Committee will consist of five (5) members, with (3) three members being appointed by the Sturgis City Commission. A member will be appointed from the City Commission, the Planning Board, and one member a Sturgis City resident at-large, who will serve a three (3) year term. The two other members will be non-voting City staff, designated by the City Manager. City staff will record the minutes of the meetings and maintain appropriate records.

**Duties:** The Project Review Committee will review, then approve or deny all application requests for the Home Appeal Investment Fund. Projects may only be denied based on design elements of the individual project once eligibility and all other requirements of the Home Appeal Investment Fund are met. The Project Review Committee may approve projects contingent upon specific adjustments to the project. The Project Review Committee will also review all nominations and decide the recipient of the Good Landlord Award. The Project Review Committee will base their award decision on the nominations and character of the landlord’s rental properties. The Project Review Committee will approve the specific project for the Good Landlord Award and have authority to approve or deny the project, or approve projects contingent upon adjustments to the projects. The Project Review Committee may also be assigned to review other housing-related projects and assignments upon approval of the Sturgis City Commission.

**Resources:** City staff will provide the Project Review Committee with appropriate information. The Project Review Committee may
request specific information and opinions from staff on building and zoning codes, professional design standards, etc.

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

By consensus, the Commission agreed to approve the 2002 City Commission Priorities with the addition of the City Commissioner’s names and phone numbers.

By consensus, the Commission agreed to allow Trinity Lutheran Church to hold their annual Good Friday Cross Walk on March 29th

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to allow Holy Angels Church to perform a dramatization of the passion of Christ on Good Friday, March 29th subject to approval of all parties.

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

Moved by Comm. Haas and seconded by Comm. Harmon to adopt the following resolution, with the addition of Middle School on West Street to be included in the map boundaries:

**RESOLUTION**

**BE IT RESOLVED,** that the Commission for the City of Sturgis:

1. Determines that it is necessary for the best interest of the Public to halt property value deterioration and increase property tax valuation where possible in the Central Business District of the City of Sturgis; to eliminate the causes of that deterioration; and to promote economic growth in said district.
2. Declares its intention to amend the boundaries of the Downtown district established by ordinance pursuant to Michigan Public Act No. 197 of 1975.
3. Sets the date for the holding of a public hearing on the adoption of a proposed ordinance amending the boundaries of the Downtown district, said hearing to be held in the Wiesloch Raum of City Hall located in Sturgis, Michigan on March 27, 2002 at 7:30 p.m.
4. Directs that notice of the public hearing shall be published twice in a newspaper of general circulation of the City of Sturgis, not less than 20 nor more than 40 days before the date of the hearing.
5. States that notice shall also be mailed to the taxpayers of record in the new proposed district and to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the amended boundaries are approved not less than 20 days before the hearing.
6. Directs the notice of the hearing shall be posted in at least 20 conspicuous and public places in the new proposed district not less than 20 days before the hearing.
7. Declares that all notices shall state the date, time and place of hearing, and shall describe the new proposed boundaries of the Downtown district.
8. States that any citizens, taxpayer, property owner of the City of Sturgis, or an official from a taxing jurisdiction with Millage that would be subject to capture, shall have the right to be heard in regard to the establishment of the Authority and the proposed boundaries of the Downtown district at said public hearing.
9. Indicates that the proposed boundaries of the Downtown district in the City of Sturgis will be shown in the attached drawing and description, which is incorporated into this Resolution by reference thereto, and further being subject to provisions of P.A. 197 of 1975, which states, in part, that “the governing body of a municipality shall not incorporate land into the Downtown district not included in the description contained in the notice of public hearing, but it may eliminate described lands from the downtown district in the final determination of the boundaries.”

Voting yea: Seven Voting nay: None Absent: Lampe, Ludders RESOLUTION ADOPTED
Moved by Comm. Sunday-Horstman and seconded by Comm. Mayer to set a Public Hearing date of March 13, 2002 at 7:30 pm in the Wiesloch Raum of City Hall to consider granting an Industrial Facilities Exemption Certificate to Vulcan Industries.  

Voting yea: Seven    Voting nay: None    Absent: Lampe, Ludders  
MOTION CARRIED

Mayor Murphy accepted nominations to appoint a member to the Economic Development Board and Brownfield Redevelopment Authority to fill the unexpired term of Larry Franks.  
Moved by Comm. Haas and seconded by Comm. Mayer to nominate Brian McConnell.  
Moved by Comm. Haas and seconded by Comm. Mayer to appoint Brian McConnell to the Economic Development Board and Brownfield Redevelopment Authority to fill the unexpired term of Larry Franks, term to expire May 2006.  
Voting yea: Seven    Voting nay: None    Absent: Lampe, Ludders  
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,270,666.18 be paid.  
Voting yea: Seven    Voting nay: None    Absent: Lampe, Ludders  
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $705,174.62 be ratified.  
Voting yea: Seven    Voting nay: None    Absent: Lampe, Ludders  
MOTION CARRIED

Francis Losinski, 809 Nottingham, inquired as to why the Police Department does not perform traffic control for funeral services. The Chief of Police explained that traffic control is performed when requested, for a fee.

Assistant City Manager reported that the community seemed pleased with the housing survey, with an approximate return rate of thirty percent.

City Manager commended the Chief of Police on his work with the courts on a fee schedule.

City Manager explained that a meeting regarding temporary signs was held with the public and a committee was formed.

Director of Economic Development explained that he has joined with a four county group to apply for a planning grant related to a broadband network.

Chief of Police presented to the City Commission the award for excellence in traffic safety, sponsored by the Michigan Association of Chiefs of Police presented to the Sturgis Police Department, which includes a $4,000.00 grant.

Chief of Police explained that the department has been awarded a thermal imager valued
at $18,000.00

Comm. Austermann explained that the Ambulance Committee approved the extension of the Mercy contract.

Comm. Harmon would like to have future bids include all costs related to the bid.

Comm. Sunday-Horstman requested that a statement about public hearings be included in a the Sturgis Wire.

Mayor Murphy commended the City Manager and staff. on the meeting regarding the temporary signs.

Mayor Murphy set the date of the Mayor’s exchange with Dowagiac for May 14, 2002.

The meeting was adjourned at 10:04 p.m.

_________________________
Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.
The Pledge of Allegiance was said by all present.
Commissioners present: Austermann, Mayer, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: Lampe
Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, City Electric Department Superintendent, Chief of Police, City Clerk
Minutes of the previous scheduled meeting held on Wednesday February 27, 2002 were approved as amended.
Jim Vicalvi, 306 N. Lakeview, inquired as to the cable television agreement for the City.
Judge Thomas Shumaker commented on Parenting Awareness Month.
Moved by Comm. Ludders and seconded by Comm. Harmon to adopt the following resolution:

RESOLUTION

WHEREAS, the most precious and valuable asset of our City is all our children, and the future of our society depends largely on the emotional, physical, and intellectual growth of these most vulnerable individuals; and
WHEREAS, March is Parenting Awareness Month in the State of Michigan; and is to draw public attention to critical importance of parenting in helping children to become healthy, caring, and contributing children; and
WHEREAS, Parenting Awareness Month seeks to promote education and resources for developing parenting skills throughout the year; and especially locally through parenting networking; and
WHEREAS, successful parenting can add stability and strength to our children’s lives and help reduce social problems such as substance abuse, teenage pregnancy, violence, unemployment, poverty, and crime; and
WHEREAS, providing and promoting parenting education and resources for developing parenting skills will contribute greatly to the improved quality of life for our children and will benefit all the residents of the City of Sturgis; and
RESOLVED, that the City of Sturgis declares March 2002 as Parenting Awareness Month in the City of Sturgis; and

BE IT FURTHER RESOLVED, that the City of Sturgis supports all efforts and resources, particularly local, that promote, encourage, support, and educate the community on parenting issues; and

BE IT FINALLY RESOLVED, that the City of Sturgis upholds the vision that every person, everywhere, everyday understands their responsibility in raising our children.

Voting yea: Eight  Voting nay: None  Absent: Lampe  RESOLUTION
ADOPTED

Public hearing on issuing an Industrial Facilities Exemption Certificate was held. Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed $379,500 be awarded to Vulcan Industries, Inc. for a period of twelve (12) years, with an ending date of December 31, 2015, 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, and

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

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

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

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

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years with an ending date of December 31, 2015.

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

Voting yea: Commissioners: Austermann, Mayer, Ludders, Haas, Sunday-Horstman, Littman, Harmon, Mayor Murphy
Voting nay: None  Absent: Lampe  RESOLUTION
ADOPTED
Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to adopt the following resolution:

**RESOLUTION**

*WHEREAS*, the City of Sturgis approved a Housing Improvement Plan on September 26, 2001; and

*WHEREAS*, the Housing Improvement Plan determined a need for focused efforts in conserving and rehabilitating housing within Sturgis; and

*WHEREAS*, the Housing Improvement Plan also determined a need for affordable homeownership opportunities within the local housing market; and

*WHEREAS*, the City of Sturgis seeks application from the Michigan State Housing Development Authority MSHDA for Homebuyer Assistance; and

*WHEREAS*, the Homebuyer Assistance grant application requests $120,000 in funding to acquire, develop, and resell (2) two homes for owner-occupied single-family residence; and

*NOW, THEREFORE, BE IT RESOLVED* that the City of Sturgis City Commission hereby grants local authorization to the City of Sturgis administration to submit an application to MSHDA for Homebuyer Assistance; and

*NOW, THEREFORE, BE IT FURTHER RESOLVED*, that the City of Sturgis City Commission hereby designates City Manager Jerome Kisscorni as the person authorized to sign the Application Forms.

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

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

**RESOLUTION**

*WHEREAS*, the Stapleton Industrial Park, a plat within the City of Sturgis, was approved on December 12, 1990 by the City of Sturgis and all streets within said plat were dedicated for public use; and

*WHEREAS*, it is necessary to furnish certain information to the State of Michigan to place this plat within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended; and

*NOW THEREFORE BE IT RESOLVED:*

1. That said streets are located within a City right-of-way and are under the control of the City of Sturgis.
2. That said streets are public streets and are for public street purposes.
3. That said streets are accepted into the City Local Street System.

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

John Griffith, City Department of Electric Superintendent, explained the Energy Audit Program administered by the Electric Department. Mitch Boucher and Mike Halbeisen, of The Energy Concern, detailed their firm’s involvement in the program.

By consensus the City Commission approved the implementation of the Energy Audit Program, administered by the electric department.
Discussion was held on the possible use of steel power poles vs. wood poles. John Griffith, City Department of Electric Superintendent, presented an initial plan as to how steel poles might be utilized.

Discussion was held on the options to sell the Fire Departments old ladder truck. Moved by Comm. Harmon and seconded by Comm. Austermann to sell the Fire Department’s old ladder truck to a local industrialist for $7,500.00.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to allow the American Legion Post 73 to close Chicago Road for the annual Memorial Day Parade.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to set a public hearing date of March 27th, 2002, at 7:30 p.m. in the Wiesloch Raum of City Hall, on the City’s grant application to the Michigan State Housing Development Authority (MSHDA) for The Homebuyer Assistance Program.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the City bills in the amount of $863,112.50 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $792,307.77 be ratified.

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

Director of Economic Development explained that the E.D.C. has heard requests for use of C.D.B.G Revolving Loan Funds by Gravi-Flo and Johnson Precision Mold.

Moved by Comm. Sunday-Horstman and seconded by Comm. Harmon to set a public hearing date of March 27th, 2002, at 7:30 p.m. in the Wiesloch Raum of City Hall, on the requests for use of C.D.B.G Revolving Loan Funds by Grav-I-Flo and Johnson Precision Mold.

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

City Attorney commented there is no legal prohibition to the request of Holy Angels to use to the cemetery for their Passion of Christ demonstration.

City Manager set the upcoming budget workshop meetings, detailed as follows:
April 1, 2002, at 7:00 p.m. in the Wiesloch Raum of City Hall;
April 15, 2002, at 7:00 p.m. in the City Hall Conference Room;
April 22, 2002, at 7:00 p.m. in the City Hall Conference Room;
April 25, 2002, at 7:00 p.m. in the City Hall Conference Room;
April 29, 2002, at 7:00 p.m. in the City Hall Conference Room;
May 1, 2002, at 7:00 p.m. in the City Hall Conference Room.

City Manager provided an update on the sewer backup.

City Manager presented a letter regarding the Ross Products Division Helpful Ally Award, which was awarded to George Musolff.

City Manager explained that the City Commissioners and staff will go over to Sturgis High School on April 12, 2002 to speak with the students regarding city government.

Moved by Comm. Haas and seconded by Comm. Ludders to allow the Exchange Club to place blue ribbons on downtown street lights, in order to raise public awareness about National Child Abuse Prevention Month, for the month of April, 2002, and to hold a fundraiser, with a chicken barbecue, on April 19, 2002 from 11:00 a.m. to 7:00 p.m., in either a bay of the Fire Department or a parking lot located on the south side of the Police Department.

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

Moved by Comm. Mayer and seconded by Comm. Sunday-Horstman to retain the audio tape of the City Commission meetings for a period of six months.

Voting yea: Mayer, Ludders, Sunday-Horstman, Littman, Harmon, Mayor Murphy
Voting nay: Haas, Austermann  
MOTION CARRIED

RESOLUTION

Moved by Mayor Murphy and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss the City Manager review.

Voting yea: Mayer, Ludders, Sunday-Horstman, Haas, Littman, Harmon, Austermann, Mayor Murphy
Voting nay: None Absent: Lampe  
MOTION CARRIED

The meeting was recessed at 8:32 p.m.
The meeting reconvened at 10:30 p.m.

The meeting was adjourned at 10:31 p.m.
Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, March 27, 2002:

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MARCH 27, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Lampe, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, City Controller, DDA Director, Information Technology Director, Chief of Police, City Clerk

Minutes of the previous scheduled meeting held on Wednesday March 13, 2002 were approved as amended.

<table>
<thead>
<tr>
<th>Action Item</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to award the bid for computers for the Police Department and the Library to Dell, Inc, Round Rock, Texas in the amount of $24,652.00</td>
<td>Voting yea: Nine  Voting nay: None  Absent: None  MOTION CARRIED</td>
</tr>
<tr>
<td>Moved by Comm. Lampe and seconded by Comm. Ludders to allow the purchase of new handguns through the State of Michigan Extended Purchasing Program, less trade-in value for $11,543.75.</td>
<td>Voting yea: Nine  Voting nay: None  Absent: None  MOTION CARRIED</td>
</tr>
<tr>
<td>A Public Hearing was held on the City’s grant application to the Michigan State Housing Development Authority for funding under the Homebuyer Assistance Program.</td>
<td>--------------------------</td>
</tr>
<tr>
<td>A Public Hearing was held on a proposed Ordinance amending the boundaries of the Downtown Development Authority.</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Moved by Comm. Lampe and seconded by Comm. Mayer to allow Ross Labs to use public right-of-way for the replacement of a wastewater force main</td>
<td>Voting yea: Nine  Voting nay: None  Absent: None  MOTION CARRIED</td>
</tr>
</tbody>
</table>

Chief Alli presented the Sturgis Police Department Annual Report. Discussion followed.
Moved by Comm. Lampe and seconded by Comm. Austermann to approve the storm sewer utilization agreement between the City of Sturgis and Newell Rubbermaid, Inc.

| Voting yea: Eight | Voting nay: None | Abstain: Haas | MOTION CARRIED |

Moved by Comm. Haas and seconded by Comm. Ludders to approve the Airport Lease Agreement between the City of Sturgis and John and Kelly Bartelt

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

Nominations were accepted to appoint one resident at large to the new Project Review Committee, term to expire in May, 2003.
Moved by Comm. Sunday-Horstman and seconded by Comm. Littman to cast a unanimous ballot for Kurt Esseltine, and to appoint Comm. Mayer from the City Commission and Tim Peterson from the Planning Board to the Project Review Committee.

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

Kurt Esseltine was appointed to the Project Review Committee, term to expire in May, 2003.

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,368,291.21 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,102,523.16 be ratified.

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

The Mayor’s Exchange in Dowagiac was rescheduled from May 14, 2002 to May 9, 2002. The representatives from Dowagiac will be coming to Sturgis on May 17, 2002.

The City Commission will meet with the Planning Board on April 2, 2002, at 6:30 p.m. in the Wiesloch Raum of City Hall, 130 N. Nottawa, Sturgis, MI 49091.

A public hearing was held on the request for use of C.D.B.G Revolving Loan Funds by Grav-I-Flo.

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to allow the release of C.D.B.G. Revolving Loan Funds in the amount of $110,000.00 to Grav-I-Flo.

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

Mayor Murphy explained that the annual City Manager review will take place at the next City Commission meeting on April 10, 2002. He requested that the City Commission return their evaluation forms to the Mayor by April 2, 2002.

Mayor Murphy departed and turned the meeting over to Vice Mayor Sunday-Horstman at 8:22.

By consensus, the City Commission approved that the City Attorney will pursue a foreclosure by advertisement of the mortgage for the Sturgis Newport facility.
The City Manager reminded the City Commissioners that they will go to Sturgis High School on April 12, 2002 to speak with the students regarding city government.

The meeting was adjourned at 8:50 p.m.

_________________________
Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, April 10, 2002:

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 10, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Lampe, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, DDA Director, Director of Parks and Recreation, Electric Department Superintendent, Deputy Chief of Police, City Clerk

Minutes of the previous scheduled meeting held on Wednesday March 27, 2002 were approved as presented.

David Pelfrey, 107 Farwell, would like to start a neighborhood watch program. Discussion followed. Mr. Pelfrey will speak to the Sturgis Police Department and obtain more information. No action was taken at this time.

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to award the bid for Underground Electrical Construction for the Sturgis City Subdivision 2 to Newkirk Electric Associates, Muskegon, MI, in the amount of $41,250.00.
Voting yea: Nine   Voting nay: None    Absent: None    MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Mayer to award the bid for 35/4 and 40/4 Western Red Cedar Utility Poles to Thomasson Lumber, of Philadelphia, Mississippi, for $225.75 and $291.90 per pole respectively.
Voting yea: Nine   Voting nay: None    Absent: None    MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon to reschedule the tree installation bids for the Parks & Forestry Department to include both the spring and fall planting.
Voting yea: Nine   Voting nay: None    Absent: None    MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to table the issue of the construction of underground utilities in the street right-of-way until the City Commission meeting on April 24, 2002, in the Wiesloch Raum of City Hall.
Voting yea: Nine   Voting nay: None    Absent: None    MOTION CARRIED
A public hearing will be held to discuss the issue of construction of underground utilities in the street right-of-way in the Wiesloch Raum of City Hall, at 7:30 p.m. on April 24, 2002.

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstmans to approve a Digital Services Agreement between the City of Sturgis and Burr Oak Tool and Gauge Company.

| Voting yea: Eight | Voting nay: None | Abstain: Haas | MOTION CARRIED |

John Fisher, Lawson, Fisher and Associates, provided information related to the relicensing of the hydroelectric project.

Moved by Comm. Ludders and seconded by Comm. Lampe to approve an Offer of Settlement between the City of Sturgis, the Michigan Department of Natural Resources, and the United States Fish and Wildlife Service.

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

Moved by Comm. Sunday-Horstmans and seconded by Comm. Haas to approve the Airport Lease and Usage Agreements and Addenda recommended by the Airport Advisory Committee at their meeting on March 19, 2002.

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

Moved by Comm. Lampe and seconded by Comm. Austermann to allow Bartelt Aviation to hold the Michigan Antique Model Airplane Club Summer Contest at Kirsch Municipal Airport on June 15th & 16th, 2002.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to set a public hearing date of April 24th, 2002, at 7:30 p.m. in the Wiesloch Raum of City Hall, on the request of MBJ Investments for an easement and vacating one parking space located behind 220 W. Chicago Road.

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

The Mayor proclaimed April 2002 as Child Abuse Prevention Month.

The City Manager distributed and highlighted the proposed Fiscal Year 2002-03 Budget to the City Commission.

Moved by Comm. Austermann and seconded by Comm. Harmon that the City bills in the amount of $561,959.69 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,297,349.39 be ratified.

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

City Attorney reported that he has obtained a written title insurance commitment for the Sturgis Newport property, and will now proceed with the pursuit of a foreclosure by advertisement for the mortgage.
Moved by Comm. Lampe and seconded by Comm. Harmon to approve the transfer of the Class C/SDM with Dance/Entertainment Permit, the On Premise Food Permit, and the Additional Officer Permit for John Hiner at 111-113 West Chicago Road.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the transfer of the Liquor License for V.F.W. Post 1355, from 1426 South M-66 to 264 West Fawn River Road.

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

Mayor Murphy accepted nominations to appoint a member to the Sister City Committee.

Moved by Comm. Haas and seconded by Comm. Ludders to nominate Cheryl Yunker.

Mayor Murphy closed the nominations.

Moved by Comm. Harmon and seconded by Comm. Lampe to appoint Cheryl Yunker to the Sister City Committee, term to expire May 2005.

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

The Mayor informed the City Commission that Franks Park would be dedicated on April 19, 2002 at 4:45 pm followed by a girls’ soccer game.

The Mayor informed the City Commission that the Christian Fellowship Center would be dedicated on April 21, 2002 at 4:00 pm.

| RESOLUTION              |

Moved by Comm. Lampe and seconded by Comm. Ludders to recess under the Open Meetings Act to perform the City Manager annual review.

| Voting yea: Austermann, Mayer, Lampe, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy | Voting nay: None | MOTION CARRIED |

The meeting was recessed at 9:25 p.m.
The meeting reconvened at 11:33 p.m.

The meeting was adjourned at 11:34 p.m.

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*Kenneth D. Rhodes, City Clerk*
The following is an unapproved draft of the minutes taken at the special meeting held on Wednesday, April 17, 2002:

SPECIAL MEETING - STURGIS CITY COMMISSION
WEDNESDAY, APRIL 17, 2002
WIESLOCH RAUM - CITY HALL

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

Commissioners present: Austermann, Mayer, Lampe, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Controller, Assistant City Manager, Director of Economic Development, Electric Department Superintendent, City Clerk

Director of Economic Development presented information related to the grant application for the Municipal Area Network (MAN).

Electric Department Superintendent presented detailed information related to costs of the MAN.

Gary Black of RGB Network Services presented information related to the state of high speed internet access in Michigan.

Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Haas to submit the grant application for assistance to construct a Metropolitan Area Network (MAN) to the U.S. Department of Commerce, Economic Development Administration, Chicago Regional Office.

**Voting Yea : Austermann, Mayer, Lampe, Ludders, Haas, Harmon, Sunday-Horstman, Mayor Murphy**

**Voting Nay : Littman**

MOTION CARRIED

The meeting was adjourned at 10:01 p.m.

_________________________
Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Lampe, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Commissioners absent: Mayer

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

Minutes of the previous scheduled regular meeting held on Wednesday April 10, 2002 were approved as amended.

Minutes of the previous scheduled special meeting held on Wednesday April 17, 2002 were approved as presented.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to award the bid for Used Firearms from the Police Department to John Gould of Chesaning, MI in the amount of $3,750.00. Voting yea: Eight Voting nay: None Absent: Mayer MOTION CARRIED

A public hearing was held on the request of MBJ Investments for an easement and vacating one parking space located behind 220 W. Chicago Road.
RESOLUTION

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to allow MBJ Investments an easement and to vacate one parking space located behind 220 W. Chicago Road and more fully described as an area of land located in the Southwest Quarter of Section 1, in Town 8 South, Range 10 West, Sturgis Township, St. Joseph County, Michigan more particularly described as follows:

COMMENCING at the Northeast corner of Lot 5 of Block 33 of the Original Plat of Sturgis, said corner being the POINT OF BEGINNING; THENCE Southerly along the east line of said Lot 5, 17.00 feet; THENCE Westerly parallel to the north line of said Lot 5, 32.00 feet; THENCE Northerly parallel with said east line of said lot 5, 17.00 feet to the north line of said Lot 5; THENCE Easterly along said north line, 32.00 feet to the POINT OF BEGINNING.

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

A public hearing was held to discuss the issue of construction of underground utilities in the street right-of-way.

Moved by Comm. Haas and seconded by Comm. Ludders allow the construction of underground utilities in the street right-of-way for City Subdivision II.

Voting yea: Seven  Voting nay: Lampe  Absent: Mayer  MOTION CARRIED

Chief Mike Houck presented the Fire Department’s Annual Report.

Director Doug Smith presented the Doyle Community Center and Parks and Recreation Annual Report.

The City Commission discussed the idea of joining the St. Joseph County Economic Development Corporation.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to join the St. Joseph County Economic Development Corporation with an annual review.


Moved by Comm. Harmon and seconded by Comm. Sunday-Horstman to allow the Sturgis Ministerial Association to hold the annual “National Day of Prayer” gathering at City Hall from 12:30 – 1:00 p.m. on Thursday, May 2, 2002.

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

Moved by Comm. Austermann and seconded by Comm. Ludders to allow the American Legion Auxiliary to hold Poppy Days on May 16, 17, and 18, 2002.

Voting yea: Eight  Voting nay: None  Absent: Mayer  MOTION CARRIED
Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to allow the Sturgis CROP Walk Organization to hold the 2002 CROP Walk on Sunday, April 28, 2002, from 1:00 to 4:00 p.m.

Voting yea: Eight
Voting nay: None
Absent: Mayer

MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Littman to grant the request from the March of Dimes to hold their "Walk America" event on May 5, 2002 at 12:30 p.m. at the Doyle Community Center.

Voting yea: Eight
Voting nay: None
 Absent: Mayer

MOTION CARRIED

Mayor Murphy accepted nominations to appoint a member to the Planning Board.
Moved by Comm. Haas and seconded by Comm. Ludders to nominate Kieth Waltke.
Mayor Murphy closed the nominations.
Moved by Comm. Ludders and seconded by Comm. Lampe to appoint Keith Waltke to the Planning Board, term to expire May 2005.

Voting yea: Eight
Voting nay: None
Absent: Mayer

MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $2,015,151.26 be paid.

Voting yea: Eight
Voting nay: None
Absent: Mayer

MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,219,384.11 be ratified.

Voting yea: Eight
Voting nay: None
Absent: Mayer

MOTION CARRIED


Voting yea: Eight
Voting nay: None
Absent: Mayer

MOTION CARRIED

The first two pickup dates for the Adopt-A-Street program are Saturday, April 27th and Saturday, May 11th.

City Attorney Roger Bird reviewed the transfer of library funds to the foundation.

The City of Sturgis was awarded a grant from the Michigan Department of Transportation in the amount of $114,600.

A joint meeting will be held on May 14th at 5:30 p.m. between the Economic Development Corporation and the Sturgis City Commission.

The meeting was adjourned at 9:35 p.m.
Kenneth D. Rhodes, City Clerk
REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, MAY 8, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Sunday-Horstman, Lampe, Haas, Littman, Harmon, Mayor Murphy

Minutes of the previous regular meeting held on Wednesday, April 24, 2002 were approved as corrected.

Kathy Strang, 614 S. Clay requested permission from the City to hold a fundraiser event at Oaklawn Park on June 16, 2002 to raise donations for Pet Haven in honor of Mary Hahn. Discussion followed.

Kathy will work with Doug Smith, Director of Parks, Forestry and Recreation to have all legal requirements met and will return at the regular City Commission meeting to be held on May 22, 2002 for final approval.

Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to award the low bid for the Tree Planting Project for year 2002 for the Parks and Forestry Department to New Creations Landscape Management, Sturgis, Michigan in the amount of $10,705.30 for "Part A" (spring tree planting project) and in the amount of $9,428.30 for "Part B" (fall tree planting project), contingent upon the approval and allocation of sufficient funding in the next fiscal year forestry budget by the Sturgis City Commission. Voting yea: Nine Voting nay: None MOTION CARRIED

Public hearing on the 2002-03 Fiscal Year Budget was held.

RESOLUTION
Moved by Comm. Haas and seconded by Comm. Ludders that the proposed annual budget for the year 2002-2003, of the City of Sturgis be approved. After holding a public hearing on May 8, 2002 and receiving public comment on the 2002-2003 Budget, the City elects to levy a tax rate below the maximum tax rate authorized of 11.9097 mills after statutory roll-back. The City tax rate for the 2002-2003 fiscal year, to be levied in July 2002, is set at 10.82 mills. The City taxes shall be distributed among City funds as detailed below. The City Manager shall make no transfer between funds without the approval of the City Commission.
<table>
<thead>
<tr>
<th>Fund</th>
<th>Appropriations from</th>
<th>Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City Tax Levy</td>
<td>Revenues</td>
<td>Expenditures</td>
</tr>
<tr>
<td>General</td>
<td>$1,377,604</td>
<td>$6,543,214</td>
<td>$6,318,464</td>
</tr>
<tr>
<td>Major Street</td>
<td>0</td>
<td>579,211</td>
<td>859,604</td>
</tr>
<tr>
<td>Local Street</td>
<td>0</td>
<td>577,087</td>
<td>657,846</td>
</tr>
<tr>
<td>Cemetery</td>
<td>115,000</td>
<td>79,250</td>
<td>252,745</td>
</tr>
<tr>
<td>Building Dept. Fund</td>
<td>50,000</td>
<td>46,000</td>
<td>92,318</td>
</tr>
<tr>
<td>Housing Dept. Fund</td>
<td>100,000</td>
<td>120,000</td>
<td>213,395</td>
</tr>
<tr>
<td>Library</td>
<td>300,000</td>
<td>91,500</td>
<td>446,960</td>
</tr>
<tr>
<td>Auditorium</td>
<td>220,000</td>
<td>344,050</td>
<td>588,843</td>
</tr>
<tr>
<td>Doyle Community Center</td>
<td>40,000</td>
<td>376,900</td>
<td>406,923</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>330,000</td>
<td>88,665</td>
<td>559,330</td>
</tr>
<tr>
<td>D.D.A.</td>
<td></td>
<td>101,933</td>
<td>98,532</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,532,604</strong></td>
<td><strong>$8,947,810</strong></td>
<td><strong>$10,494,961</strong></td>
</tr>
</tbody>
</table>

Voting yea: Nine
Voting nay: None
MOTION CARRIED

**RESOLUTION**

Moved by Comm. Harmon and seconded by Comm. Sunday-Horstman that the following wastewater rates shall go into effect for all billings beginning October 1, 2002, with subsequent increases October 1, 2003 and October 1, 2004, as outlined below and that an automatic annual rate maintenance increase of 3.5% shall be put in place to insure the financial integrity of the Wastewater System. Additionally that all wastewater revenues collected be deposited into the Sewer Fund for the sole purpose of the operations, maintenance, and upgrading of the Sturgis sewer system and Wastewater Treatment Plant.

**CURRENT WASTEWATER COMMODITY CHARGE**
PER 1,000 GALLONS

<table>
<thead>
<tr>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.62</td>
<td>$1.62</td>
</tr>
</tbody>
</table>

**PROPOSED WASTEWATER COMMODITY CHARGE**
PER 1,000 GALLONS EFFECTIVE 10/01/2002

<table>
<thead>
<tr>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.85</td>
<td>$1.85</td>
</tr>
</tbody>
</table>

**PROPOSED WASTEWATER COMMODITY CHARGE**
PER 1,000 GALLONS EFFECTIVE 10/01/2003

<table>
<thead>
<tr>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2.20</td>
<td>$2.20</td>
</tr>
</tbody>
</table>
**PROPOSED WASTEWATER COMMODITY CHARGE**
**PER 1,000 GALLONS EFFECTIVE 10/01/2004**

<table>
<thead>
<tr>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2.55</td>
<td>$2.55</td>
</tr>
</tbody>
</table>

**READINESS TO SERVE CHARGE**
**PER MONTH**

<table>
<thead>
<tr>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.85</td>
<td>$1.85</td>
</tr>
</tbody>
</table>

**DEBT SERVICE CHARGE**
**PER MONTH**

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; Meter</td>
<td>$5.00</td>
<td>$7.50</td>
</tr>
<tr>
<td>3/4&quot; Meter</td>
<td>$8.30</td>
<td>$12.45</td>
</tr>
<tr>
<td>1&quot; Meter</td>
<td>$13.30</td>
<td>$19.95</td>
</tr>
<tr>
<td>1 1/2&quot; Meter</td>
<td>$16.65</td>
<td>$24.98</td>
</tr>
<tr>
<td>2&quot; Meter</td>
<td>$33.30</td>
<td>$49.95</td>
</tr>
<tr>
<td>3&quot; Meter</td>
<td>$50.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>4&quot; Meter</td>
<td>$66.65</td>
<td>$99.98</td>
</tr>
<tr>
<td>6&quot; Meter</td>
<td>$166.65</td>
<td>$249.98</td>
</tr>
<tr>
<td>8&quot; Meter</td>
<td>$300.00</td>
<td>$450.00</td>
</tr>
</tbody>
</table>

**BURR OAK VILLAGE AND UNMETERED CUSTOMERS**

**BURR OAK VILLAGE**

Commodity Charge:
- **Current Charge**: Flow x $1.62 / 1000 gallons.
- **Proposed Charge**:
  - Effective 10-01-2002: Flow x $1.85 / 1000 gallons.
  - Effective 10-01-2003: Flow x $2.20 / 1000 gallons.
  - Effective 10-01-2004: Flow x $2.55 / 1000 gallons.

Readiness to Serve Charge: Based on (1) hook-up @ $1.85 / month

Debt Service Charge: Based on 8" meter @ $450.00 / month

**FLAT RATE CUSTOMERS & Mobile Home Parks**

Commodity Charge: Based on average residential flow @ 7,830 gallons / month x $1.62 / 1000 gallons per unit.
Commodity Charge: Based on average residential flow @ 7,830 gallons / month x $ RATE / 1000 gallons per unit.

Effective Rate 10-01-2002: Flow x $1.85 / 1000 gallons.
Effective Rate 10-01-2003: Flow x $2.20 / 1000 gallons.
Effective Rate 10-01-2004: Flow x $2.55 / 1000 gallons.

Readiness to Serve Charge: Based on per hook-up basis x $1.85

Debt Service Charge: Based on residential unit equivalent (See Debt Service/Month Table)

Extra Strength Surcharges

- BOD 5: $0.30 / lb.
- Suspended Solids: $0.41 / lb.
- Phosphorous: $2.02 / lb.
- Ammonia NH3: $0.39 / lb.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

RESOLUTION

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman that the following water rates shall go into effect for all billings beginning October 1, 2002, with subsequent increases October 1, 2003 and October 1, 2004, as outlined below and that an automatic annual rate maintenance increase of 3.5% shall be put in place to insure the financial integrity of the Water System. Additionally that all water revenues collected be deposited into the Water Fund for the sole purpose of the operations, maintenance, and upgrading of the Sturgis water system.

CURRENT WATER RATES

<table>
<thead>
<tr>
<th>Gallons Per One Month Period</th>
<th>City Water Rates per 1000 gallons</th>
<th>Rural Water Rates per 1000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 15,000</td>
<td>$1.19</td>
<td>$2.38</td>
</tr>
<tr>
<td>Over 15,000</td>
<td>$1.01</td>
<td>$2.38</td>
</tr>
</tbody>
</table>

PROPOSED WATER RATES

Effective October 1, 2002

<table>
<thead>
<tr>
<th>One Month Period</th>
<th>Per 1000 gallons</th>
<th>Per 1000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>$1.45</td>
<td>$2.90</td>
</tr>
<tr>
<td>Over 50,000</td>
<td>$1.23</td>
<td>$2.90</td>
</tr>
</tbody>
</table>
Effective October 1, 2003

<table>
<thead>
<tr>
<th>One Month Period</th>
<th>Per 1000 gallons</th>
<th>Per 1000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>$1.70</td>
<td>$3.40</td>
</tr>
<tr>
<td>Over 50,000</td>
<td>$1.45</td>
<td>$3.40</td>
</tr>
</tbody>
</table>

Effective October 1, 2004

<table>
<thead>
<tr>
<th>One Month Period</th>
<th>Per 1000 gallons</th>
<th>Per 1000 gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>$1.95</td>
<td>$3.90</td>
</tr>
<tr>
<td>Over 50,000</td>
<td>$1.66</td>
<td>$3.90</td>
</tr>
</tbody>
</table>

READYINESS TO SERVE CHARGE
PER MONTH

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot;</td>
<td>$3.11</td>
<td>$6.22</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>$3.92</td>
<td>$7.84</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$6.47</td>
<td>$12.94</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>$9.80</td>
<td>$19.59</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$14.77</td>
<td>$29.55</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$23.54</td>
<td>$47.09</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$32.38</td>
<td>$64.75</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$67.49</td>
<td>$134.97</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$121.29</td>
<td>$242.58</td>
</tr>
</tbody>
</table>

UNMETERED CUSTOMERS
FLAT RATE PER MONTH

<table>
<thead>
<tr>
<th>City Rate</th>
<th>Rural Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$20.00</td>
<td>$40.00</td>
</tr>
</tbody>
</table>

Voting yea: Nine  Voting nay: None  MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Harmon to accept the following board appointments and reappointments as presented:

**Airport Advisory Board (May, 2003)**

(Reappointments)

Tom Franks
James Liston
Robert Littke
Mike McCarthy
Mayor William Murphy
Stewart Swihart
Auditorium Board (May, 2005)
(Reappointments)
John Bush
Neil Johnston
Jean Shears

Cemetery Board (May, 2007)
(Reappointment)
Bonnie Walker

Construction Board of Appeals (May, 2005)
(Reappointment)
Frank Kalasky

D.D.A. Board of Directors (May, 2006)
(Reappointments)
Frank Iannarelli
Mayor William Murphy
(New appointment)
Jane Tallmadge

Doyle Board of Directors (May, 2005)
(New appointments)
Richard Roy
Kristine Kirsch

E.D.C. and Brownfield Redevelopment Authority (May, 2008)
(Reappointments)
Stephen Deter
Raymond Dresser
Jack Kirsch

Elected Officials Compensation Commission (May, 2007)
(Reappointments)
John Dobberteen
Carl Holsinger

Election Commission (May, 2004)
(Reappointments)
Karen Stephens
Rachael Sutton
(New appointment)
Bethany Ann Sherman
Health Facilities and Hospital Finance Authority
(Reappointment until December, 2003)
David Hermann
(Reappointment until December, 2004)
Jack Kirsch
(New appointment until December, 2003)
Mayor William Murphy
(New appointment until December, 2004)
Stephen Deter

Hospital Board of Trustees (May, 2007)
(Reappointments)
Karl Littman
John Mayer

Library Board (May, 2007)
(Reappointments)
Richard Roy

Planning Board (May, 2005)
(Reappointments)
Michael Caywood
Jayne Krebsner

Sister City Committee (May, 2005)
(Reappointments)
June McCarthy
Barb Sisson

Sturgis Housing Commission (May, 2007)
(Reappointments)
Priscilla Hoopingarner

Zoning, Building, and Housing Board of Appeals (May, 2005)
(Reappointments)
Richard Duffield
Keith Waltke
Voting yea: Nine Voting nay: None MOTION CARRIED
Moved by Comm. Ludders and seconded by Comm. Haas to accept the following resignations as presented, and to send letters of appreciation.

JoEllen Oster - DDA Board of Directors and the Health Facilities & Hospital Finance Authority;
Jay Jones - Doyle Board of Directors;
Ron Scheske - Doyle Board of Directors;
Trisha Nelson - Election Commission;
Larry Franks - Health Facilities and Hospital Finance Authority;
Karee Harrison - Parks and Recreation Board

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the following salaries be approved as presented:

**APPOINTMENT OF CITY OFFICERS**

<table>
<thead>
<tr>
<th>POSITION</th>
<th>PRESENT SALARY</th>
<th>PROPOSED SALARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>$80,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Jerome Kisscorni</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Clerk/Treasurer</td>
<td>$46,000 Effective 7/02</td>
<td>$46,000</td>
</tr>
<tr>
<td>Kenneth D. Rhodes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Attorneys</td>
<td>$58,000</td>
<td>$58,000</td>
</tr>
<tr>
<td>Bird, Svendsen, Brothers, Scheske &amp; Pattison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Director</td>
<td>$47,000 Effective 8/02</td>
<td>$47,000</td>
</tr>
<tr>
<td>Susan Wess</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Moved by Comm. Haas and seconded by Comm. Mayer to approve the City Manager's contract as presented.

**Voting yea: Austermann, Mayer, Ludders, Haas, Mayor Murphy**

**Voting nay: Lampe, Sunday-Horstman, Littman, Harmon**  **MOTION CARRIED**

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

**Voting yea: Nine**  **Voting nay: None**  **MOTION CARRIED**
Moved by Comm. Ludders and seconded by Comm. Harmon to adopt the following resolution:

RESOLUTION

WHEREAS, there may now be and may hereafter from time to time come into the hands of Kenneth D. Rhodes, 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 Kenneth D. Rhodes, is hereby directed to deposit all public monies including tax monies coming into his hands as Treasurer, in the following banks:

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

Voting yea: Nine
Voting nay: None
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Lampe to adopt the following two resolutions:

RESOLUTION OF COMMENDATION HONORING JAN WILEY FOR DEDICATED SERVICE TO THE SISTER CITY PROGRAM

WHEREAS, the Cities of Sturgis and Wiesloch, Germany have has a sister city partnership; and
WHEREAS, in this time hundreds of citizens from each city have taken part in the exchange of culture and ideas; and
WHEREAS, in 1977 the first students from Sturgis High School traveled to Wiesloch to exchange with their German counterparts; and
WHEREAS, Jan Wiley lead that first group and many groups that followed; and
WHEREAS, Jan Wiley has supported this program continuously for 25 years, helping in every capacity the travel and safe return of over 800 Sturgis and Wiesloch students; and
WHEREAS, Jan's efforts have fostered greater understanding of other cultures among our students; and
WHEREAS, Jan's 25 years of work have helped forge a lasting relationship between our cities.
NOW, THEREFORE, BE IT RESOLVED, the City of Sturgis recognizes and thanks Jan for her many years of service to the students of Sturgis and Wiesloch. Her efforts and work in this program can never be fully measured.

RESOLUTION OF COMMENDATION HONORING MARY BETH BRENNEMAN FOR DEDICATED SERVICE TO THE SISTER CITY PROGRAM

WHEREAS, the Cities of Sturgis and Wiesloch, Germany have has a sister city partnership; and
WHEREAS, in this time hundreds of citizens from each city have taken part in the exchange of culture and ideas; and
WHEREAS, in 1977 the first students from Sturgis High School traveled to Wiesloch to exchange with their German counterparts; and
WHEREAS, Mary Beth Brenneman lead that first group and many groups that followed; and
WHEREAS, Mary Beth Brenneman has supported this program continuously for 25 years, helping in every capacity the travel and safe return of over 800 Sturgis and Wiesloch students; and
WHEREAS, Mary Beth's efforts have fostered greater understanding of other cultures among our students; and
WHEREAS, Mary Beth's 25 years of work have helped forge a lasting relationship between our cities.

NOW, THEREFORE, BE IT RESOLVED, the City of Sturgis recognizes and thanks Mary Beth for her many years of service to the students of Sturgis and Wiesloch. Her efforts and work in this program can never be fully measured.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to proclaim May 17, 2002 as Arbor Day in the City of Sturgis.

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $552,961.31 be paid.

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,316,608.77 be ratified.

City Manager Jerome Kisscorni requested volunteers from the Commission to form a committee to implement a recycling program in the City. Commissioners Mayer and Sunday-Horstman volunteered to be committee members.

Commissioner Harmon reported a potential traffic problem at the intersection of N. Prospect and Jerolene Streets. City Engineer Tom Seymour will do a traffic study to determine if the intersection should be turned into a four-way stop.

RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Ludders to recess under the Open Meetings Act to discuss purchase of property.

The meeting was recessed at 8:32 p.m.
The meeting reconvened at 8:39 p.m.

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

Mary M. Stoddard, Deputy City Clerk
Vice-Mayor Sunday-Horstman called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Lampe, Ludders, Littman, Harmon, Sunday-Horstman
Commissioners absent: Austermann, Mayer, Haas, Mayor Murphy

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, Director of Parks and Recreation, Electric Department Superintendent, Deputy Chief of Police, City Clerk

Moved by Comm. Ludders and seconded by Comm. Harmon to approve the minutes of the previous scheduled meeting held on Wednesday May 8, 2002 as presented.
Voting yea: Five       Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy               MOTION CARRIED

Kathy Strang, 614 S. Clay, along with Doug Smith, Director of Parks and Recreation, requested permission from the City to hold a fundraiser event at Oaklawn Park on June 15, 2002 to raise donations for Pet Haven in honor of Mary Hahn.
Discussion followed.
Moved by Comm. Ludders and seconded by Comm. Lampe to allow Kathy Strang to hold a fundraiser event at Oaklawn Park on June 15, 2002 to raise donations for Pet Haven in honor of Mary Hahn.
Voting yea: Five       Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy               MOTION CARRIED

Robert Powers explained that he will be running for the 59th State Representative District.

Moved by Comm. Lampe and seconded by Comm. Harmon to award the bid for tree stump removal to Professional Climbers, Burr Oak, MI in the amount of $94.00 per stump.
Voting yea: Five       Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy               MOTION CARRIED
Moved by Comm. Harmon and seconded by Comm. Ludders to approve the proposal from Earth Tech, Grand Rapids, MI for professional engineering services for the design, bidding, and construction of emergency power improvements for the City’s sanitary lift stations in the amount of $14,470.00.

Voting yea: Five  Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy  MOTION CARRIED

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

RESOLUTION

WHEREAS, the Employer has employees rendering valuable services; and
WHEREAS, the Employer has established a deferred compensation plan for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement system, and by assisting in the attraction and retention of competent personnel; and
WHEREAS, the Employer has determined that permitting participants in the deferred compensation plan to take loans from the Plan will serve these objectives:

NOW, THEREFORE, BE IT RESOLVED, that the Plan will permit loans.

Voting yea: Five  Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy  RESOLUTION ADOPTED

Moved by Comm. Ludders and seconded by Comm. Harmon to approve the completion of the paving of the west half of Cedar Street from Griffith Street to Oakwood Drive by James Milbocker, Inc., Allegan MI, in the amount of $20,000.00.

Voting yea: Five  Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy  MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the Airport Hangar Lease Agreement between the City of Sturgis and River Valley Plastics, Inc., Elkhart, IN.

Voting yea: Five  Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy  MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Harmon to approve Robert Sisson as the City of Sturgis representative to the St. Joseph County Economic Development Corporation.

Absent: Austermann, Mayer, Haas, Mayor Murphy  MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Harmon that the City bills in the amount of $1,444,510.55 be paid.

Voting yea: Five  Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy  MOTION CARRIED

Moved by Comm. Littman and seconded by Comm. Harmon that the Hospital bills in the amount of $1,036,890.15 be ratified.

Voting yea: Five  Voting nay: None
Absent: Austermann, Mayer, Haas, Mayor Murphy  MOTION CARRIED
Moved by Comm. Lampe and seconded by Comm. Littman to approve the installation of conduit for street lighting of Virginia Street and Michigan Street near Congress Street and to install temporary wood poles for lighting this same area where the conduit will not be installed for this upcoming fiscal year.

**Voting yea: Five Voting nay: None**

**Absent: Austermann, Mayer, Haas, Mayor Murphy**  **MOTION CARRIED**

Assistant City Manager explained that the Sign Committee has presented recommendations to the Planning Board, which will be reviewed at their regular June meeting.

A Public Hearing will be held by the Planning Board for the Master Plan on June 4, 2002 in the Wiesloch Raum of City Hall at 7:30 p.m.

The Housing Project Review Committee has approved twenty-two applications for home improvement grants, totaling $19,752.50.

City Manager explained that American Legion will hold their parade at 10:00 a.m. on Monday, May 27, 2002.

City Manager explained that he will be meeting with the Recycling Committee to continue to investigate the recycling options for the City.

Moved by Comm. Ludders and seconded by Comm. Lampe to adjourn the meeting.

**Voting yea: Five Voting nay: None**

**Absent: Austermann, Mayer, Haas, Mayor Murphy**  **MOTION CARRIED**

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

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*Kenneth D. Rhodes, City Clerk*
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Mayor Murphy
Commissioners absent: Sunday-Horstman

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, Director of Parks and Recreation, Electric Department Superintendent, Chief of Police, City Clerk

The minutes of the previous scheduled meeting held on Wednesday May 22, 2002 were approved as amended.

Kathy Garn, 306 Virginia, Director of the Chamber of Commerce requested funds for the 4th of July Fireworks to be held on July 5, 2002, with a rain date of July 6, 2002.

Moved by Comm. Haas and seconded by Comm. Ludders to approve the release of funds for the 4th of July Fireworks in the amount of $1,000.00.

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

Moved by Comm. Ludders and seconded by Comm. Harmon to allow the 4th of July Fireworks to be held at Kirsch Memorial Airport on July 5, 2002 and a rain date of July 6, 2002.

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

Tim Christner, 307 N. Clay, complimented the City Commission on implementing the Home Improvement Program and recommended that citizens begin volunteering their time and skills to augment this program. Mr. Christner offered to create a plan for volunteer services.

Doug Smith, Director of Parks and Recreation, explained that the Wall School Ball Field restoration will be rebid later in the summer or fall.

Moved by Comm. Lampe and seconded by Comm. Austermann to accept the bid for one (1) 500 kVA pad mounted transformer and fiberglass box pad from Reed City Power Line Supply, Reed City, MI in the amount of $6,416.20.

Voting yea: Eight  Voting nay: None  Absent: Sunday-Horstman  MOTION CARRIED
Moved by Comm. Lampe and seconded by Comm. Ludders to accept the proposal for the fire station floor project from Building Restoration, Inc., Kalamazoo, MI, in the amount of $38,215.00. 
**Voting yea:** Eight  
**Voting nay:** None  
**Absent:** Sunday-Horstman  
MOTION CARRIED

Moved by Comm. Harmon and seconded by Comm. Austermann to accept the contract for gas service from Aquila under the system supply tariff. 
**Voting yea:** Eight  
**Voting nay:** None  
**Absent:** Sunday-Horstman  
MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Littman to set the conduit occupation rate at $0.56 per foot per year, effective June 12, 2002. 
**Voting yea:** Eight  
**Voting nay:** None  
**Absent:** Sunday-Horstman  
MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Austermann to light three (3) Augsburger tennis courts, numbers 8, 9, and 10 for the cost of $9,570.00. 
**Voting yea:** Eight  
**Voting nay:** None  
**Absent:** Sunday-Horstman  
MOTION CARRIED

Moved by Comm. Mayer and seconded by Comm. Lampe to allow AEP to perform an inventory of the number of CATV attachments on city owned poles at the rate of $0.75 per attachment, which would be billed to Charter Communications. 
**Voting yea:** Eight  
**Voting nay:** None  
**Absent:** Sunday-Horstman  
MOTION CARRIED

By consensus, the issue to approve installation of ID tags on city owned poles by AEP, for an approximate cost of $15,925.00, based on an estimate of 3500 poles, died for lack of a motion.
Moved by Comm. Haas and seconded by Comm. Harmon to approve the establishment of the Sturgis Housing Development Corporation and adopt the following Articles of Incorporation:

ARTICLES OF INCORPORATION OF STURGIS HOUSING DEVELOPMENT CORP.

Pursuant to the provisions of the Michigan Nonprofit Corporations Act, Act 162, Public Acts of 1982 (the “Act”), as amended, Sturgis Housing Development Corp. (the “corporation”) executes the following articles:

ARTICLE I

The name of the corporation is Sturgis Housing Development Corp.

ARTICLE II

The purposes for which the corporation is organized are:

A. To purchase housing for rehabilitation and to sell the housing for the betterment of the City of Sturgis and to assist local property owners and agencies in the refurbishing of low to moderate income housing.

B. To receive and administer funds and to operate exclusively for religious, charitable, scientific, literary, or education purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or comparable provisions of subsequent legislation (the "Code") and to give funds and property from time to time to other organizations to be used directly in carrying out one or more such purposes.

C. To acquire, own, dispose of and deal with real and personal property and interests therein and to apply gifts, grants, bequests and devises and the proceeds thereof in furtherance of the purposes of the corporation.

D. To do such things and to perform such acts to accomplish its purposes as the Board of Directors may determine to be appropriate and as are not forbidden by Section 501(c)(3) of the Code, with all the power conferred on nonprofit corporations under the laws of the State of Michigan.

ARTICLE III

The corporation is organized upon a shareholdership basis. The corporation possesses the following assets:

Real property: None
Personal property: $200.00 cash.

The corporation is to be financed with funding from the City of Sturgis, donations and grants.

ARTICLE IV

The corporation is organized on a stock basis. The total number of shares that the corporation has authority to issue is 50,000 shares. The shares shall have no par value. The corporation shall only have one class of common stock.

ARTICLE V

The address of the initial registered office is:
227 W. Chicago Rd., Sturgis, MI 49091.
The mailing address of the initial registered office is:
P.O. Box 7158, Sturgis, MI 49091.
The name of the initial resident agent at the registered office is: Eric J. Scheske.
ARTICLE VI
The name and address of the incorporator is:
Jerome Kisscorni, 130 N. Nottawa, Sturgis, MI 49091.

ARTICLE VII
Any action required or permitted by the Act to be taken at an annual or special meeting of the shareholders may be taken without a meeting, prior notice, or a vote, if a consent in writing setting forth the action so taken is signed by the shareholders having not less than the minimum number of votes that would be necessary to authorize or take the action at a meeting at which all shareholders entitled to vote were present and voted. Prompt notice of the taking of the corporate action without a meeting by less than unanimous vote shall be given to shareholders who have not consented in writing.

ARTICLE VIII
No part of the net earnings of the corporation (including any grants or funding provided by the Michigan State Housing Development Authority—“MSHDA”) shall inure to the benefit of, or be distributable to, its shareholders, directors, officers, or other private persons. However, the corporation shall be authorized to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in article II. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation. The corporation shall not participate in, or intervene in (including the publishing and distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from federal income tax under IRC 501(c)(3) or the corresponding section of any future federal tax code or (2) by a corporation whose contributions are deductible under section IRC 170(c)(2) or the corresponding section of any future federal tax code.

ARTICLE IX
On dissolution of the corporation, the corporation shall first pay all its liabilities, including any amounts owed to MSHDA for grants or other funding provided by MSHDA and which the corporation is liable to repay upon dissolution pursuant to any conditions or stipulations of such grant or other funding. Following payment of such liabilities, the corporation’s assets shall be distributed (1) for one or more exempt purposes within the meaning of IRC 501(c)(3), or the corresponding section of any future federal tax code or (2) to the federal government, or to a state or local government, for a public purpose. Any assets not disposed of shall be disposed of by the circuit court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations that the court shall determine and that are organized and operated exclusively for such purposes.

ARTICLE X
When a compromise, an arrangement, or a plan of reorganization is proposed between this corporation and its creditors or shareholders, a court of equity jurisdiction within this state may order a meeting of the affected creditors or shareholders. The corporation, a creditor or shareholder of the corporation, or a receiver appointed for the corporation may apply to the court for a meeting. The meeting shall be summoned in such manner as the court directs. If a majority in number representing 3/4 in value of the affected creditors or 3/4 of the affected shareholders agree to a compromise or arrangement, the compromise, arrangement, or reorganization of this corporation resulting from the compromise or arrangement, if approved by the court, shall be binding on all the
creditors and shareholders, and also on this corporation.

ARTICLE XI

No shareholder of the corporation who is a volunteer director, as that term is defined in the Michigan Nonprofit Corporation Act (the “Act”), or a volunteer officer shall be personally liable to this corporation or its shareholders for monetary damages for a breach of the director’s or officer’s fiduciary duty; provided, however, that this provision shall not eliminate or limit the liability of a director or officer for any of the following:
1. a breach of the director’s or officer’s duty of loyalty to the corporation or its shareholders;
2. acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
3. a violation of section 551(1) of the Act;
4. a transaction from which the director or officer derived an improper personal benefit;
5. an act or omission occurring before the filing of these articles of incorporation; or
6. an act or omission that is grossly negligent.

The corporation assumes all liability to any person, other than the corporation or its shareholders, for all acts or omissions of a director who is a volunteer director, as defined in the Act, or a volunteer officer incurred in the good faith performance of the director’s or officer’s duties. However, the corporation shall not be considered to have assumed any liability to the extent that such assumption is inconsistent with the status of the corporation as an organization described in IRC 501(c)(3) or the corresponding section of any future federal tax code or violates any conditions or stipulations with respect to funding received from MSHDA.

If the Act is amended after the filing of these articles of incorporation to authorize the further elimination or limitation of the liability of directors or officers of nonprofit corporations, then the liability of shareholders of the board of directors or officers, in addition to that described in article XI, shall be assumed by the corporation or eliminated or limited to the fullest extent permitted by the Act as so amended. Such an elimination, limitation, or assumption of liability is not effective to the extent that it is inconsistent with the status of the corporation as an organization described in IRC 501(c)(3) or corresponding section of any future federal tax code. No amendment or repeal of article XI shall apply to or have any effect on the liability or alleged liability of any shareholder of the board of directors or officer of this corporation for or with respect to any acts or omissions occurring before the effective date of any such amendment or repeal.

ARTICLE XII

The corporation assumes the liability for all acts or omissions of a volunteer if all of the following conditions are met:
1. The volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority.
2. The volunteer was acting in good faith.
3. The volunteer’s conduct did not amount to gross negligence or willful and wanton misconduct.
4. The volunteer’s conduct was not an intentional tort.

The volunteer’s conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in section 3135 of the Insurance Code of 1956, Act No. 218 of the Public Acts of 1956, being section 500.3135 of the Michigan Compiled Laws.

Voting yea: Eight    Voting nay: None    Absent: Sunday-Horstman    MOTION CARRIED
Discussion was held regarding the expansion of the DDA boundaries.

Moved by Comm. Lampe and seconded by Comm. Ludders to set a public hearing for expansion of the D.D.A. boundaries, to be held on July 24, 2002, in the Wiesloch Raum of City Hall, at 7:30 p.m., which will include the area around the auditorium.

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

Moved by Comm. Ludders and seconded by Comm. Lampe to approve the Addendum to the Economic Development Grant Agreement between the City of Sturgis and Sturgis Molded Products Company.

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

Moved by Comm. Austermann and seconded by Comm. Littman to set a public hearing date on June 26, 2002 for a DDA Grant Request to the Michigan Economic Development Corporation in the Wiesloch Raum of City Hall, at 7:30 p.m.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the City bills in the amount of $1,146,807.64 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,030,140.60 be ratified.

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

City Engineer provided an update on street improvements.

John Hayes, Director of Economic Development, reported that the City has received the Brownfield Redevelopment Grant for the former Paramount/Berridge and Newport properties from the Michigan Department of Environmental Quality.
Moved by Comm. Lampe and seconded by Comm. Haas to adopt the following Pawnbroker’s License Policy:

**PAWNBROKERS LICENSE POLICY**  
**CITY OF STURGIS**

I. **Policy Statement.**
The City of Sturgis (the "City"), acting through its Mayor, is required to review and approve/reject the issuance of Pawnbrokers licenses. As part of its review, the City takes into consideration a variety of factors. All the factors are designed to help the City determine which license approvals will bestow the greatest benefit on the community. The City has adopted this Pawnbrokers License Policy (the "Policy") as a means to help it make that determination.

II. **Applicability.**
This Policy shall apply to applications for licenses to operate a pawnbroker business within the City. This Policy applies to new licenses or the renewal, transfer or sale of an existing license. Unless defined otherwise in this Policy, terms are given their same meaning as set forth in the Michigan Pawnbrokers Acts (MCL 445.471 et seq. and MCL 446.201 et seq.).

III. **Pawnbrokers License Criteria**
In making its determination concerning an applicant's request for a Pawnbrokers license, the City will consider the following criteria:

(1) **Ownership.**
(a) The applicant's management experience in the Pawnbrokers business.
(b) The applicant's general business management experience.
(c) The applicant's general business reputation.
(d) The applicant's financial status and ability to build and/or operate the proposed facility for which the Pawnbrokers license is proposed.
(e) Whether the applicant has timely paid all property taxes and other liabilities charged owed to the City (e.g., utility charges) during the past five years.
(f) Past criminal convictions of the applicant for crimes involving theft, stolen property, moral turpitude or violence.

For purposes of this section, "applicant" includes all owners, shareholders, partners, or members.

(2) **Establishment.**
(a) The uniqueness of the proposed facility when contrasted against other existing or proposed facilities, and/or the compatibility of the proposed facility with the surrounding architecture and land use.
(b) The overall quality of the establishment.
(c) Compatibility with the community's existing setting and customer base.
(d) The permanence of the establishment in the community as evidenced by proposed or actual commitments made by the applicant.
(e) Any history of police complaints at the proposed location or other establishments operated by the applicant.
(f) For transfer of licenses: Whether the new licensee will be continuing the same type of business at the same location.
(3) Facility.  
(a) Whether the facility to which the proposed Pawnbrokers license is to be issued complies, or can reasonably be expected to comply, with the applicable building, plumbing, electrical and fire prevention codes, and zoning statutes and ordinances.  
(b) The recommendations of the local law enforcement agency, building department and/or fire department with regard to the proposed facility.  
(c) The availability of utilities to serve the facility.  
(d) The fitness of the proposed building, including safety, square footage of the proposed site, and occupant parking.  

(4) Neighborhood/General Public.  
(a) The effects that the proposed license would have upon the health, safety and welfare of nearby neighborhoods and/or business establishments, including impact upon residential areas, church and school districts.  
(b) The effects that the issuance of a license would have on the health, safety and welfare of the general public.  
(c) The proximity to complimentary uses such as office and commercial development.  
(d) The effect that the issuance of a license would have upon the development and redevelopment of the surrounding area.  
(e) The proximity to a residential area.  
(f) The effects the business facility to which the proposed license is to be issued would have upon vehicular and pedestrian traffic in the area.  

IV. Process approval or denial of application for new Pawnbrokers license.  
The Applicant shall obtain from and submit to the City Clerk a Pawnbrokers Application form, and the Mayor or his or her designee shall review the application in conformity with this Policy and either approve or deny the application within Thirty (30) days. Prior to the issuance of any license, the applicant is required to pay to the City Treasurer an annual license fee of Two Hundred Fifty and 00/100 ($250.00) Dollars, and provide a bond to the City in the sum of Three Thousand and 00/100 ($3,000.00) Dollars with at least Two (2) sureties and terms approved by the City.  

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

The City Manager provided an update on the discussions of the committee and the efforts being made towards a drop-off recycling program.  

The Mayor noted that the City Commission received a resignation letter from the City Manager, effective August 2, 2002. He thanked the City Manager, on behalf of the City Commission, for his hard work and dedication, and wished him well on his upcoming opportunity.  

The Mayor then explained a number of options on how the City Commission may proceed in their efforts towards hiring a new City Manager. Discussion followed.
Moved by Comm. Lampe and seconded by Comm. Harmon to set a Special Meeting of the City Commission on June 19, 2002, in the Wiesloch Raum of City Hall, at 7:30 p.m. to discuss the process of hiring a new City Manager.

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

The Mayor complimented Derek Perry on being recertified as a playground Safety Inspector by the National Playground Safety Institute.

The Mayor mentioned the upcoming Dream Fest festival on July 26 and 27 and encouraged participation in this event.

The Mayor mentioned that the Charter Review Committee will meet on 3rd Wednesday of each month. This committee is made up of citizens including Carl Holsinger, Rob LaBarge, Jim Goethals, Frank Perez, Ron Clarren, John Fisher, and Rachael Sutton.

The Mayor congratulated Comm. Austermann on his Level 1 Certification Award for city commissioners, issued by the Michigan Municipal League.

The meeting was adjourned at 9:40 p.m.

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Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Lampe, Ludders, Haas, Littman, Harmon,  
Sunday-Horstman, Mayor Murphy  
Commissioners absent: None

Also present: City Manager, Assistant City Manager, Director of Economic Development, Deputy Chief of Police, City Clerk

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Mayer to engage an executive search firm to conduct the search for a new City Manager.

Voting Yea : Nine  Voting Nay : None  MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Littman to delete from consideration the proposal of the Michigan Municipal League, to conduct the executive search for a new City Manager.

Voting Yea : Eight  Voting Nay : Mayer  MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to delete from consideration the proposal of the Education Associates, Jonesville, MI, to conduct the executive search for a new City Manager.

Voting Yea : Nine  Voting Nay : None  MOTION CARRIED


Voting Yea : Nine  Voting Nay : None  MOTION CARRIED

Moved by Comm. Ludders and seconded by the Comm. Lampe to approve the Addendum to the Economic Development Grant Agreement between the City of Sturgis and Sturgis Molded Products Company.

Voting Yea : Nine  Voting Nay : None  MOTION CARRIED

The meeting was adjourned at 8:25 p.m.
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Commissioners absent: Ludders

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, Director of Parks and Recreation, Electric Department Superintendent, Deputy Chief of Police, City Clerk

The minutes of the previous scheduled meeting held on Wednesday June 12, 2002 were approved as presented.

The minutes of the special meeting held on Wednesday June 19, 2002 were approved as presented.

Jan Hendrick, Ambassadors Club of the Sturgis Chamber of Commerce, explained that there will be an early bird breakfast for the candidates for the 59th State Representative District on July 17, 2002 from 7:30 – 9:00 a.m. at the Sturges-Young Auditorium.

Rick Shaffer, 19958 Crescent Beach, Three Rivers, explained his qualifications for the 59th State Representative District.

Jason Swanson, 432 E South, expressed concern about the conditions at Spence field and presented a signed petition urging a renovation of the field. Discussion followed. Derek Perry, Parks Supervisor, will prepare an action plan, related to performing repairs at Spence Field, for the next City Commission meeting.

Jim Vicalvi, 306 N Lakeview, expressed concern about the truck traffic on North Lakeview.
Todd Mowery, Langworthy, Strader, LeBlanc & Associates, Inc., explained the process his firm, along with the City Commission, will use in the hiring of a new City Manager. Discussion followed. Mr. Mowery will begin interviews with City Commissioners, City staff, and members of the community in July 2002.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to set a Special Meeting of the City Commission on August 7, 2002, in the Wiesloch Raum of City Hall, at 7:30 p.m. to discuss the profile of the new City Manager.

**Voting yea: Seven**  **Voting nay: Lampe**  **Absent: Ludders**  **MOTION CARRIED**

Cliff Cleland, General Manager of Charter Communications Southeast Region, updated the City Commission on the efforts of his company towards upgrades in services and movement into industrial areas. Discussion followed.

A Public Hearing was held on authorizing an application for a grant to the Michigan Economic Development Corporation for the Sturgis Downtown Development Authority. No comments were made by the approximately forty-three citizens in attendance.

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

**RESOLUTION**

WHEREAS, the City of Sturgis approved a Downtown Development Authority in 1988; and

WHEREAS, the DDA determined a need for focused efforts in conserving and rehabilitating Downtown Sturgis; and

WHEREAS, the need exists for a Void Analysis Planning Project within the central business district; and

WHEREAS, the City of Sturgis seeks application from the Michigan Economic Development Corporation (MEDC) for a Void Analysis Planning Project not yet prepared and;

WHEREAS, the City of Sturgis’s grant application will request $5,000 to be used by the Downtown Development Authority for a Void Analysis Planning Project which will benefit low and moderate income persons.

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis City Commission hereby grants local authorization to the City of Sturgis administration to submit an application to MEDC for a Void Analysis Planning Project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Sturgis City Commission hereby designates City Manager Jerome Kisscorni as the person authorized to sign the Application Forms.

**Voting yea: Eight**  **Voting nay: None**  **Absent: Ludders**  **RESOLUTION ADOPTED**
Tom Duke, Lake Cities Broadcasting, presented options for radio campaigns aimed at spotlighting Sturgis.
Discussion followed.
Moved by Comm. Haas to approve the proposal from Lake Cities Broadcasting to air 60 sixty-second commercials over a ten to fourteen day period, at a cost of $471.00 per station, per month. 
**The Motion Died Due To Lack Of Support.**

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the revisions to the Kirsch Memorial Airport, five year development plan.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Ludders**

**MOTION CARRIED**

Moved by Comm. Mayer and seconded by Comm. Sunday-Horstman to approve the funding for implementation of the Sturgis Economic Development Corporation Business Plan in the amount of $17,600.00.

**Voting yea: Eight**

**Voting nay: None**

**Absent: Ludders**

**MOTION CARRIED**

Moved by Comm. Harmon and seconded by Comm. Sunday-Horstman to adopt the following Consent Resolution for the Sturgis Housing Development Corporation:

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

The directors of Sturgis Housing Development Corp., a Michigan non-profit corporation ("Corporation"), adopt and consent to the following actions:

1. The following persons are elected to hold the offices of the Corporation set forth below opposite their names until further Board action or their resignation or removal:
   - Michael L. Hughes – President,
   - Michael L. Hughes – Secretary,
   - Michael L. Vance – Treasurer.

2. The size of the Board is fixed at nine (9) members.

3. The Treasurer is authorized to pay all fees and expenses incurred for the organization of the Corporation.

4. An appropriate commercial account (the "Account") may be established by the Corporation with a bank to be selected by the President or Treasurer and the forms of resolutions of such bank establishing the Account are adopted by this Consent. The officers of the Corporation are each authorized, on behalf of the Corporation, to sign and deliver all documents establishing the Account and to perform all acts and obligations contemplated by such documents, and the Secretary is authorized to sign the certificate included on the bank's form indicating that the Board of Directors has adopted the form resolutions establishing the Account. A copy of such resolutions may be attached to this Consent as an exhibit.

5. The following stock subscription is accepted:

<table>
<thead>
<tr>
<th>Name of Subscriber</th>
<th>Number and Class/Series</th>
<th>Consideration Amount and Method of Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City of Sturgis</td>
<td>10,000/Common</td>
<td>$1,000.00/Cash</td>
</tr>
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</table>
The proper officers of the Corporation are each authorized to accept such subscriptions on behalf of the Corporation and issue these shares and an appropriate share certificate to such subscribers upon receipt of the consideration designated in the subscriptions. The Board of Directors approves the consideration set forth above and values such consideration as set forth above. The shares will bear the following legend:

The shares represented by this certificate have not been registered under federal or state securities laws, and may not be sold, pledged or transferred without a legal opinion of counsel, satisfactory to the corporation, that registration is not required under such laws. Pursuant to the corporation's bylaws, only the City of Sturgis may hold shares in the corporation and transfer of the shares represented by this certificate is accordingly restricted. A copy of the corporation's bylaws is on file at the registered office of the corporation.

6. The President is authorized to obtain liability and casualty insurance on behalf of the Corporation. The President is authorized to negotiate the terms of said insurance and to sign any required insurance contracts.

7. The President, on behalf of the Corporation, is authorized to work with Michigan State Housing Development Authority (“MSHDA”) with respect to the development of residential housing in the City of Sturgis. The President, in his discretion, is authorized to execute any documentation required or requested by MSHDA and to perform any and all acts and obligations in connection with the Corporation’s dealings with MSHDA.

8. It shall be the policy of the Corporation to provide equal employment, service and benefit opportunities without regard to race, religion, color, national origin, citizenship, age, sex, marital status, parental status, handicap, membership in any labor organization, political affiliation, and, for employment only, height, weight, and record of arrest without conviction.

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

Moved by Comm. Harmon and seconded by Comm. Mayer to adopt the following By-Laws for the Sturgis Housing Development Corporation:

BYLAWS OF
STURGIS HOUSING DEVELOPMENT CORP.

PREAMBLE
Sturgis Housing Development Corp. (the “corporation”) has been incorporated by the City of Sturgis pursuant to Act 37 of 2001 (Section 117.4o of Michigan’s Home Rule City Act). Under the Act, the corporation may be organized only for purposes that are valid public purposes for cities in the state of Michigan. The corporation’s primary purpose is the development of residential, commercial, and industrial real estate, including development in accordance with guidelines and financial assistance provided by the Michigan State Housing Development Authority. The City of Sturgis has determined that such a purpose is a valid public and governmental purpose and that, for administrative reasons, it is useful to form the corporation to carry out the purpose. The City of Sturgis will be the sole owner of the corporation, and ultimate control and supervision of the corporation will vest with the City.

ARTICLE I
OFFICES

1.01 Principal Office. The principal office of the corporation shall be at such place within the
state of Michigan as the board of directors may determine from time to time.

1.02 Other Offices. The board of directors may establish other offices in or outside the state of Michigan.

ARTICLE II
SHAREHOLDERS

2.01 Shareholder Eligibility. Only the City of Sturgis may hold stock in the corporation.

2.02 Annual Meeting. The annual meeting of the shareholders shall be held on the second Wednesday of May. At each annual meeting, directors shall be elected and any other business shall be transacted that may come before the meeting.

2.03 Special Meetings. Special meetings of the shareholders may be called by the board of directors or by the president. Such meetings shall also be called by the president or secretary at the written request of shareholders representing not less than 10 percent of the issued and outstanding shares.

2.04 Place of Meetings. All shareholder meetings shall be held at the corporation’s principal office or at any other place determined by the board of directors and stated in the notice of the meeting.

2.05 Notice of Meetings. Except as otherwise provided by statute, written notice of the time, place, and purposes of a shareholder meeting shall be given not less than 10 days nor more than 60 days before the date of the meeting. Notice shall be given either personally or by mail to each shareholder of record entitled to vote at the meeting at his or her last address as it appears on the books of the corporation.

2.06 Record Dates. The board of directors may fax in advance a record date for the purpose of determining shareholders entitled to notice of and to vote at a shareholders meeting or an adjournment of the meeting, or to express consent to or to dissent from a proposal without a meeting, or for the purpose of any other action. The date fixed shall not be more than 60 days nor less than 10 days before the date of the meeting, nor more than 60 days before any other action.

2.07 List of Shareholders. The secretary of the corporation shall make and certify a complete list of the shareholders entitled to vote at a shareholder meeting or any adjournment. The list shall include the number of shares each shareholder holds. The list shall be arranged alphabetically by shareholder surname and include each shareholder’s address, be produced at the time and place of the shareholder meeting, be subject to inspection by any shareholder during the whole time of the meeting, and be prima facie evidence as to who are the shareholders entitled to examine the list or to vote at the meeting.

2.08 Quorum. Unless a greater or lesser quorum is required by statute, shareholders present in person or by proxy who, as of the record date, represented fifty percent of the shares entitled to vote at a shareholders meeting shall constitute a quorum at the meeting. Whether or not a quorum is present, the meeting may be adjourned by a vote of the shareholders present.

2.09 Proxies. A shareholder entitled to vote at a shareholders meeting or to express consent or dissent without a meeting may authorize other persons to act for the shareholder by proxy. A proxy shall be signed by the shareholder or the shareholder’s authorized agent or representative and shall not be valid after the expiration of three years, unless otherwise provided in the proxy. A proxy is revocable at the pleasure of the shareholder executing it except as otherwise provided by statute.

2.10 Voting. Each outstanding share is entitled to one vote on each matter submitted to a vote. A
vote may be cast either orally or in writing. When an action, other than the election of
directors, is to be taken by a vote of the shareholders, it shall be authorized by a majority of
the votes cast by the holders of shares entitled to vote, unless a greater vote is required by
statute.

2.11 Participation by Conference Telephone. A shareholder may participate in a shareholder
meeting by conference telephone or any similar communications equipment through which
all persons participating in the meeting may hear each other, provided that all participants
are advised of the communications equipment and the names of the participants in the
conference are divulged to all participants. Participation in a meeting pursuant to this
section constitutes presence in person at the meeting.

2.12 Open Meetings Act and Freedom of Information Act. All shareholder meetings shall be
conducted in conformance with Michigan’s Open Meetings Act (including the notice of
provisions of said) and copies of the minutes shall be kept in a manner that complies with

ARTICLE III
BOARD OF DIRECTORS

3.01 General Powers. The business, property, and affairs of the corporation shall be managed by
the board of directors.

3.02 Number. There shall be not less than five nor more than twelve directors on the board as
shall be fixed from time to time by the board of directors.

3.03 Tenure. Directors shall be elected at each annual shareholder meeting to hold office until
the next annual shareholder meeting and until the director’s successor is elected and
qualified, or until the director’s death, resignation, or removal.

3.04 Resignation. A director may resign at any time by providing written notice to the
corporation. Notice of resignation will be effective on receipt or at a later time designated
in the notice. A successor shall be appointed as provided in section 3.06 of the bylaws.

3.05 Removal. Any director may be removed with or without cause by a majority vote of the
shareholders entitled to vote at an election of directors.

3.06 Board Vacancies. A vacancy on the board may be filled with a person selected by the
remaining directors of the board, though less than a quorum of the board of directors, unless
filled by proper action of the shareholders. Each person so elected shall be a director for a
term of office continuing until the next election of directors by the shareholders.

3.07 Annual Meeting. An annual meeting shall be held each year immediately after the annual
shareholder meeting. If the annual meeting is not held at that time, the board shall cause the
meeting to be held as soon thereafter as is convenient.

3.08 Regular Meetings. Regular meetings of the board may be held at the time and place as
determined by a board resolution without notice other than the resolution.

3.09 Special Meetings. Special meetings of the board may be called by the president or any two
directors at a time and place as determined by those persons authorized to call special
meetings. Notice of the time and place of special meetings shall be given to each director in
any manner at least three days before the meeting.

3.10 Statement of Purpose. Neither the business to be transacted at, nor the purpose of, any
regular or special meeting of the board need be specified in the notice for that meeting.

3.11 Waiver of Notice. The attendance of a director at a board meeting shall constitute a waiver
of notice of the meeting, except where a director attends a meeting for the express purpose
of objecting to the transaction of any business because the meeting is not lawfully called or
convened. In addition, the director may submit a signed waiver of notice that shall constitute a waiver of notice of the meeting.

3.12 Meeting by Telephone or Similar Equipment. A director may participate in a meeting by conference telephone or any similar communications equipment through which all persons participating in the meeting can hear each other. Participation in a meeting pursuant to this section constitutes presence in person at the meeting.

3.13 Quorum. A majority of the directors then in office constitutes a quorum for the transaction of any business at any meeting of the board. Actions voted on by a majority of directors present at a meeting where a quorum is present shall constitute authorized actions of the board.

3.14 Consent to Corporate Actions. Any action required or permitted to be taken pursuant to board authorization may be taken without a meeting if, before or after the action, all directors consent to the action in writing. Written consents shall be filed with the minutes of the board’s proceeding.

3.15 Open Meetings Act and Freedom of Information Act. All board of director meetings shall be conducted in conformance with Michigan’s Open Meetings Act (including the notice of provisions of said) and copies of the minutes shall be kept in a manner that complies with Michigan’s Freedom of Information Act.

ARTICLE IV
COMMITTEES

4.01 General Powers. The board, by resolution adopted by a vote of a majority of its directors, may designate one or more committees, each committee consisting of one or more directors. The board may also designate one or more directors as alternate committee members who may replace an absent or disqualified member at a committee meeting. If a committee member is absent or disqualified from voting, then members present at a meeting who are not disqualified from voting may, whether or not they constitute a quorum, unanimously appoint an alternate committee member to act at the committee meeting in place of the absent or disqualified member. All committees designated by the board shall serve at the pleasure of the board.

A committee designated by the board may exercise any powers of the board in managing the corporation’s business and affairs, to the extent provided by resolution of the board. However, no committee shall have the power to

(a) amend the articles of incorporation;
(b) adopt an agreement of merger or consolidation;
(c) amend the bylaws of the corporation;
(d) fill vacancies on the board;
(e) fix compensation of the directors;
(f) recommend to the shareholders the sale, lease, or exchange of all or substantially all of the corporation’s property and assets;
(g) recommend to the shareholders a dissolution of the corporation or a revocation of a dissolution.

4.02 Meetings. Committees shall meet as directed by the board, and their meetings shall be governed by the rules provided in article III for meetings of the board.

4.03 Consent to Committee Actions. Any action required or permitted to be taken pursuant to authorization of a committee may be taken without a meeting if, before or after the action,
all members of the committee consent to the action in writing. Written consents shall be filed with the minutes of the committee’s proceedings.

ARTICLE V
OFFICERS

5.01 Number. The officers of the corporation shall be appointed by the board. The officers shall be a president, a secretary, and a treasurer. There may also be a chairperson, vice president, and such other officers as the board deems appropriate. The president shall be a voting member of the board. Two or more offices may be held by the same person, but such person shall not execute, acknowledge, or verify an instrument in more than one capacity if the instrument is required by law or by the president or by the board to be executed, acknowledged, or verified by two or more officers.

Moved by Comm. Harmon and seconded by Comm. Austermann to allow a written exception to the City of Sturgis Pole Attachment Agreement, solely for the Sturgis Public Schools and one time only, to run their fiber optic lines on City transmission poles, on stand-off brackets.

Voting yea: Eight Voting nay: None Absent: Ludders MOTION CARRIED
Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to adopt the following resolution:

RESOLUTION
WHEREAS, one of the goals of the State of Michigan is to sustain, on a long-term basis, efforts to strengthen our economic base; and
WHEREAS, in May of 2001, the State launched its Link Michigan initiative/plan in order to: aggregate statewide telecommunication purchases to create a high-speed backbone, implement taxing and permitting fairness, increasing access to information about telecommunication infrastructure, and providing funds for regional telecommunication services; and
WHEREAS, the State, via the Michigan Economic Development Corporation (MEDC), has instituted a Regional Telecommunication Planning Program to assist in the implementation of portions of the Link Michigan plan; and
WHEREAS, the MEDC is making grants available to counties to create telecommunication plans and has encouraged the preparation of such plans on a multi-county basis; and
WHEREAS, the counties of Allegan, St. Joseph and Kalamazoo (“ASK”) have previously submitted a Notice of Intent (NOI) to submit a multi-county application for funding the preparation of regional telecommunications plan; and
WHEREAS, it is anticipated that at least 51% of the beneficiaries of other proposed projects will be low and moderate income persons; and
WHEREAS, no project costs will be incurred prior to formal grant award, completion of the environmental review procedures and formal, written authorization to incur costs are received from MEDC.

NOW, THEREFORE, BE IT RESOLVED, the City of Sturgis lends its support and endorsement of the application by Allegan, St. Joseph and Kalamazoo counties for funding through the Link Michigan Regional Telecommunications Planning Program.

Voting yea: Eight Voting nay: None Absent: Ludders RESOLUTION ADOPTED

Moved by Comm. Lampe and seconded by Comm. Mayer to approve the closing of Pleasant and North Streets at Chicago Road on July 26 and 27, 2002, during Dreamfest.

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

Moved by Comm. Sunday-Horstman and seconded by Comm. Harmon to allow the Downtown Sturgis Association to hold a Car Show on Pleasant Street and in the West parking lot on July 27, 2002 and a Farmers Market on North Street on July 26 and 27, 2002.

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

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,388,192.48 be paid.

Voting yea: Eight Voting nay: None Absent: Ludders MOTION CARRIED
Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,027,887.78 be ratified.

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

City Manager updated the City Commission on the recycling site search, including the wastewater treatment plant and efforts towards county involvement. Discussion followed.

John Hayes, Director of Economic Development, explained that McKenna Associates presented their plan for the downtown area to the DDA and will now present it to the Planning Board for their review.

Moved by Comm. Harmon and seconded by Comm. Lampe to approve the release of funds for Rob Sisson to travel to Wiesloch, Germany, in the amount of $800.00.

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

Comm. Austermann commented that the large item pick-up went well and thanked the volunteers for their efforts.

Comm. Littman commented on the increased parking on North Lakeview during Little League games.

The City Commission will hold a planning session on August 21, 2002 at 7:00 p.m. in the conference room of City Hall.

Assistant City Manager requested that the City Commission enter into a Closed Session to discuss the appointment of an Interim City Manager.

RESOLUTION
Moved by Comm. Lampe and seconded by Comm. Harmon to recess under the Open Meetings Act to discuss the appointment of an Interim City Manager.

Voting yea: Austermann, Mayer, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Voting nay: None  Absent: Ludders  MOTION CARRIED

The meeting recessed at 10:05 p.m.

The meeting was reconvened at 10:15

Moved by Comm. Sunday-Horstman and seconded by Comm. Lampe to appoint Assistant City Manager Michael Hughes as Interim City Manager, with the monetary addition of $1,000.00 per month for his services.

Voting yea: Austermann, Harmon, Haas, Sunday-Horstman, Lampe, Mayer, Littman, Mayor Murphy
Voting nay: None  Absent: Ludders  MOTION CARRIED
Moved by Comm. Harmon and seconded by Comm. Sunday-Horstman to adjourn the meeting. Voting yea: Eight  Voting nay: None  Absent: Ludders  MOTION CARRIED

The meeting was adjourned at 10:19 p.m.

_________________________
Kenneth D. Rhodes, City Clerk
Vice-Mayor Sunday-Horstman called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman
Commissioners absent: Mayor Murphy

Also present: City Manager, City Attorney, Assistant City Manager, Director of Economic Development, City Engineer, Director of Parks and Recreation, Parks Supervisor, Electric Department Superintendent, Chief of Police, City Clerk

Moved by Comm. Austermann and seconded by Comm. Lampe to approve the minutes of the previous scheduled meeting held on Wednesday June 26, 2002 as amended.
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**

Mark Brown, 425 Centreville, Constantine, MI, explained his qualifications for District Judge.

Moved by Comm. Lampe and seconded by Comm. Ludders to award the bid for the Fawn River Road and South Centerville Water Main from Bryant Excavating, Kalamazoo, MI, in the amount of $208,600.00, a 10% contingency fund in the amount of $20,900.00, and inspection, surveying, and testing in the amount of $34,500.00, for a total amount of $264,000.00.
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**

Moved by Comm. Harmon and seconded by Comm. Littman to award the bid for mobile in-car radios, for the Police Department, from Tele-Rad, Inc., Benton Harbor, MI, in the amount of $10,376.92.
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**

Discussion was held on the approval of a lease of 19.9 acres of City of Sturgis owned property behind the Waste Water Treatment Plant, to Dan Quirin, from January 1, 2003 through January 1, 2008. Action was postponed until the next City Commission meeting when the City Attorney will provide some information.

Discussion was held on possible renovations for Spence Field.
Moved by Comm. Mayer and seconded by Comm. Littman to approve renovations to Spence Field #1 in an amount not to exceed $11,000.00 to come out of the 2002 - 2003 budget of the Parks and Recreation Department.

Voting yea: Mayer, Littman  
Voting nay: Ludders, Harmon, Austermann, Lampe, Haas, Vice-Mayor Sunday-Horstman  
Absent: Mayor Murphy  
MOTION DEFEATED

Moved by Comm. Lampe and seconded by Comm. Ludders to approve renovations to Spence Field #1 in an amount not to exceed $11,000.00 to come out of fund balance.

Voting nay: Mayer  
Absent: Mayor Murphy  
MOTION CARRIED

Discussion was held on the condition of the roof on the Sturges-Young Auditorium. The City Engineer and Kenneth Louisignau of StructureTec, the engineering consultant, reported on the condition of the roof. Walt Kinsey, chair of the Auditorium Board, presented his board’s findings in this matter. The consultant will give a further report at the regular City Commission meeting on August 14, 2002.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the writing of the specifications related to the renovation of the roof and replacement of the HVAC system for the Sturges-Young Auditorium.

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

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

RESOLUTION

TRANSFER OF PROPERTY FROM STURGIS TOWNSHIP TO CITY OF STURGIS

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

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

WHEREAS, Youth for Christ Incorporated, Southwest Michigan is a property owner within District II and has filed a request for a transfer to the City of the property described on Exhibit "A" and shown on Exhibit “B” attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the aforementioned property is hereby transferred to the City.

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to file certified copies of this Resolution with the Township Clerk, the St. Joseph County Clerk and the Office of the Great Seal of the State of Michigan to evidence that the transfer of the aforementioned services with respect to said property has occurred for the records of each such office.

Voting yea: Eight  
Voting nay: None  
Absent: Mayor Murphy  
RESOLUTION ADOPTED
Moved by Comm. Littman and seconded by Comm. Harmon to approve the review of the relocation of the overhead electric distribution line currently along the east line of Oaklawn Cemetery to an underground easement on the west side of Wilson Ave.

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

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $198,129.28 be paid.

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

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $450,855.24 be ratified.

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

Mike Hughes, Assistant City Manager, presented the Master Plan to the City Commission and explained that the Planning Board will attend the regular City Commission meeting on July 24, 2002 to explain it.

City Manager explained that the Chamber of Commerce will be moving into the old depot building.

Vice-Mayor Sunday-Horstman presented a schedule of focus groups that will meet with the consultant in regards to the City Manager profiling on July 24, 2002 and July 31, 2002 at City Hall.

The City Commission will meet with the consultant in regards to the City Manager profiling on July 31, 2002 at 7:30 p.m at City Hall.

**RESOLUTION**

Moved by Comm. Lampe and seconded by Comm. Harmon to recess under the Open Meetings Act to discuss the acquisition of property.

**Voting yea: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman**

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

The meeting recessed at 9:17 p.m.

The meeting was reconvened at 9:40

Moved by Comm. Ludders and seconded by Comm. Lampe to adjourn the meeting.

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

The meeting was adjourned at 9:41 p.m.

_________________________
Kenneth D. Rhodes, City Clerk
Vice-Mayor Sunday-Horstman called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman
Commissioners absent: Mayor Murphy

Also present: City Attorney, Assistant City Manager, City Engineer, Director of Parks and Recreation, Deputy Chief of Police, DDA Director, Buildings Administrator, City Clerk

Moved by Comm. Ludders and seconded by Comm. Austermann to approve the minutes of the previous scheduled meeting held on Wednesday July 10, 2002 as presented.
Voting yea: Eight     Voting nay: None     Absent: Mayor Murphy     MOTION CARRIED

Elizabeth Datkovic of Central De Ayuda discussed the educational opportunities this summer from her group, presented a poster stating “Thank You For Not Selling Tobacco To Minors”, and presented the commission with the newspaper El Zocalo and explained the opportunity to use this newspaper to get messages out to the Hispanic community.

Ron Scheske, representing little league baseball, inquired as to the status of improvements scheduled for Wall field. Lee Fraim provided some history on the Wall field issue and presented a petition to the City Commission.
Discussion followed.

Kelly Hostetler, explained that the St. Joseph County United Way, will be holding a remembrance on September 11, 2002 beginning at 7:00 a.m. at the St. Joseph County Fairgrounds.

Mohamed Raza, Charter Communications, explained that his company will develop the Airport Industrial Park with full fiber delivery.

Sandy Fenning, Marian Trail, asked that the parking situation be considered for any renovation to Wall field. City Engineer Tom Seymour explained that this situation has been reviewed and a plan to alleviate parking problems in this area is being implemented.
Doug Smith, Director of Parks and Recreation, presented the one complete bid for Wall field, which was over the budgeted amount for the project. He explained that he will be contacting the DNR for options related to the grant for this project. Discussion followed.

Moved by Comm. Ludders and seconded by Comm. Littman to table the bid until the next regular City Commission meeting on August 14, 2002.

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

MOTION CARRIED

Chuck Leman presented and provided details on the Master Plan prepared by the Planning Board. Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Ludders to accept the master plan as presented and thank the Planning Board for their efforts.

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

MOTION CARRIED

A public hearing was held to discuss amending the boundaries of the Downtown Development Authority district.

The first reading for the ordinance amending the boundaries of the Downtown Development Authority district will be at the next regular City Commission meeting on August 14, 2002.

Moved by Comm. Lampe and seconded by Comm. Harmon to have the second reading for the ordinance amending the boundaries of the Downtown Development Authority district at the regular City Commission meeting on September 25, 2002.

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

MOTION CARRIED

Mike Vance, City Controller, presented the findings regarding the auditorium roof replacement and HVAC system.

Moved by Comm. Haas and seconded by Comm. Austermann to approve the auditorium roof replacement for an amount not to exceed $300,000.00 and request the City Controller to explore financing options for payment of the $300,000.00 and approve the study of the HVAC system by Dynamic Engineering in an amount not to exceed $4,900.00.

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

MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Austermann to designate Mayor Murphy as the commissioner who will vote on behalf of Sturgis at the MML Convention Annual Meeting.

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

MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Austermann to designate Vice-Mayor Sunday-Horstman as the alternate commissioner who will vote on behalf of Sturgis at the MML Convention Annual Meeting.

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

MOTION CARRIED
Vice-Mayor Sunday-Horstman opened nominations for the Parks and Recreation Advisory Board vacancy, for a term to expire in May, 2005.

Comm. Ludders nominated Leslie Marshall
Comm. Austermann nominated Rick Mahler
Comm. Harmon nominated Keith Waltke

Moved by Comm. Ludders and seconded by Comm. Austermann to close the nominations.  
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**

Keith Waltke requested to be removed from the list of nominees.

Comm Harmon withdrew the nomination of Keith Waltke.

Moved by Comm. Lampe and seconded by Comm. Ludders to hold a roll call vote to vote for the nominee of your choice.  
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**

Discussion followed.

**Voting for Leslie Marshall:**
- Comm. Ludders
- Comm. Haas
- Comm. Sunday-Horstman

**Voting for Rick Mahler:**
- Comm. Littman
- Comm. Austermann
- Comm. Mayer
- Comm. Harmon
- Comm. Lampe

**Absent:**
- Mayor Murphy

Rick Mahler was appointed to the Parks and Recreation Advisory Board for a term to expire in May 2005.

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,910,276.91 be paid.  
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $2,213,843.93 be ratified.  
**Voting yea: Eight  Voting nay: None  Absent: Mayor Murphy  MOTION CARRIED**
City Attorney explained that it is not against the law for the City Assessor’s office to access outside private property in performance of their assessing duties.

The regular City Commission meeting on September 11, 2002 was rescheduled to September 9, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall, because of the Michigan Municipal League Convention which will be attended by most City Commissioners from September 11 through September 13, 2002.

Vice-Mayor Sunday-Horstman explained that the focus groups for the new city manager profile began on July 24, 2002 and that the City Commissioners will meet in their own focus group on July 31, 2002 at 7:30 p.m. in the conference room of City Hall.

Moved by Comm. Lampe and seconded by Comm. Harmon to adjourn the meeting.

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

The meeting was adjourned at 9:41 p.m.

Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: Assistant to the City Attorney, Interim City Manager, City Engineer, Director of Parks and Recreation, Chief of Police, DDA Director, Buildings Administrator, Electric Department Superintendent, City Clerk

The minutes from the previously scheduled regular meeting on July 24, 2002 were approved as presented.

The minutes from the previously scheduled special meeting on August 7, 2002 were approved as amended with the change of the title of Assistant City Manager to Interim City Manager.

The minutes from the previously scheduled work session on August 7, 2002 were approved as amended with the change of the title of Assistant City Manager to Interim City Manager.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the reconstruction of Wall Field by Ahrens Construction, Inc., Kalamazoo, MI, as presented without dugouts or landscaping, in the amount of $345,791.59.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

John Griffith, Electric Department Superintendent, explained that the bids for the structural steel stairway at the Diesel Plant were high and will be rebid at a later date.

Discussion was held on the land transfer of the Youth for Christ property from Sturgis Township to Sturgis City.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to rescind the transfer of the Youth for Christ property from Sturgis Township to Sturgis City.

Voting yea: Nine  Voting nay: None  MOTION CARRIED
Discussion was held on the proposed Zoning Ordinance changes and additions.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to approve the acceptance to the proposed Zoning Ordinance changes and additions.

**Voting yea: Nine  Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Lampe to consider the creation of a new R-3 zone for future development.

**Voting yea: Nine  Voting nay: None**

**MOTION CARRIED**

Ed Brooks, American Electric Power, explained his company’s role in clearance of trees around power lines.

John Griffith, Electric Department Superintendent, explained his department’s work with Sturgis Hospital on a fiber optic link for the Sturgis Hospital.

Gary Black, RGB Network Services, offered his thoughts on the fiber optic issue. Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Ludders to authorize the electric department to perform further research and develop a cost structure for a fiber link for Sturgis Hospital for an amount not to exceed $5,000.00.

**Voting yea: Eight  Voting nay: Littman**

**MOTION CARRIED**
Moved by Comm. Harmon and seconded by Comm. Sunday-Horstman to adopt the following resolution:

RESOLUTION

Whereas, the City of Sturgis has streets and roads that need reconstruction and improvements, and
Whereas, the City of Sturgis does not have sufficient funds for undertaking said reconstruction and improvements, and
Whereas, it is deemed beneficial for the City to reconstruct and improve existing streets, and
Whereas, the City will, subject to approval by the electors of the City of Sturgis and in compliance with the state statutes, levy a new two and one-half (2 1/2 ) mill property tax for a period of five (5) years commencing in calendar year 2003 for purposes of reconstructing and improving existing streets.

Now, Therefore, be it resolved that the following question be placed on the ballot for the general election scheduled for November 5, 2002, for consideration by the electors of the City of Sturgis:

STREET IMPROVEMENT MILLAGE

Should the City of Sturgis levy a new two and one-half (2½) mills property tax for a period of five (5) years commencing in calendar year 2003 to be used exclusively for existing street reconstruction and improvement projects as approved by the Sturgis City Commission?

_____ Yes
_____ No

The estimated increase in revenue to be collected by the City in the first year if the millage is approved is $608,821.51.

Voting yea: Nine  Voting nay: None

RESOLUTION ADOPTED

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann that this be considered the first reading on the amendment of the Ordinance to expand the Downtown Development District.

Voting yea: Nine  Voting nay: None

MOTION CARRIED

Discussion was held on the 2002-2003 Sidewalk Repair Program.

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to accept the 2002-2003 Sidewalk Repair Program as proposed.

Voting yea: Nine  Voting nay: None

MOTION CARRIED

Moved by Comm. Harmon and seconded by Comm. Austermann to set a Public Hearing date of September 25, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall on the 2002-2003 Sidewalk Repair Program Special Assessment Roll.

Voting yea: Nine  Voting nay: None

MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Austermann to set a Public Hearing date of September 25, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall on the 1999 and 2000 Sidewalk Program Special Assessment Roll.

Voting yea: Nine  Voting nay: None

MOTION CARRIED
Moved by Comm. Ludders and seconded by Comm. Harmon to set a Public Hearing date of September 25, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for Sturgis Tool & Die.

Voting yea: Nine      Voting nay: None

MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to set a Public Hearing date of September 25, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for VCI, Inc.

Voting yea: Nine      Voting nay: None

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Littman to approve the transfer of the Class C/SDM with Dance/Entertainment Permit, the On Premise Food Permit, and the Additional Officer Permit for John Hiner at 111-113 West Chicago Road.

Voting yea: Eight     Voting nay: Sunday-Horstman

MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Austermann to approve the SDM and Direct Access License for Cheryl Sue Bowen, Cheryl and Friends, at 223 West Chicago Road.

Voting yea: Eight     Voting nay: Sunday-Horstman

MOTION CARRIED

Discussion was held on the outdoor liquor license for the B.P.O.E. #1381 Elks Club.

8

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $716,530.62 be paid.

Voting yea: Nine      Voting nay: None

MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,616,493.18 be ratified.

Voting yea: Nine      Voting nay: None

MOTION CARRIED

Harry West, P.O. Box 10, provided his thoughts on underground electric utilities, Wall Field, and recycling efforts in Sturgis.

28

Doug Smith, Director of Parks and Recreation, mentioned that the Corporate Cup Events will be held at the Doyle Center August 15-17, 2002.

28

Moved by Comm. Lampe and seconded by Comm. Littman to appoint Roger Zuercher to fill the unexpired term of Robert Magness on the Library Board, to expire in May 2005.

Voting yea: Nine      Voting nay: None

MOTION CARRIED

The City Commission canceled the work session previously set for August 21, 2002.
RESOLUTION

Moved by Comm. Lampe and seconded by Comm. Ludders to recess under the Open Meetings Act to discuss the purchase of property.
Voting yea: Austermann, Mayer, Lampe, Ludders, Haas, Littman, Harmon, Sunday-Horstman, Mayor Murphy
Voting nay: None
MOTION CARRIED

The meeting was recessed at 9:25 p.m.
The meeting reconvened at 9:55 p.m.

John Dresser, representing the Sturgis Economic Development Corporation, explained the need for a transfer of the EDC loan to Sturgis Machining to FLP Holdings Four LLC.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the transfer of the EDC loan to Sturgis Machining to FLP Holdings Four LLC provided the conditions of the EDC are met.
Voting yea: Nine
Voting nay: None
MOTION CARRIED

The meeting was adjourned at 10:28 p.m.

Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, August 28, 2002:

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, AUGUST 28, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Attorney, Interim City Manager, City Engineer, Director of Parks and Recreation, Chief of Police, Electric Department Superintendent, Director of Economic Development, Parks and Forestry Superintendent, City Clerk

The minutes from the previously scheduled regular meeting on August 14, 2002 were approved as presented.

Cathy Garn of the Chamber of Commerce invited the City Commission to an Open House at their new location at the old Sturgis Train Depot on September 6, 2002 from 11:00 a.m. to 2:00 p.m.

Moved by Comm. Harmon and seconded by Comm. Austermann to award the bid to WESCO, Aurora, OH, for transformers for the Electric Department in the amount of $34,830.00.

Voting yea: Nine    Voting nay: None  MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to award the bid to Balos Engineering, Constantine, MI, for electrical construction on Franks Ave for the Electric Department in the amount of $21,900.00.

Voting yea: Nine    Voting nay: None  MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to award the bid to Dream Fields Company, Bridgeport, MI, for the renovation of Spence Field in the amount of $10,745.00.

Voting yea: Nine    Voting nay: None  MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Ludders to award the bid to Koehlinger Fitness, Fort Wayne, IN, for Cardio Equipment for the Doyle Center in the amount of $14,340.00.

Voting yea: Nine    Voting nay: None  MOTION CARRIED

Interim City Manager Mike Hughes presented the results of the 2002 Housing Survey. Discussion followed.
Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to approve the Special Assessment Payment Agreement between the City of Sturgis and Dr. Howard S. Wharton in the amount of $17,367.00.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to convene as the Sturgis Housing Development Corporation.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the agreement between the Sturgis Housing Development Corporation and the Sturgis Neighborhood Program.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to change the Public Hearing date of September 25, 2002 at 7:30 p.m. to September 9, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for Sturgis Tool & Die and VCI, Inc.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to set a Public Hearing date of September 9, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of the proposed Zoning Code Amendments.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Lampe and seconded by Comm. Austermann to accept the resignation of Janette Hart as an alternate member of the Zoning Board of Appeals and send a letter of recognition.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Harmon and seconded by Comm. Ludders to allow the annual Sturgis Toy Run on September 7, 2002.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Sunday-Horstman and seconded by Comm. Austermann to allow the sale of forget-me-nots by the Disabled American Veterans on September 6 and 7, 2002.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,490,232.94 be paid.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,111,043.04 be ratified.

**Voting yea: Nine**  **Voting nay: None**

**MOTION CARRIED**
Director of Economic Development John Hayes and Electric Department Superintendent John Griffith presented information related to expansion of the fiber optic network.

The City Commission will meet with consultants Virchow, Krause in the conference room of City Hall on September 18, 2002 at 7:00 p.m. on the issue of expansion of the fiber optic network.

Director of Economic Development John Hayes provided an update on his office’s activities. Discussion followed.

The meeting was adjourned at 9:10 p.m.

Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the rescheduled regular meeting held on Monday, September 9, 2002:

RESCHEDULED REGULAR MEETING
STURGIS CITY COMMISSION
MONDAY, SEPTEMBER 9, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Mayer, Ludders, Lampe, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Commissioners absent: Austermann, Haas

Also present: Assistant to the City Attorney, Interim City Manager, City Controller, City Engineer, Chief of Police, Electric Department Superintendent, Director of Economic Development, CEO of Sturgis Hospital, Library Director, City Clerk

The minutes from the previously scheduled regular meeting on August 28, 2002 were approved as amended with a change in the date of the approved minutes from July 24, 2002 to August 14, 2002.

CEO of Sturgis Hospital Robert LaBarge presented plans for creating an Urgent Care Center at Sturgis Hospital. Discussion followed.

Moved by Comm. Mayer and seconded by Comm. Littman to approve the construction of an Urgent Care Center at Sturgis Hospital for an amount not to exceed $375,000.00
Voting yea: Seven Voting nay: None Absent: Austermann, Haas MOTION CARRIED

Electric Department Superintendent John Griffith presented additional information regarding the Sturgis Hospital to Howe Medical Clinic fiber connection. Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to table the motion of approval of the Sturgis Hospital to Howe Medical Clinic fiber connection until the next regular City Commission meeting on September 25, 2002.
Voting yea: Seven Voting nay: None Absent: Austermann, Haas MOTION CARRIED

Library Director Susan Wess explained the need for a new library automation system. Discussion followed.

Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to approve the contract for the purchase of the VERSO library automation system for an amount not to exceed $14,250.00.
Voting yea: Seven Voting nay: None Absent: Austermann, Haas MOTION CARRIED
Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed $360,679.00 be awarded to Sturgis Tool & Die for a period of twelve (12) years, beginning on January 1, 2003 and an ending date of December 31, 2014, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Sturgis Tool and Die 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, and

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

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

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

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

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

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years with an ending date of December 31, 2014.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Sturgis Tool and Die for an “Industrial Facilities Exemption Certificate”.

Voting yea: Seven Voting nay: None Absent: Austermann, Haas RESOLUTION ADOPTED

A public hearing on issuing an Industrial Facilities Exemption Certificate was held.

Moved by Comm. Sunday-Horstman and seconded by Comm. Harmon that an Industrial Facilities Exemption Certificate not to exceed $80,000.00 be awarded to VCI, Inc. contingent on the purchase of the equipment within the next six months and with a resolution to be prepared at the time of the purchase.

Voting yea: Seven Voting nay: None Absent: Austermann, Haas MOTION CARRIED
A public hearing was held regarding the Zoning Ordinance Amendments.

Moved by Comm. Harmon and seconded by Comm. Ludders to consider this the first reading of the Zoning Ordinance Amendments.

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Mayer to that the following resolution be adopted:

RESOLUTION
That the request from Aurelio C. Aguilar to drop Aurelio M. Aguilar aka Fidensio Camacho Munoz as partner in 2002 Class C licensed business, located at 105 W. Chicago, Sturgis, MI 49091, St. Joseph County be approved.

Voting yea: Six  Voting nay: Sunday-Horstman  Absent: Austermann, Haas
RESOLUTION ADOPTED

Moved by Comm. Ludders and seconded by Comm. Harmon to approve the preparation of a Special Assessment Payment Agreement between the City of Sturgis and BO Investments, LLC.

Voting yea: Seven  Voting nay: None  Absent: Austermann, Haas
MOTION CARRIED

Moved by Comm. Harmon and seconded by Comm. Ludders that the City bills in the amount of $1,247,794.92 be paid.

Voting yea: Seven  Voting nay: None  Absent: Austermann, Haas
MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Harmon that the Hospital bills in the amount of $1,111,754.70 be ratified.

Voting yea: Seven  Voting nay: None  Absent: Austermann, Haas
MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to accept the resignation of June McCarthy from the Sister City Committee and send a letter of recognition.

Voting yea: Seven  Voting nay: None  Absent: Austermann, Haas
MOTION CARRIED

Comm. Sunday-Horstman and Mayor Murphy provided an update on the search for a new City Manager.

The City Commission will meet with the consultant at 6:30 p.m. on September 17, 2002 in the conference room of City Hall on the status of the City Manager search.

Moved by Comm. Ludders and seconded by Comm. Lampe to adjourn the meeting.

Voting yea: Seven  Voting nay: None  Absent: Austermann, Haas
MOTION CARRIED

The meeting was adjourned at 8:50 p.m.

_________________________

Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Attorney, Interim City Manager, City Controller, City Engineer, Chief of Police, Electric Department Superintendent, Director of Economic Development, Buildings Superintendent, DDA Director, Auditorium Director, Director of Parks and Recreation, City Clerk

The minutes from the previously rescheduled regular meeting on September 9, 2002 were approved as presented.

Amanda Shaw, 207 S. Susan, thanked the City Commission for allowing her to attend the MML Conference in Dearborn, MI.

Al Kuhlman, 213 Virginia Ave., inquired about the street lighting on his street.

Jim Mulder, Green Pastures, inquired about parking.

Moved by Comm. Austermann and seconded by Comm. Ludders to award the bid for reconstruction of the Sturges-Young Auditorium roof to Hoekstra Roofing Company, Kalamazoo, MI, with a contingency of 10%, and supervisory fees to StructureTec, for an inclusive amount not to exceed $375,000.00.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Austermann to pursue an installment purchase agreement for the reconstruction of the Sturges-Young Auditorium roof and instruct the City Controller to consider the various options related to interest rates and term lengths and present those to the City Commission at a later time.

Voting yea: Nine Voting nay: None MOTION CARRIED
Moved by Comm. Harmon and seconded by Comm. Ludders to award the bid for financing of the Doyle exercise equipment valued at $14,340.00 to Key Bank, Sturgis, MI, for a 36 month lease/purchase agreement at a rate of 2.85%.

Voting yea: Nine            Voting nay: None            MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman that this be considered the second and final reading to amend the Ordinance to expand the Downtown Development District, which would include the detailed legal description as presented.

AMENDMENT TO DOWNTOWN DEVELOPMENT DISTRICT

An Ordinance to amend Article III, Section 31.90 of the Ordinances of the City of Sturgis pertaining to the description of the Downtown Development District.

WHEREAS, on June 12, 2002 the City Commission adopted a Resolution of Intent and scheduled a date for a public hearing for the expansion of the Downtown Development District; and
WHEREAS, the City provided notice of the public hearing as required by statute; and
WHEREAS, the public hearing was held on July 24, 2002.
NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:

Article III, Section 31.90 (B) of the Ordinances of the City of Sturgis is hereby modified to provide as follows effective as of October 21, 2002:

B. Exhibit A. The Downtown Development District, established pursuant to Act No. 197 of the Public Acts of 1975, in the City, is described as follows:

An area in the South one-half of Section 1, Town 8 South, Range 10 West, City of Sturgis, St. Joseph County, Michigan, described as follows:

Point of Beginning (POB) - Southeast corner of the intersection of North Clay Street and West West Street.

Beginning at the northwest corner of Block 26 of the Replat of the Village of Sturgis (the Replat) in the City of Sturgis, St. Joseph County, Michigan, according to the plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan, in Volume 33 of Deeds, Pages 164 and 165;
Thence Easterly along the South side of West West Street to the Northwest corner of Block 25 of the Replat;
Thence Northwesterly to the Southwest corner of Block 16 of the Replat;
Thence Northerly along the East side of North Street to the Northwest corner of Block 16 of the Replat;
Thence Easterly along the South side of Saint Joseph Street to the Northeast corner of Block 16 of the Replat;
Southwest corner of the intersection of Saint Joseph Street and N. Nottawa Street
Thence Southeasterly to the Northwest corner of Lot 3 Block 17 of of the Replat;
Thence Northeasterly along North line of Lot 3 to Northeast corner of Lot 3 of Block 17 of the Replat;
Thence Southerly along East line of Lot 3 to the Northwest corner of tax parcel # 75-052-040-147-00;
Thence Easterly along North line of said tax parcel to the West side of North Maple Street;
Thence Southerly along West side of North Maple Street and North Maple Street extended to the South side of
East West Street;
Thence Easterly along the South side of East West Street to the Northeast corner of Block 23 of the Replat;

**Southwest corner of the intersection of North Maple Street and West West Street.**
Thence Southerly along the West side of North Maple Street to a point which is 16.5 feet Northerly of the Southeast corner of Lot 9 (181.5 feet northerly of the northwest corner of the intersection of West Chicago Road and North Maple Street);
Thence Southeasterly to a point on the East side of North Maple Street which point is 81 feet Northerly of the Southwest corner of Lot 11 of Block 22 of the Replat (81 feet northerly of the northeast corner of the intersection of East Chicago Road and North Maple Street);
Thence Easterly parallel with the South line of Lot 11 (north side of East Chicago Road), 78 feet;
Thence Northerly parallel with the East side of North Maple Street to a point which is 16 feet South of the North line of Lot 6 of Block 22 of the Replat;
Thence Easterly parallel with the North line of Lot 6 to a point on the East line of Lot 6 which point is 16 feet Southerly of the Northeast corner of Lot 6;
Thence Southerly 42 feet along the East line of Lot 6, which is also the West line of Lot 7 of Block 22 of the Replat, to a point which is 58 feet Southerly of the Northwest corner of Lot 7;
Thence Easterly parallel with the North line of Lot 7, 66 feet;
Thence Southerly parallel with the West side of North Fourth Street to a point on the West line of Lot 8 of Block 22 of the Replat which point is 60 feet North of the North side of East Chicago Road;
Thence Easterly parallel with the North side of East Chicago Road to a point on the West side of North Fourth Street which point is 60 feet Northerly of the Southeast corner of Block 22 of the Replat (northwest corner of the intersection of East Chicago Road and North Fourth Street);

**North Fourth Street.**
Thence Easterly to a point on the East side of North Fourth Street which point is 61 feet Northerly of the Southwest corner of Block 21 of the Replat (northeast corner of the intersection of East Chicago Road and North Fourth Street);
Thence Easterly parallel with the North side of East Chicago Road to a point on the East Line of Lot 9 of Block 21 of the Replat;
Thence Northerly along the East Line of Lot 9 and parallel to the East line of North Fourth Street to a point which is 22 feet Northerly of the South line of Lot 8 of Block 21 of the Replat;
Thence Westerly parallel with the South line of Lot 8 to a point on the East side of North Fourth Street which point is 22 feet Northerly of the South line of Lot 8;
Thence Northerly along the East side of North Fourth Street, 30 feet;
Thence Easterly parallel with the South line of Lot 8 to a point on the East line of Lot 8 which line is also the West side of the alley;

**Alley between North Fourth Street and North Prospect Street.**
Thence Easterly to a point on the East side of the alley which point is 53 feet Northerly of the Southwest corner of Lot 7 of Block 21 of the Replat;
Thence Northerly along the East side of the alley to the Northwest corner of Lot 6 of Block 21 of the Replat;
Thence Easterly along the North line of Lot 6, 33 feet;
Thence Southerly parallel with the East side of the alley, 26 feet;
Thence Easterly parallel with North line of Lot 6, 33 feet;
Thence Southerly parallel with the East side of the alley to the Northeast corner of Lot 11 of Block 21 of the Replat; 
Thence Southerly along the East line of Lot 11 to a point which is 88 feet North of the North side of East Chicago Road; 
Thence Easterly to a point on the West side of North Prospect Street which point is 74.6 feet Northerly of the Southeast corner of Block 21 of the Replat; 

**North Prospect Street.**
Thence Southerly 74.6 feet to the Southeast corner of Block 21 of the Replat; 

**Northwest corner of the intersection of East Chicago Road and North Prospect Street.**
Thence Southwesterly to the intersection of the South side of East Chicago Road and the centerline of a vacated alley between Lot 2 and Lot 3 of Block 43 of the Replat; 
Thence Southerly along the centerline of said vacated alley between Lot 2 and Lot 3 to a point on said centerline which point is 9 feet Southerly of the extension of the South line of Lot 5 of Block 43 of the Replat to said centerline; 
Thence Westerly parallel to the South line of Lot 5 to a point on the East side of South Fourth Street which point is 9 feet Southerly of the Southwest corner of Lot 5; 

**South Fourth Street.**
Thence Westerly to a point on the West side of South Fourth Street which point is 9.5 feet Northerly of Southeast corner of Lot 6 of Block 42 of the Replat; 
Thence Westerly parallel to the South line of Lot 6, 66 feet; 
Thence Northerly parallel to the West side of South Fourth Street, 10 feet; 
Thence Westerly to a point on the West line of Lot 6 which point is 19.5 feet Northerly of the Southwest corner of Lot 6; 
Thence Southerly along the East line of Lot 5 and Lot 8 of Block 42 of the Replat to a point which is 10 feet South of the Northeast corner of Lot 8; 
Thence Westerly parallel with the North line of Lot 8 to a point on the East side of South Maple Street which point is 10 feet Southerly of the Northwest corner of Lot 8; 

**South Maple Street.**
Thence Southerly along the East side of South Maple Street to the Southwest corner of Lot 9 of Block 42 of the Replat; 
Thence Westerly to a point on the West side of South Maple Street which point is the Southeast corner of Lot 10 of Block 41 of the Replat; 
Thence Southerly along the West side of South Maple Street to a point which is 82.5 feet North of the Southeast corner of Lot 11 of Block 41 of the Replat; 
Thence Westerly parallel with the South line of Lot 11 of Block 41 of the Replat to a point which is 82.5 feet North of the Southwest corner of Lot 11; 
Thence Southerly along the West line of Lot 11 of Block 41 of the Replat to the Southwest corner of Lot 11; 
Thence Westerly along the South line of Lot 12 of Block 41 of the Replat to the Southwest corner of Lot 12 on the East side of South Monroe Street; 

**South Monroe Street.**
Thence Northerly along the East side of South Monroe Street to the Northwest corner of Lot 12 of Block 41 of the Replat; 
Thence Westerly to a point on the West side of South Monroe Street which point is the Southeast corner of Lot 10 of Block 40 of the Replat; 
Thence Westerly along the South line of Lot 10 of Block 40 of the Replat to the Southeast
Thence Southerly along East line of Lot 12 of Block 40 of the Replat, 2.64 feet; Thence Westerly parallel with North line of Lot 12 of Block 40 of the Replat to a point which is 2.64 feet South of the Northwest corner of Lot 12 on the East side of South Nottawa Street;

**South Nottawa Street.**
Thence Southwesterly to a point on the West side of South Nottawa Street which point is 38 feet Northerly of the Southeast corner of Lot 10 of Block 39 of the Replat; Thence Westerly to a point on the West line of Lot 10 of Block 39 of the Replat which point is 52 feet Northerly of the Southwest corner of Lot 10 of block 39 of the Replat; Thence Southerly along the East line of Lots 10 and 11 (also the West line of Lots 9 and 12) of Block 39 of the Replat to a point which is 12 feet Southerly of the Southeast corner of Lot 9 of Block 39 of the Replat; Thence Westerly parallel to the South line of Lot 9 of Block 39 of the Replat to a point on the East side of Pleasant Street which point is 12 feet Southerly of the Southwesterly to a point on the West side of South Nottawa Street which point is 38 feet Northerly of the Southeast corner of Lot 10 of Block 39 of the Replat; Thence Westerly to a point on the West line of Lot 10 of Block 39 of the Replat which point is 52 feet Northerly of the Southwest corner of Lot 10 of block 39 of the Replat; Thence Southerly along the East line of Lots 10 and 11 (also the West line of Lots 9 and 12) of Block 39 of the Replat to a point which is 12 feet Southly of the Southeast corner of Lot 9 of Block 39 of the Replat; Thence Westerly parallel to the South line of Lot 9 of Block 39 of the Replat to a point on the East side of Pleasant Street which point is 12 feet Southerly of the Southwest corner of Lot 9 of Block 39 of the Replat;

**Pleasant Street.**
Thence Northerly along West line of Lots 12 & 9 of Block 39 of the Replat to a point on the East side of Pleasant Street which intersects with the South line of William Street extended; Thence Westerly along South line of William Street extended to the Northeast corner of Block 38 of the Replat;

**Southwest corner of the intersection of Pleasant Street and William Street.**
Thence Westerly along the South side of William Street to the Northwest corner of Block 36 of the Replat; Thence Northerly to a point on the North side of William Street which point is the Southwest corner of Block 35 of the Replat; Thence Westerly along the North side of William Street to the Southwest corner of Lot 10 of Block 5 of Jacob’s Addition (Jacob’s Add.) to the Village (now City) of Sturgis, St. Joseph County, Michigan, according to the plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan, in Liber 47 of Deeds, Page 186 (129 feet east of the northeast corner of the intersection William Street and Grove Street). Thence Northerly along the West line of Lot 10 to the Northwest corner of Lot 10 which is also the Northeast corner of Lot 7 of Jacob’s Add.; Thence Westerly along the North line of Lot 7 to the Northwest corner of Lot 7 on the East side of Grove Street;

**Grove Street.**
Thence Southwesterly to a point on the West side of Grove Street which point is located 195 feet Northerly from the Northwest corner of the intersection of William Street and Grove Street; Thence Westerly approximately 120.10 feet to a point on a line which is 120 feet Westerly from and parallel to the West side of Grove Street; said point is 190 feet Northerly from the North side of William Street; Thence Southerly parallel to the West side of Grove Street, 85 feet; Thence Westerly 135 feet to the Southwest corner of Lot 3 of Block B of Jacob’s 1st Addition (Jacob’s 1st) to the Village (now City) of Sturgis, St. Joseph County, Michigan, according to the plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan on the East side of Surprise Street;
Surprise Street.
Thence Westerly to a point on the West side of Surprise Street which point is the Northeast corner of Lot 4 of Block A of Jacob’s 1st;
Thence Southerly along the West side of Surprise Street to the Southeast Corner of Lot 4;
Thence Westerly along the South line of Lot 4 to the Southwest corner of Lot 4;
Thence Northerly to the Northeast corner of Lot 4 of Block 1 of Park Addition (Park Add.) to the Village (now City) of Sturgis, St. Joseph County, Michigan, according to the plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan in Liber 1 of Plats, Page 9;
Thence Westerly along the North side of Lot 4 to the Northwest corner of Lot 4 on the East side of South Orange Street;

South Orange Street.
Thence Westerly to a point on the West side of South Orange Street which point is 5 feet Southerly from the Southeast Corner of Lot 1 of Block 2 of Park Add.;
Thence Westerly parallel to the South side of Lot 1 to a point which is 5 feet Southerly of the Southwest corner of Lot 1;
Thence Northerly to the Southwest corner of Lot 1;
Thence Westerly along the South lines of Lots 2 through 4 of Block 2 of Park Add. to the Southwest corner of Lot 4 on the East side of South Centerville Road;

South Centerville Road.
Thence Northerly along the East side of South Centerville Road to the Northwest corner of Lot 4 on the South side of West Chicago Road;

Southwest corner of the intersection of South Centerville Road and West Chicago Road.
Thence Northerly to the Northeast corner of the intersection of North Centerville Road and West Chicago Road;

Northeast corner of the intersection of North Centerville Road and West Chicago Road.
Thence Easterly along the North side of West Chicago Road to a point on the North side of West Chicago Road which point is on the intersection of the said North side and a line which is parallel to and 47 feet Easterly of the West line of Lot 2 of Block 4 of Jacob’s Add.;
Thence Northerly parallel to the West line of Lot 2 to the intersection with a line which is parallel to and 50 feet Southerly of the North line of Lot 2;
Thence Easterly parallel with the North line of Lots 1 and 2 of Block 4 of Jacob’s Add. to a point on the West side of Jacob Street which point is 50 feet Southerly from the Northeast corner of Lot 1;

Jacob Street.
Thence Northeasterly to a point on the East side of Jacob Street which point is the Northwest corner of Lot 13 of Block 1 of Jacob’s Add.;
Thence Northerly along the East side of Jacob Street to the Northwest corner of Lot 7 of Block 1 of Jacob’s Add.;
Thence Easterly along the North line of Lot 7 and the South line of Lot 6 of Block 1 of Jacob’s Add. to the Southeast corner of Lot 6 of Block 1 of Jacob’s Add. on the West side of the railroad right-of-way;

Railroad right-of-way.
Thence Southerly along the West side of the railroad right-of-way to a point on the West line of the railroad right-of-way which point is 90 feet Northerly from the North side of West Chicago Road;
Thence Northeasterly to a point which is the Northwest corner of Lot 15 of Block 28 of the Replat;
Thence Easterly along the North line of Lots 15 and 16 to the Northeast corner of Lot 16 on the West side of North Jefferson Street;

**North Jefferson Street.**
Thence Easterly to a point on the East side of North Jefferson Street which point is the Southwest corner of Lot 3 of Block 31 of the Replat;
Thence Northerly along the East side of North Jefferson Street to a point on the North line of John Street which point is the Southwest corner of Block 27 of the Replat;

**Northeast corner of the intersection of North Jefferson Street and John Street.**
Thence Easterly along the North side of John Street to the Southeast corner of Block 27;

**Northwest corner of the intersection of John Street and North Clay Street.**
Thence Northerly along the West side of North Clay Street to the Northeast corner Block 27;

**Southwest corner of the intersection of North Clay Street and West West Street.**
Thence Easterly to the Point of Beginning at the northwest corner of Block 26 of the Replat.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Ludders that this be considered the second and final reading for the Zoning Ordinance Amendments of the City of Sturgis as presented, with a certified copy available at the City Clerk’s office and published in the Sturgis Journal on September 27, 2002.

**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF STURGIS**

An ordinance to amend Articles II, V, IX, X and XI and to add Article XIII of the Zoning Ordinance of the City of Sturgis and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to amend Articles II, V, IX, X and XI and to add Article XIII of the Zoning Ordinance of the City;

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

Articles II, V, IX, X and XI of the Zoning Ordinance of the City are hereby amended and Article XIII of the Zoning Ordinance of the City is hereby added as set forth on the ZONING ORDINANCE AMENDMENTS attached hereto and incorporated by reference, effective as of October 21, 2002.

Voting yea: Seven Voting nay: Lampe, Sunday-Horstman MOTION CARRIED
Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to approve the 2001-2002 Fiscal Year Budget Adjustments as presented by City Controller, Mike Vance.

<table>
<thead>
<tr>
<th>Fund Balance</th>
<th>Amended Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,182,319</td>
</tr>
<tr>
<td>Drug Enforcement</td>
<td>59,117</td>
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<tr>
<td>D.D.A. Fund</td>
<td>47,769</td>
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<tr>
<td>Building Department Fund</td>
<td>3,110</td>
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<tr>
<td>Housing Department Fund</td>
<td>-0-</td>
</tr>
<tr>
<td>Auditorium Fund</td>
<td>56,630</td>
</tr>
<tr>
<td>Library Fund</td>
<td>78,845</td>
</tr>
<tr>
<td>Employee Benefits Fund</td>
<td>532,789</td>
</tr>
</tbody>
</table>

Voting yea: Eight         Voting nay: Lampe    MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Harmon to accept the Economic Development Administration grant.

Voting yea: Eight         Voting nay: Littman   MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Harmon to approve the proposal of Virchow-Krause to perform a telecommunications market assessment.

Voting yea: Nine          Voting nay: None       MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the Fiber Agreement between the City of Sturgis and the Sturgis Hospital as presented.

Voting yea: Eight         Voting nay: Littman   MOTION CARRIED

A Public Hearing was held on the 1999-2000 Sidewalk Program.

Mary Fox, 428 E South, explained that she was not the owner of record at the time the sidewalk was installed.

Myron Whitcomb, 1321 S Lakeview, explained that he was not the owner of record at the time the sidewalk was installed.

Discussion followed.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to approve the spread of Special Assessments for the 1999-2000 Sidewalk Program as presented on the following properties and to request that City staff obtain more information regarding the transfer of ownership of certain properties and to present recommendations to the City Commission as to how to resolve the transfer issue as it relates to the assessment:

RESOLUTION

WHEREAS, the City Commission has determined the spread of Special Assessments for the 1999-2000 Sidewalk Program on:

<table>
<thead>
<tr>
<th>Property</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cherry</td>
<td>601, 602</td>
</tr>
<tr>
<td>Cottage</td>
<td>601</td>
</tr>
</tbody>
</table>
Edka 434, 435
Grand 800
S. Lakeview 1101, 1209, 1300, 1313, 1320, 1321, 1409, 1421, 1427, 1433
Merribe 900, 904
Michigan 702, 903, 905, 1000, 1001, 1003, 1005, 1105, 1106, 1107, 1108, 1109, 1201, 1206
Mortimer 501
Myrtle 701
S. Nottawa 596
Nottingham 820
Rolling Ridge 1301, 1303, 1313,
E. South 409, 411, 424, 425, 428, 429, 432, 433, 437, 440, 500, 501, 507, 508, 512, 514,
Wilson 1210, 1211, 1303

**THEREFORE, BE IT RESOLVED,** that a Special Assessment District was created for assessments 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 assessment 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 be spread on the tax rolls and assessed against the abutting properties on a front foot basis as determined by the City Assessor.

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

A Public Hearing was held on the 2002 Sidewalk Repair Program.

James Purcell, 216 S Monroe, William Bailey, 409 E Chicago, James Kline, 106 Cottage, Dewy Darby, 600 E West, Daniel Ridens, 203 E Congress, Frank Perez, 201 Virginia, Doug Baker, 312 S Fourth provided their thoughts on the repair program.

Discussion followed.

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to create a Special Assessment District for the 2002 Sidewalk Program as presented with the exception of Prospect Street from Chicago Road to Electric Court.

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

Moved by Comm. Lampe and seconded by Comm. Harmon to approve the rates for the new Mausoleum/Columbarium at Sturgis Memorial Gardens.

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

Moved by Comm. Ludders and seconded by Comm. Mayer to approve Amendment #1 to the Agreement to Extend Municipal Water to Sturgis Township – Green Pastures Area.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the request from the Sturgis High School Student Council to hold their Homecoming Parade on Friday, October 4, 2002.

**Voting yea: Nine**  
**Voting nay: None**  
**MOTION CARRIED**
Discussion was held on the status of the recycling efforts of the City.  

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,515,890.12 be paid.  

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,017,719.98 be ratified.  

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Comm. Haas commented on the September 11 Remembrance held on the county fairgrounds and thanked the City of Sturgis Fire and Police Departments for their efforts.

The City Commission will meet at 309 N Prospect on Wednesday, October 2, at 5:00 p.m. to tour the building.

The City Commission will meet with the consultant at 7:00 p.m. on September 30, 2002 in the conference room of City Hall on the status of the City Manager search.

RESOLUTION

Moved by Mayor Lampe and seconded by Comm. Sunday-Horstman to recess under the Open Meetings Act to discuss the purchase of property.  
Voting yea: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy  
Voting nay: None  
MOTION CARRIED

The meeting was recessed at 10:10 p.m.  
The meeting reconvened at 10:17 p.m.

Moved by Comm. Littman and seconded by Comm. Mayer to accept the quit claim deed for the property at 208 N. Prospect.  
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Harmon and seconded by Sunday-Horstman to demolish the property at 208 N. Prospect.  
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

The meeting was adjourned at 10:18 p.m.

Kenneth D. Rhodes, City Clerk
Mayor Murphy called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy  
Commissioners absent: None

Also present: Assistant to the City Attorney, Interim City Manager, City Controller, City Engineer, Deputy Chief of Police, Electric Department Superintendent, Director of Economic Development, DDA Director, Director of Parks and Recreation, Parks and Forestry Superintendent, City Clerk

The minutes from the previously scheduled regular meeting on September 25, 2002 were approved as presented.

The minutes from the previously scheduled special meeting on September 30, 2002 were approved as presented.

Sue Balzer, Downtown Sturgis Association, requested permission to decorate the downtown light poles for Halloween, and to close North Street from Chicago Road to West Street and Pleasant Street from Chicago Road to Congress Street on October 31, 2002 from 4:00 p.m. to 6:00 p.m. She also requested that the City put up the Christmas decorations by November 8, 2002 and to turn on the Christmas lights on December 6, 2002.

Moved by Comm. Lampe and seconded by Comm. Mayer to accept the proposal of the Downtown Sturgis Association with the exception that the Christmas decorations will be put up by November 8, 2002, or as soon as feasible.

Voting yea: Nine  Voting nay: None  
MOTION CARRIED

Jeff Middleton informed the City Commission of his qualifications for District Court Judge.

Myron Whitcomb inquired about the status of the 1999-2000 Sidewalk Program Special Assessment.
Moved by Comm. Mayer and seconded by Comm. Austermann to award the bid for financing of the Auditorium Roof reconstruction to Century Bank, Sturgis, MI for a 10 year lease/financing agreement at a rate of 4.28%.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Ludders to rescind the award of the bid for financing of the Doyle exercise equipment valued at $14,340.00 to Key Bank, Sturgis, MI, for a 36 month lease/purchase agreement at a rate of 2.85%.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Austermann to award the bid for financing of the Doyle exercise equipment valued at $14,340.00 to Citizens Bank, Sturgis, MI for a 36 month lease/purchase agreement at a rate of 3.27%.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

Discussion was held on the award of a bid for the 2002-2003 Sidewalk Repair Program. The issue will be readdressed at the next regular City Commission meeting.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to consider this the first reading of a Telecommunications Rights-Of-Way Ordinance.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

Discussion was held on the approval of a mortgage lien request from James Purcell, 216 S Monroe.

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the alterations for the Wall Baseball/Softball Fields reconstruction and increase the appropriation in the amount of $1,183.00.


Moved by Comm. Harmon and seconded by Comm. Ludders to approve the increase of rates for the Doyle Center as presented.

Voting yea: Nine  Voting nay: None  MOTION CARRIED

Moved by Comm. Haas and seconded by Comm. Mayer to extend the sanitary sewer line to the US 12 Industrial Park.

Voting yea: Nine  Voting nay: None  MOTION CARRIED
Moved by Comm. Mayer and seconded by Comm. Sunday-Horstman to adopt the following resolution:

RESOLUTION

TRANSFER OF PROPERTY FROM STURGIS TOWNSHIP TO CITY OF STURGIS

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

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

WHEREAS, the Sturgis Economic Development Corporation is a property owner within District II and has filed a request for a transfer to the City of the properties described in Exhibit “A” and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the aforementioned property is hereby transferred to the City.

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to file certified copies of this Resolution with the Township Clerk, the St. Joseph County Clerk and the Office of the Great Seal of the State of Michigan to evidence that the transfer of the aforementioned services with respect to said property has occurred for the records of each such office.

Voting yea: Nine Voting nay: None RESOLUTION ADOPTED

Moved by Comm. Harmon and seconded by Comm. Austermann to set a Public Hearing date of October 23, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for Luttman Precision Mold.

Voting yea: Nine Voting nay: None MOTION CARRIED

Discussion was held on a farm lease agreement between the City of Sturgis and Daniel Quirin.

Moved by Comm. Sunday-Horstman and seconded by Comm. Harmon to appoint Brian Riley as Interim Airport Manager.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $721,392.24 be paid.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,338,738.60 be ratified.

Voting yea: Nine Voting nay: None MOTION CARRIED
Moved by Comm. Austermann and seconded by Comm. Harmon to adopt the following resolution:

RESOLUTION

WHEREAS, the Michigan Department of Transportation (MDOT) is planning reconstruction work and the construction of a bikeway along Highway US-12 within the corporate limits of the City of Sturgis; and

WHEREAS, the City of Sturgis has applied and been awarded an MDOT Enhancement Grant for $178,828 to improve US-12 West from Centerville Road to Elaine Street; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Sturgis City Commission hereby designates Interim City Manager, Michael Hughes and City Engineer, Tom Seymour, as the persons authorized to sign the contract with MDOT.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Sturgis City Commission hereby approves the contract for reconstruction work on US-12 with MDOT.

Voting yea: Nine  Voting nay: None  RESOLUTION ADOPTED

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

RESOLUTION

WHEREAS, the literature is replete with data supporting the conclusion that divorce and the conflicts leading to divorce cause tremendous difficulties for the individuals involved, the children of the divorced couple, and the community at large;

AND WHEREAS, the experience of the City of Sturgis is that divorce and the problems leading to the divorce are often the precipitating factors in public disturbances, assaults, driving under the influence and other antisocial behavior;

AND WHEREAS, the available information also strongly supports the conclusion that such simple preventatives as premarital counseling and the use of premarital inventories, can go a long way toward strengthening marriages so that those involved do not wish to divorce because they enjoy and are benefited by their marital relationship;

AND WHEREAS, it appears that resources are now available in the area both through local churches and non-church related groups to provide premarital counseling and that such counseling is available also for those who are unable to afford to pay the cost of private counseling;

AND WHEREAS, it appears that the main subjects of problems for many married couples comes in the areas of depute resolution and communication issues;

AND WHEREAS, the laws of the State of Michigan authorize the Mayors of Cities to perform wedding, but do not require it;

AND WHEREAS, it should be the policy of the City to encourage strong marriages and healthy relationships and not be party to or involved in practices which have been demonstrated to lead to divorce;

THEREFORE, IT IS HEREBY ESTABLISHED that henceforth, the policy of the City of Sturgis will be to perform marriages in accordance with the laws of the State of Michigan, but to encourage the Mayor to perform the wedding, unless there is good cause shown, only after the couple wishing to marry presents documentation that they have attended premarital counseling sessions, which cover both conflict resolution and communication issues and involves doing a Premarital inventory administered by a person trained to present such inventories.

IT IS FURTHER ESTABLISHED THAT this policy shall be effective for all weddings to be conducted on or after January 1, 2003.

Voting yea: Nine  Voting nay: None  RESOLUTION ADOPTED
The City Commission will meet for their Organizational Meeting on Monday, November 11, 2002 at 8:00 p.m. in the Wiesloch Raum of City Hall.

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

Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, October 23, 2002:

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, OCTOBER 23, 2002
WIESLOCH RAUM - CITY HALL

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

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Ludders, Lampe, Haas, Littman, Harmon, Vice-Mayor Sunday-Horstman, Mayor Murphy
Commissioners absent: None

Also present: City Attorney, Interim City Manager, City Engineer, Chief of Police, Electric Department Superintendent, Director of Economic Development, Director of Parks and Recreation, City Clerk

The minutes from the previously scheduled regular meeting on October 9, 2002 were approved as amended.

Ron Scheske, 1208 Parkside Circle, shared his concerns regarding the proposed alterations for the Wall Baseball/Softball Fields reconstruction. Mr. Scheske presented a check in the amount of $1,200.00 for these proposed alterations.

Moved by Comm. Mayer and seconded by Comm. Sunday-Horstman to approve the alterations for the Wall Baseball/Softball Fields reconstruction with no additional expense to the City.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Scott Van Single and Jeanine Cosman presented a “Learning Without Limits” grant for the Sturgis Public Schools provided by the State. Laptops will be provided to students as a result of the grant, and the Schools asked the City Commission to provide locations where the students could link to the City’s fiber network and allow access to the internet.

Discussion followed.

City staff will research what is involved in granting this request and report back to the City Commission.
Eric Eishen, Sturgis Bank and Trust, presented a proposal for rehabilitation of properties in the City. Nine properties, which were foreclosed on and are now owned by Sturgis Bank and Trust, would be converted from multiple rental units back to single family homes. Sturgis Bank would provide 100% financing for the purchase and renovations. Owners would commit to live in the property for three to five years and would be eligible for a forgiveness of debt, for the most improved home. Mr. Eishen asked for help from City staff on issues related to rental properties, building codes, and taxes.

By Consensus the City Commission is in support of the project and will try to everything possible to make it work within the existing ordinances.

The bids for the 2002-2003 Sidewalk Repair Program were reviewed. Discussion followed.

Moved by Comm. Haas and seconded by Comm. Harmon to award the bid for the 2002-2003 Sidewalk Repair Program to Truckey Concrete, Mendon, MI in the bid amount of $92,590.00.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Ludders to consider this the second reading and approval of a Telecommunications Right-of-Way Ordinance.

AMENDMENT TO CHAPTER 54

An Amendment to Chapter 54 of the Ordinances of the City of Sturgis to bring the Ordinance into compliance with Public Act 48 of 2002 relating to permits for telecommunication companies to use the City public rights-of-way.

WHEREAS, the City Commission has determined that it is in the best interest of the residents of the City to amend Chapter 54 of the Ordinances of the City of Sturgis pertaining to permitting for telecommunication companies to use public rights-of-way;

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

Chapter 54 of the Ordinances of the City of Sturgis is hereby amended in its entirety to provide as follows:

CHAPTER 54: TELECOMMUNICATIONS RIGHTS-OF-WAY

Section 54.01 Purpose.

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Section 54.02 Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Section 54.03 Terms Defined.

The terms used in this ordinance shall have the following meanings:


City means the City of Sturgis.
City Commission means the City Commission of the City of Sturgis or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the City Commission.

City Manager means the City Manager or his or her designee.

Permit means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication Facilities or Facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and Telecommunications Services mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

(a) A cable television operator that provides a telecommunications service.
(b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
(c) A person providing broadband internet transport access service.

Section 54.04 Permit Required.

(a) Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Manager. Upon
receipt, the City Manager shall make appropriate copies of the application and distribute a copy to appropriate administrative staff. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider’s existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) **Confidential Information.** If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) **Application Fee.** Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of $500.00.

(e) **Additional Information.** The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) **Previously Issued Permits.** Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.

(g) **Existing Providers.** Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the $500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

**Section 54.05 Issuance of Permit.**

(a) **Approval or Denial.** The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(b) **Form of Permit.** If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(c) **Conditions.** Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications
Section 54.06 Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under Chapter 155 of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

Section 54.07 Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Section 54.08 Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper format unless and until the Commission determines otherwise, in accordance with Section 6(8) of the Act.

Section 54.09 Repair of Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Section 54.10 Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Section 54.11 Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.
Section 54.12 Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 54.13 Use of Funds.

Pursuant Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951.

Section 54.14 Annual Report.

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Section 54.15 Cable Television Operators.

Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Section 54.16 Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

Section 54.17 Compliance.

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

(a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231, 215.246, as provided in Section 4(c) of this ordinance;

(b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;

(c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the $500 application fee, in accordance with Section 4(g) of this ordinance;

(d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance;

(e) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this ordinance;

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;

(h) Limiting the conditions imposed on the issuance of a permit to the
telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;

(k) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

Section 54.18 Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

Section 54.19 Severability.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

Section 54.20 Authorized City Officials.

The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this ordinance as provided by the City Code.

Section 54.21 Municipal Civil Infraction.

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a fine of $500.00 or such other amount as may be specified in any fine schedule compiled, from time to time, by the City and filed with the Court or a City agency of competent jurisdiction. Nothing in this Section 21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

Section 54.22 Repealer.

(a) All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

(b) City Code Chapter 54, as it previously existed, is hereby repealed and replaced in its entirety.

Section 54.23 Effective Date.

This ordinance shall take effect on November 15, 2002.

Voting yea: Nine Voting nay: None MOTION CARRIED
Electric Department Superintendent John Griffith presented the Virchow-Krause Broadband Use Survey. Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Sunday-Horstman to consider this the first reading for the rezoning of the parcels on South Centerville Road from Manufacturing to Business-Highway to accommodate a future 118,000 sq ft retail development. Voting yea: Nine Voting nay: None MOTION CARRIED

A Public Hearing was held on issuing an Industrial Facilities Exemption Certificate (IFEC) to Luttman Precision Mold. Moved by Comm. Harmon and seconded by Comm. Sunday-Horstman that an Industrial Facilities Exemption Certificate not to exceed $500,000.00 be awarded to Luttman Precision Mold for a period of twelve (12) years, beginning on January 1, 2003 and an ending date of December 31, 2014, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Luttman Precision Mold 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, and
WHEREAS, on March 27, 1985 the City Commission established the Industrial Development District for the industrial property of Luttman Precision Mold and
WHEREAS, the Sturgis City Assessor, and representatives of all affected taxing units were notified by certified mail of the time and place of the hearing on the application, and
WHEREAS, a hearing was held by the Sturgis City Commission providing the Assessor, and representatives of all affected taxing units the opportunity to be heard as required by the statute, and
WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate have been heard and considered, and
WHEREAS, it is hereby found and determined by the Sturgis City Commission that the granting of this Industrial Facilities Exemption Certificate, considered together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the City of Sturgis, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Sturgis, and
WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years with an ending date of December 31, 2014.
NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Luttman Precision Mold for an “Industrial Facilities Exemption Certificate”.

Voting yea: Nine Voting nay: None RESOLUTION ADOPTED
Moved by Comm. Austermann and seconded by Comm. Sunday-Horstman to set a Public Hearing date of November 25, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for Mayer Tool & Engineering.
Voting yea: Eight  Voting nay: None  Abstain: Mayer  MOTION CARRIED

Moved by Comm. Sunday-Horstman and seconded by Comm. Ludders to reschedule the City Commission meeting previously scheduled for Wednesday, November 27, 2002 to Monday, November 25, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for the Thanksgiving Holiday.
Voting yea: Nine  Voting nay: None  MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,661,828.57 be paid.
Voting yea: Nine  Voting nay: None  MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,336,157.71 be ratified.
Voting yea: Nine  Voting nay: None  MOTION CARRIED
Mayor Murphy outlined the process the City Commission has followed in the hiring of a new City Manager. The City Charter indicates that it is the responsibility of the entire City Commission to choose a City Manager. The City Commission thus constituted the search committee and speaks with one voice. The City Commission conformed to the provisions of the Open Meetings Act. The first official action by the City Commission was to engage the services of a professional search firm. Three such firms were reviewed and on June 19, 2002, LSL and Associates were chosen to perform the new City Manager search. The employee of LSL and Associates that was chosen to perform the search was Tod Mowery. Tod appeared before the Commission and laid out the process that would be followed, including focus groups with members of the community to develop a profile of the kind of person the community was looking for. During the month of July 2002, these focus groups were held and they resulted in a profile that included the following characteristics: 1) Personality; 2) Experience with government in Michigan; 3) Education with a preference for a Masters Degree. The kind of person sought would be upbeat in life, a leader, a vision oriented person, a people person, goal driven, and involved in the community. Other attributes of the candidate would be the ability to speak Spanish, approachable, optimistic, good listener, spiritual, sense of humor, outgoing, and family oriented. At the beginning of August, the ad was finalized and was put in trade journals and on the internet from August 8, 2002 through August 26, 2002. Applications were received from within the state and across the world. Of the eighty applicants, nine were picked as the best candidates and four were chosen to be interviewed. These interviews took place on October 17, 2002 at the Sturges-Young Auditorium. The City Commission hoped that one of the four finalists would stand out so that they could make a conditional job offer to that candidate at the end of the day of interviews. In the discussion following the interviews, the City Commission determined that there was one viable candidate but felt obligated to look further. No official action was taken on October 17, 2002. During the discussion, some of the Commissioners wanted to speak without the presence of Tod Mowery, the search firm consultant, so he was asked to leave and did so. The Commission then discussed the possibility of asking Tod to apply for the position, realizing this would put him in a difficult position, because of his role as the consultant. The City Commission nonetheless concluded that they wanted to seek his application. The Mayor presented a resolution regarding the City Manager search and commended LSL and Associates for their work in this process. He stated that LSL and Associates and the City Commission both acted professionally and ethically in the process. The Mayor contacted Kurt Kimble, chair of the Ethics Committee for the International City Managers Association, who assured the Mayor that all parties acted in accordance with the standards required.
Moved by Comm. Ludders and seconded by Comm. Sunday-Horstman to approve the following resolution:

RESOLUTION
WHEREAS, by Resolution passed by the City Commission on June 19, 2002, the City of Sturgis entered into an agreement with Langworthy, Strader, LeBlanc & Associates, Inc. (“Langworthy”) whereby Langworthy was engaged to perform specific duties on behalf of the City with respect to the conducting of an executive search for a new City Manager; and
WHEREAS, Langworthy faithfully and competently completed those duties on behalf of the City and presented four potential candidates for the position of City Manager who were interviewed at a public meeting on October 17, 2002; and
WHEREAS, the City has determined that it is in the best interest of the City to conduct a further search on its own for additional potential candidates to serve as City Manager:
NOW, THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized to send a letter to Langworthy thanking it for its assistance in locating potential candidates for the position of City Manager and terminating any further executive search services, and that the City Commission, through the Mayor, is hereby authorized to seek additional applications for the position of City Manager.

Voting yea: Nine Voting nay: None RESOLUTION ADOPTED

Moved by Comm. Haas and seconded by Comm. Sunday-Horstman to have the Mayor seek the application of Tod Mowery for the position of City Manager.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Harmon and seconded by Comm. Austermann to award the bid for two (2) 2000 kva Pad Mount Transformers to Reed City Power Supply, Reed City, MI, in the amount of $30,244.00.

Voting yea: Nine Voting nay: None MOTION CARRIED

Comm. Lampe questioned the accuracy of the eleven percent rise in the Doyle Center rates. It was explained that seniors were moved into a different membership category, and the rates of that category were raised eleven percent. Comm. Lampe would like to rescind his Yea vote on the motion to increase rates or to have the City Commission reconsider the motion, so that no one pays more that eleven percent more than they paid the previous year.

Comm. Lampe expressed his concerns on the number of individuals allowed to live in a rental property.

A citizens committee will hold a public forum relating to the proposed City Street Millage on October 30, 2002 at 7:00 p.m. at the Sturgis High School lecture room.

The City Commission will hold a Work Session at 6:30 p.m., prior to the regularly scheduled meeting on November 13, 2002, in the Wiesloch Raum of City Hall, 130 N. Nottawa, Sturgis, MI 49091.

The Mayor read a letter from Craig Anderson, one of the City Manager candidates, in which he thanked the City Commission for the opportunity and their hospitality.
The meeting was adjourned at 9:25 p.m.

Kenneth D. Rhodes, City Clerk
Mayor Sunday-Horstman called the meeting to order at 7:33 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Murphy, Ludders, Haas, Littman, Harmon, Vice-Mayor Lampe, Mayor Sunday-Horstman
Commissioners absent: None

Also present: Assistant to the City Attorney, Interim City Manager, City Engineer, Chief of Police, Electric Department Superintendent, Director of Economic Development, City Controller, City Clerk

Moved by Comm. Ludders and seconded by Comm. Lampe to approve the minutes from the previously scheduled regular meeting on October 23, 2002 as presented.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Harmon and seconded by Comm. Lampe to approve the minutes from the previously scheduled special meeting on November 9, 2002 as amended, with the correction of the word “Manger” in the motion to “Manager” and the spelling of the candidate’s name from “Mowry” to “Mowery”.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the minutes from the previously scheduled organizational meeting on November 11, 2002 as presented.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Mayor Sunday-Horstman presented Comm. Murphy with a plaque thanking him for his service as Mayor.
Moved by Comm. Ludders and seconded by Comm. Harmon to award the bids for the following used equipment to the following individuals for the following amounts:

Item #164, 1995 Scag Zero Turn Mower, Serial #14550585
Wayne Cannady, Michiana Arbor Supply, South Bend, IN
$552.00

Item #165, 1995 Scag Zero Turn Mower, Serial #14550586
Don Gonser, PineHill Landscape Mgmt., Sturgis, MI
$1,300.00

Item #211, 1991 GMC Top Kick Truck 1 Man Bucket, VIN #1GDM7H1JM520159
Paul Bryant, Bryant Excavating, Inc., Kalamazoo, MI
$5,000.00

Item #213, 1991 Ford F800 Truck 2 Man Bucket, VIN #1FDXK84P0MVA33678
Jim Summers, Balos Engineering & Electric, Constantine, MI
$11,500.00

Item #214, 1989 Ford F700 Truck 2 Man Bucket, VIN #1FDNK74P4KVA60316
Jim Summers, Balos Engineering & Electric, Constantine, MI
$13,500.00

Item #336, 1986 JCB Backhoe, Serial #15BT2115/315191/7
Rick Miller, Bronson, MI
4,565.75

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Harmon and seconded by Comm. Haas to award the bid for computers for various City departments to Dell Computers, Dallas, TX, in the amount of $14,404.00.

Voting yea: Nine Voting nay: None MOTION CARRIED
The City Commission reviewed the lease of the Old Depot Building between the City of Sturgis and the Chamber of Commerce.

Discussion followed.
David Hermann, 683738 Blanchard, provided information on the efforts of the Sturgis Historical Society towards the Old Depot Building.

Moved by Comm. Lampe and seconded by Comm. Murphy to approve the lease of the Old Depot Building between the City of Sturgis and the Chamber of Commerce as amended with the change of the term to one year.
Voting yea: Lampe, Ludders, Mayer, Littman, Harmon, Haas, Austermann, Murphy, Mayor Sunday-Horstman
Voting nay: None
MOTION CARRIED

Barry Cox, 1411 S. Nottawa, suggested the creation of a lighting ordinance for the City of Sturgis.
Discussion followed.

Moved by Comm. Lampe and seconded by Comm. Haas to recommend that the Planning Board review the creation of a lighting pollution ordinance.
Voting yea: Nine Voting nay: None
MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Ludders to consider this the second reading and approval for the rezoning of the parcels on South Centerville Road from Manufacturing to Business-Highway to accommodate a future 118,000 sq ft retail development.

AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP

An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the zoning map and to provide for an effective date of this Ordinance.
WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the M-Manufacturing to the B-H Business Highway zoning district.
NOW, THEREFORE, the City of Sturgis, St. Joseph County, Michigan ordains:
Article III of the Zoning Ordinance is hereby modified as follows, effective as of December 6, 2002.
Section 1.0302(A), and the zoning map incorporated by reference therein, is hereby modified to provide that the following described property shall be in the B-H Business Highway district:
Land situate in the City of Sturgis, St. Joseph County, Michigan and described as follows:
Part of the SW ¼ of Section 12, T8S, R10W, City of Sturgis, St. Joseph County, Michigan described as: Commencing at the West ¼ corner of said Section 12; thence S 89°52'58" E 330.66 feet along the East and West ¼ line of said Section 12 to the place of beginning of this description; thence continuing S 89°52'58" E 50.00 feet along said East and West ¼ line Section 12; thence S 00°15'39" E 430.01 feet parallel to the West line of said Section 12; thence S 89°52'58" E 941.01 feet parallel to said East and West ¼ line Section 12, to the East line of the W 1/2, SW ¼
of said Section 12; thence S 00°04'27" E 756.07 feet along said East line of the W ½, SW ¼ Section 12; thence N 89°53'29" W 998.91 feet; thence N 00°15'39" W 351.32 feet parallel to said West line of Section 12; thence S 89°52'58" E 129.70 feet parallel to said East and West ¼ line Section 12, to said West line of Section 12; thence N 00°15'39" W 148.54 feet parallel to said West line Section 12; thence N 89°52'58" W 119.34 feet parallel to said East and West ¼ line Section 12; thence N 00°15'39" W 686.38 feet parallel to said West line Section 12 to said East and West ¼ line and the place of beginning.

Subject to easements, restrictions and rights-of-way of record

Voting yea: Nine  Voting nay: None  MOTION CARRIED
Moved by Comm. Haas and seconded by Comm. Harmon to approve the revisions to the MDOT Contract for the West US 12 Project as presented. 
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,175,134.86 be paid. 
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $2,017,696.19 be ratified. 
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Harmon to approve the change of budget items for the Electric Department from replacement of the cooling tower for the Diesel Plant to the reroofing of the Diesel Plant and Hydro Plant and to have bids received on the project. 
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

The IFEC Committee will meet at Mayer Tool and Die on November 21, 2002 at 4:30 p.m. to review the plant. 

Economic Development Director John Hayes presented a comparison of tax rates of various cities in Michigan showing the favorable tax millage collected by the City of Sturgis.

Interim City Manager Michael Hughes explained that a record number of donations were received from City employees for the United Way Fund. 

Interim City Manager presented a Procedure Check List related to Zoning enforcement. 

Comm. Ludders explained that he has received calls in regards to the lighting of City Subdivision #2. 
Electric Department Superintendent John Griffith explained that the cost of keeping the lights on is minimal and ensures that the fixtures will not be affected by the weather and will prevent the need for premature replacement.

The Sturgis City Commission will hold a Work Session at 6:30 p.m. on Monday, November 25, 2002 in the Wiesloch Raum of City Hall. 

Moved by Comm. Lampe and seconded by Comm. Ludders to adjourn the meeting. 
Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

The meeting was adjourned at 8:58 p.m.
Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the rescheduled meeting held on Monday, November 25, 2002:

RESCHEDULED MEETING - STURGIS CITY COMMISSION
MONDAY, NOVEMBER 25, 2002
WIESLOCH RAUM - CITY HALL

Mayor Sunday-Horstman called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Murphy, Ludders, Littman, Harmon, Vice-Mayor Lampe, Mayor Sunday-Horstman
Commissioners absent: Haas

Also present: City Attorney, Interim City Manager, City Engineer, Chief of Police, Electric Department Superintendent, Director of Economic Development, Director of Parks and Recreation, City Clerk

Moved by Comm. Harmon and seconded by Comm. Littman to approve the minutes from the previously scheduled work session on November 13, 2002 as amended to show the “Mayor” as Sunday-Horstman instead of Murphy.

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

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the minutes from the previously scheduled regular meeting on November 13, 2002 as presented.

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

Moved by Comm. Austermann and seconded by Comm. Ludders to award the bid for structural modifications to the Diesel Plant to Schweitzer, Inc., Battle Creek, Michigan in the amount of $11,000.00.

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

Moved by Comm. Littman and seconded by Comm. Lampe to approve the purchase of the following vehicles through the State of Michigan Purchasing Program:

 1) Two (2) ½ ton 4 x 2 Pickup Trucks – Building Dept. and Electric Dept. at $15,819.78 each.
 2) One (1) ¾ ton 4 x 2 Pickup Truck – Parks Dept in the amount of $18,115.78.
 3) Three (3) ¾ ton 4 x 4 Pickup Trucks – Parks, Dept, Cemetery Dept, and Public Works Dept. at $24,479.78 for two (2) of the vehicles, and $27,746.78 for the third vehicle.

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

03
Moved by Comm. Ludders and seconded by Comm. Austermann that the St. Joseph County Transportation Authority continue the Taxi Coupon program with the City of Sturgis as previously coordinated with the St. Joseph County Commission on Aging.

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

Moved by Comm. Lampe and seconded by Comm. Harmon to consider this the first reading for the rezoning of 706 Elm Street from R-3 (Residential) to BH (Business Highway) for a new retail outlet.

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

Moved by Comm. Littman and seconded by Comm. Harmon to approve the following resolution:

RESOLUTION

WHEREAS, the City Commission of the City of Sturgis, County of St. Joseph, State of Michigan, the same being the legislative body of the said City of Sturgis, deems it advisable and in the best interests of the City of Sturgis that Clark Street, running north of Wade Road for approximately Eight Hundred Two (802) feet, now situate and being within the City of Sturgis be vacated.

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing to hear objections thereto shall be held at the regularly scheduled meeting of the Sturgis City Commission on Wednesday, January 8, 2003, commencing at 7:30 p.m. Any objection to such action may be filed with the City Clerk in writing, and if any such objection is filed, Clark Street shall not be vacated except by a concurring vote of two-thirds (2/3) of the City Commission.

Voting yea: Eight  Voting nay: None  Absent: Haas  RESOLUTION ADOPTED

Moved by Comm. Harmon and seconded by Comm. Austermann to approve an easement for Clark Logistics Group, LLC, 701 Prairie Ave, for the right to install and maintain a loading dock and drive leading thereto described as follows:

Commencing at the Southwest corner of Lot 6, Block 13 of Prairie Heights Addition to the City of Sturgis, St. Joseph County, Michigan, thence East along the lot line 52 feet to the point of beginning, thence East along the lot line 166 feet, thence South 14 feet, thence West 166 feet, thence North 14 feet to the point of the beginning.

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

Moved by Comm. Lampe and seconded by Comm. Ludders to approve the preparation of a letter for signature by the Mayor as explained by the City Attorney regarding an easement for Clark Logistics Group, LLC located at 701 Prairie Ave.

Voting yea: Eight  Voting nay: None  Absent: Haas  MOTION CARRIED
A Public Hearing was held on issuing an Industrial Facilities Exemption Certificate (IFEC) to Mayer Tool and Engineering, Inc.

Moved by Comm. Lampe and seconded by Comm. Littman that an Industrial Facilities Exemption Certificate not to exceed $250,000.00 be awarded to Mayer Tool and Engineering, Inc. for a period of twelve (12) years, beginning on January 1, 2004 and an ending date of December 31, 2015, and that the following resolution be adopted:

RESOLUTION

WHEREAS, Mayer Tool and Engineering, 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 Mayer Tool and Engineering, and

WHEREAS, on November 26, 1986 the City Commission established the Industrial Development District for the industrial property of Mayer Tool and Engineering, Inc. and

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

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

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

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

WHEREAS, the Sturgis City Commission, under Section 16 (1) of Act 198, of the P.A. of 1974 and Act No. 255 of the Public Acts of 1978, as amended, has determined that the length of the Industrial Facilities Exemption Certificate shall remain in force and effect for a period of 12 years with an ending date of December 31, 2015.

NOW, THEREFORE BE IT RESOLVED, that the Sturgis City Commission does hereby approve the application of Mayer Tool and Engineering, Inc. for an “Industrial Facilities Exemption Certificate”.

Voting yea: Seven Voting nay: None Abstain: Mayer Absent: Haas

RESOLUTION ADOPTED

Moved by Comm. Ludders and seconded by Comm. Austermann to set a Public Hearing date of December 11, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for LTI Printing, Inc.

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

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $689,334.02 be paid.

Voting yea: Eight Voting nay: None Absent: Haas MOTION CARRIED
Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $926,057.32 be ratified.  

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

A public forum will be held at the Sturges-Young Auditorium on January 21, 2003, on Doing Business in Sturgis.

The City Commission will meet with the E.D.C. on January 9, 2003 at 6:00 p.m. at the Sturges-Young Auditorium.

Moved by Comm. Lampe and seconded by Comm. Murphy to continue the increase in salary for Interim City Manager until the end of December, 2002. 

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

Moved by Comm. Murphy and seconded by Comm. Austermann to accept the resignation of Claire Mueller from the Sister City Committee and to send a letter of recognition thanking her for her service. 

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann to replace Regina Whitehead as the school’s representative for the Sister City Committee with Barbara Nusbaum for a term to expire in May, 2003 and to send Ms. Whitehead a letter of recognition thanking her for her service. 

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann to appoint Sharon Hudson to the Sister City Committee to fill the unexpired term of Claire Mueller, term to expire in May, 2004. 

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Austermann to appoint Lynn Zimmerman to the Sister City Committee to fill the unexpired term of June McCarthy, term to expire in May, 2005. 

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

Moved by Comm. Lampe and seconded by Comm. Harmon to adjourn the meeting. 

Voting yea: Eight  Voting nay: None  Absent: Haas  

MOTION CARRIED

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

Kenneth D. Rhodes, City Clerk
The following is an unapproved draft of the minutes taken at the regular meeting held on Wednesday, December 11, 2002:

REGULAR MEETING - STURGIS CITY COMMISSION
WEDNESDAY, DECEMBER 11, 2002
WIESLOCH RAUM - CITY HALL

Mayor Sunday-Horstman called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Murphy, Ludders, Haas, Littman, Harmon, Vice-Mayor Lampe, Mayor Sunday-Horstman
Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Engineer, Chief of Police, Director of Economic Development, Director of Parks and Recreation, City Clerk

Moved by Comm. Lampe and seconded by Comm. Austermann to approve the minutes from the previously rescheduled regular meeting on November 25, 2002 as presented.
Voting yea: Nine                Voting nay: None                      MOTION CARRIED

Moved by Comm. Ludders and seconded by Comm. Littman to approve the minutes from the previously scheduled work session on November 25, 2002 as presented.
Voting yea: Nine                Voting nay: None                      MOTION CARRIED

Mayor Sunday-Horstman welcomed Tod Mowery, new City Manager.

Moved by Comm. Ludders and seconded by Comm. Murphy to approve the lease for the Old Depot building between the City of Sturgis and the Sturgis Chamber of Commerce as presented.
Voting yea: Eight               Voting nay: Lampe                       MOTION CARRIED

Comm. Lampe stated the he is in full support of the Chamber of Commerce and has and will continue to work with them. However, after discussions with his constituency, he felt he must vote Nay.

Carl Holsinger provided the City Commission with an update on the efforts of the Charter Review Committee.

Moved by Comm. Lampe and seconded by Comm. Harmon to consider this the second reading and approval for the rezoning of the parcel 706 Elm Street from R-3 Residential to B-H Business-Highway to accommodate a new retail development:
AMENDMENT TO ZONING ORDINANCE PERTAINING TO ZONING MAP
An Ordinance to amend Article III of the Zoning Ordinance of the City of Sturgis pertaining to the
zoning map and to provide for an effective date of this Ordinance.

WHEREAS, the City Commission, upon recommendation from the Planning Board, has determined that it is in the best interest of the residents of the City to modify the Zoning Ordinance with respect to the zoning map to change the zoning designation of certain property from the R-3 Residential to the B-H Business Highway zoning district.

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

Article III of the Zoning Ordinance is hereby modified as follows, effective as of January 6, 2003.

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

Land situate in the City of Sturgis, St. Joseph County, Michigan and described as follows:

Lot Number Three (3) in Block Seven (7), in Frank W. Wait’s Highlands Addition to the said City of Sturgis, according to plat of record in the Office of the Register of Deeds for St. Joseph County, Michigan, in Liber 2 of Plats on Page 3.

Voting yea: Nine                  Voting nay: None                  MOTION CARRIED
A Public hearing on issuing an Industrial Facilities Exemption Certificate was held. Moved by Comm. Lampe and seconded by Comm. Ludders that an Industrial Facilities Exemption Certificate not to exceed $120,000.00 be awarded to LTI Printing, Inc. for a period of twelve (12) years, with an ending date of December 31, 2015, 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 with an ending date of December 31, 2015.

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: Austermann, Mayer, Murphy, Ludders, Lampe, Littman, Harmon, Mayor Sunday-Horstman

Voting nay: None

Abstaining: Haas

THE RESOLUTION WAS ADOPTED.

Moved by Comm. Mayer and seconded by Comm. Ludders to set a Public Hearing date of January 22, 2002 at 7:30 p.m. in the Wiesloch Raum of City Hall for consideration of an Industrial Facilities Exemption Certificate for Sturgis Iron and Metal.

Voting yea: Nine

Voting nay: None

MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Littman that the City bills in the amount of $1,392,810.18 be paid.

Voting yea: Nine

Voting nay: None

MOTION CARRIED
Moved by Comm. Austermann and seconded by Comm. Harmon that the Hospital bills in the amount of $1,393,619.10 be ratified.

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

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

Voting yea: Nine  
Voting nay: None  
MOTION CARRIED

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

Kenneth D. Rhodes, City Clerk
Mayor Sunday-Horstman called the meeting to order at 7:30 p.m.

The Pledge of Allegiance was said by all present.

Commissioners present: Austermann, Mayer, Murphy, Ludders, Haas, Littman, Harmon, Vice-Mayor Lampe, Mayor Sunday-Horstman
Commissioners absent: None

Also present: City Manager, City Attorney, Assistant City Manager, City Engineer, Chief of Police, Director of Economic Development, Director of Parks and Recreation, City Clerk

Moved by Comm. Littman and seconded by Comm. Ludders to approve the minutes from the previously scheduled regular meeting on December 11, 2002 as presented.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Austermann and seconded by Comm. Haas to approve the minutes from the previously scheduled work session on December 11, 2002 as presented.

Voting yea: Nine Voting nay: None MOTION CARRIED
Mayor Sunday-Horstman and City Manager Tod Mowery presented Assistant City Manager Michael Hughes with the following Proclamation:

**PROCLAMATION**

**WHEREAS**, the City of Sturgis has a Commission-Manager form of Government, and
**WHEREAS**, City Manager Jerome Kisscorni, resigned from his duties effective August 2, 2002 after nearly ten years of service, and
**WHEREAS**, at a regular City Commission meeting on June 26, 2002, Assistant City Manager Michael L. Hughes was appointed to serve as Interim City Manager, and
**WHEREAS**, Michael Hughes held the position of Interim City Manager through the hiring of the new City Manager on December 9, 2002, and
**WHEREAS**, in addition to fulfilling his regular duties as the head of the Community Development Department, Michael Hughes guided City Staff in meeting the needs of the citizens of the City of Sturgis, and
**WHEREAS**, Michael Hughes professionally and competently worked with City Commissioners and the community in addressing the concerns of the people of the City of Sturgis,

**NOW, THEREFORE, BE IT RESOLVED** by this Sturgis City Commission to declare its full gratitude to Michael L. Hughes for his dedication to the City of Sturgis as Interim City Manager.

Vice-Mayor Lampe presented City Manager Tod Mowery with a “Welcome Stake”.

City Attorney Roger Bird provided the City Commission with an update on legislation related to sewer backups.

City Manager Tod Mowery provided a draft copy of a Sewer Backup Policy to the City Commission for their review.

Moved by Comm. Haas and seconded by Comm. Harmon to consider this the first reading of an Ordinance to Amend Chapter 70 of the City of Sturgis Code of Ordinances by adopting by reference the Michigan Vehicle Code.

**Voting yea:** Nine **Voting nay:** None

**MOTION CARRIED**
Moved by Comm. Haas and seconded by Comm. Lampe to approve the following resolution:

RESOLUTION

WHEREAS, the City of Sturgis (“City”) and the Township of Sherman (“Township”) entered into an Agreement for Conditional Transfer of Property (Agreement #2), with an effective date of September 15, 1998; and

WHEREAS, Agreement #2 provides that initially only limited jurisdiction was transferred to the City for certain parcels located in Area 2 as described in the Exhibits to Agreement #2, and that full jurisdiction over parcels in Area 2 would transfer immediately from the Township to the City if any one of several stated events occurs; and

WHEREAS, one of the stated events for the transfer of full jurisdiction over a parcel in Area 2 involves the owner of record of the property ceasing to have title to such real property on or after the effective date of Agreement #2; and

WHEREAS, the Township Assessor and the City Assessor have certified the parcels listed below, the owner of record on the effective date of Agreement #2 no longer has title to the property and, accordingly, full jurisdiction of these parcels has been transferred from the Township to the City effective immediately;

NOW THEREFORE, IT IS RESOLVED THAT full jurisdiction for all purposes of the following parcels of land (identified below by a listing of the respective owners, street addresses, former Township tax parcel number and new tax parcel number assigned by the City) located in Area 2 as described in Agreement #2 are certified to have been transferred from the Township to the City effective immediately:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Property Address</th>
<th>Parcel Number (Township)</th>
<th>Parcel Number (City)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher B. Wilson</td>
<td>918 N. Nottawa St.</td>
<td>75-014-036-000-037-00</td>
<td>75-052-777-000-524-00</td>
</tr>
<tr>
<td>Gayla S. Perry</td>
<td>1000 N. Nottawa St.</td>
<td>75-014-036-000-044-00</td>
<td>75-052-777-000-517-00</td>
</tr>
<tr>
<td>Eleanor I. Kennedy</td>
<td>1004 N. Nottawa St.</td>
<td>75-014-036-000-043-00</td>
<td>75-052-777-000-518-00</td>
</tr>
<tr>
<td>Charles H. &amp; Angela A. Williams</td>
<td>1014 Tracy Drive</td>
<td>75-014-130-000-025-00</td>
<td>75-052-374-000-025-00</td>
</tr>
</tbody>
</table>

Legal descriptions of each of the above parcels are attached as Exhibit A to this Resolution.

BE IT FURTHER RESOLVED THAT, in accordance with Section 2.1.C of Agreement #2, the City Commission hereby certifies that events have occurred transferring full jurisdiction over such parcels to the City, and the filing of this Resolution and either a similar resolution adopted by the Sherman Township Board or sixty (60) days has passed since this resolution was adopted shall be sufficient to evidence the transfer of full jurisdiction over the above parcels to the City.

Voting yea: Nine Voting nay: None RESOLUTION ADOPTED

Moved by Comm. Austermann and seconded by Comm. Haas to approve the following resolution:

RESOLUTION

WHEREAS, the City of Sturgis (“City”) and the Township of Fawn River (“Township”) entered into an Agreement for Conditional Transfer of Property (Agreement #1), with an effective date of July 15, 1998; and

WHEREAS, Agreement #1 provides that initially only limited jurisdiction was transferred to the City for parcels located in Area 2, as described in Exhibits A and B to Agreement #1, and that full jurisdiction over parcels in Area 2 would transfer immediately from the Township to the City if any one of several stated events occurs; and

WHEREAS, one of the stated events for the transfer of full jurisdiction over a parcel in Area 2 involves the owner of record of the property ceasing to have title to such real property on or after the effective date of Agreement #1; and

WHEREAS, the Township Assessor and the City Assessor have certified that the owner of record
of the parcel listed below on the effective date of Agreement #1 no longer has title to the property
and, accordingly, full jurisdiction of this parcel has been transferred from the Township to the City
effective immediately;

NOW THEREFORE, IT IS RESOLVED THAT full jurisdiction for all purposes of the
following parcel of land (identified below by the owner, street address, former Township tax parcel
number and new tax parcel number assigned by the City) located in Area 2 as described in
Agreement #1 is certified to have been transferred from the Township to the City effective
immediately:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Property Address</th>
<th>Parcel Number (Township)</th>
<th>Parcel Number (City)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gateway Church of God</td>
<td>670 S. Franks Ave</td>
<td>75-005-007-002-20</td>
<td>75-052-777-000-331-00</td>
</tr>
<tr>
<td>A River of Life</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Legal descriptions of parcel:
A parcel of land being in the North 417.29 feet of the West half of the Northeast Quarter of Section
7, Town 8 South, Range 9 West, Fawn River Township, St. Joseph County, Michigan, excepting
the North 66 feet thereof and excepting the West 80 feet thereof, more particularly described as
follows:

Commencing at the Northwest Corner of said Northeast Quarter of Section 7; thence South 89
42'39" East 80.00 feet along the North line of said Northeast Quarter to a point 80.00 feet Easterly
of the West line of said Northeast Quarter; thence South 00 41'34" West 66.00 feet parallel with
said West line to a point 66.00 feet Southerly of said North line, being the Point of Beginning;
thence South 89 42'39" East, 1246.99 feet parallel with said North line to the East line of said West
½ of the Northeast Quarter; thence South 00 38'14" West 351.30 feet along said East line to a point
417.29 feet Southerly of said North line; thence North 89 42'39" West 1247.33 feet parallel with
said North line to a point 80.00 feet Easterly of said West line; thence North 00 41'34" East 351.30
feet parallel with said West line to the Point of Beginning.

BE IT FURTHER RESOLVED THAT, in accordance with Section 2.1.B.5 of Agreement #1, the
City Commission hereby certifies that events have occurred transferring full jurisdiction over said
parcel to the City, and the filing of this Resolution and either a similar resolution adopted by the
Fawn River Township Board or sixty (60) days has passed since this resolution was adopted shall
be sufficient to evidence the transfer of full jurisdiction over the above parcel to the City.

BE IT FURTHER RESOLVED THAT, the City Manager is authorized and directed to file
certified copies of this Resolution with the Township Clerk, the St. Joseph County Clerk and the
Office of the Great Seal of the State of Michigan to evidence that the transfer of full jurisdiction to
the City of such parcels has occurred for the records of each such office.

Voting yea: Nine                               Voting nay: None                          RESOLUTION ADOPTED

Moved by Comm. Ludders and seconded by Comm. Harmon to approve the following resolution:

RESOLUTION

WHEREAS, the City of Sturgis ("City") and the Township of Fawn River ("Township") entered
into an Agreement for Conditional Transfer of Property (Agreement #3), with an effective date of
March 15, 1999; and

WHEREAS, Agreement #3 provides that initially only limited jurisdiction was transferred to the
City for certain parcels located in Area 2 as described in the Exhibits to Agreement #3, and that full jurisdiction over parcels in Area 2 would transfer immediately from the Township to the City if any one of several stated events occurs; and

WHEREAS, one of the stated events for the transfer of full jurisdiction over the remaining parcels in Area 2 was the end of three years after the Effective Date of Agreement #3 (March 15, 1999); and

WHEREAS, March 15, 2002 was the end of three years after the Effective Date of Agreement #3 (March 15, 1999) and accordingly, full jurisdiction of these parcels has been transferred from the Township to the City effective immediately;

NOW THEREFORE, IT IS RESOLVED THAT full jurisdiction for all purposes of the following parcels of land (identified below by a listing of the respective owners, street addresses, former Township tax parcel number and new tax parcel number assigned by the City) located in Area 2 as described in Agreement #3 are certified to have been transferred from the Township to the City effective as of March 15, 2002:

<table>
<thead>
<tr>
<th>Owner</th>
<th>Property Address</th>
<th>Parcel Number (Township)</th>
<th>Parcel Number (City)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack &amp; Sharon Meyers</td>
<td>69771 Lakeview Road</td>
<td>75-005-007-000-008-00</td>
<td>75-052-777-000-323-00</td>
</tr>
<tr>
<td>Steven &amp; Laura Soule</td>
<td>69953 Lakeview Road</td>
<td>75-005-007-000-009-01</td>
<td>75-052-777-000-322-00</td>
</tr>
<tr>
<td>Esther &amp; Bertram Van Poppel</td>
<td>69931 Lakeview Road</td>
<td>75-005-007-000-009-07</td>
<td>75-052-777-000-321-00</td>
</tr>
</tbody>
</table>

Legal descriptions of each of the above parcels are attached as Exhibit A to this Resolution.

BE IT FURTHER RESOLVED THAT, in accordance with Section 2.1.C of Agreement #3, the City Commission hereby certifies that events have occurred transferring full jurisdiction over said parcels to the City, and the filing of this Resolution and either a similar resolution adopted by the Fawn River Township Board or sixty (60) days has passed since this resolution was adopted shall be sufficient to evidence the transfer of full jurisdiction over the above parcels to the City.

Voting yea: Nine Voting nay: None RESOLUTION ADOPTED

Moved by Comm. Austrermann and seconded by Comm. Littman that the City bills in the amount of $1,215,711.88 be paid.

Voting yea: Nine Voting nay: None MOTION CARRIED

Moved by Comm. Austrermann and seconded by Comm. Harmon that the Hospital bills in the amount of $595,581.41 be ratified.

Voting yea: Nine Voting nay: None MOTION CARRIED

Comm. Haas reported that the Hospital has begun construction on their Urgent Care Center, which should be done soon. Additionally, the Hospital will be proceeding with their Master Facility Plan in phases.

Moved by Comm. Lampe and seconded by Comm. Harmon to adjourn the meeting.

Voting yea: Nine Voting nay: None MOTION CARRIED

The meeting was adjourned at 8:10 p.m.

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Kenneth D. Rhodes, City Clerk