

Meeting Minutes :

MINUTES OF THE ST. JOSEPH CITY COMMISSION MEETING HELD IN THE COMMISSION CHAMBERS, CITY HALL, ST. JOSEPH, MICHIGAN ON FEBRUARY 11, 2013.

PRESENT: MAYOR JUDD, COMMISSIONERS CHICKERING, GAREY AND RICHARDS

CITY MANAGER FRANK WALSH

CITY ATTORNEY LAURIE SCHMIDT

CITY CLERK DEB KOROCH

ABSENT: COMMISSIONER GOFF

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

Commissioner Richards moved; seconded by Commissioner Garey, approval of the February 11, 2013 Agenda, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

Mayor Judd called for public comment.

There being no public comment, Mayor Judd presented the February 11, 2013 Consent Agenda:

- Disbursements paid since January 3, 2013 in the amount of \$1,379,562.44
- Minutes of the January 7, 2013 Regular Meeting

- Minutes of the January 8, 2013 Special Meeting
- Minutes of the January 17, 2013 Special Meeting
- Minutes of the February 4, 2013 Special Meeting
- Special Event - Alex's Duck Duck Run/Racing to Cure Neuroblastoma 6/15/13
- Special Event - Chemical Bank Race - Chemical Bank - 7/20/13
- Special Event - Run, Walk & Rock - Lory's Place - 5/18/13
- Special Event - Great Strides Walk - Cystic Fibrosis Foundation - 5/19/13
- Berrien County Riparian Rights Consent

Commissioner Garey; seconded by Commissioner Richards, moved the approval of the February 11, 2013 Consent Agenda, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Finance Director presented a draft timeline for the development of the 2013-2014 Fiscal Year Budget; the schedule begins the development of the 2013 goals and ends with the public presentation of the final draft budget on May 6, 2013.

Commissioner Chickering; seconded by Commissioner Richards, moved the approval of the timeline for the development of the 2013-2014 Fiscal Year Budget, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Clerk presented the following amendment to the City of St. Joseph Employees' Retirement Fund Ordinance and asked that the City Commission consider giving the amendment a second and final reading.

City of St. Joseph

Berrien County, Michigan

An ordinance to amend CHAPTER 40 of the Code of Ordinances of the City of St. Joseph,
Michigan

THE CITY OF ST. JOSEPH ORDAINS:

Chapter 40 of the Code of Ordinances of the City of St. Joseph, Michigan, is hereby amended by replacing Sections 19(a) and 19(b) in their entirety with the following Sections 19(a) and 19(b):

Compulsory Separation from City Employment:

Section 19. (a) A police or fire fighter member shall be separated from City employment the first day of the calendar month next following the month in which he or she attains age 65 years.

(b) A member who is subject to separation from City employment as provided in subsection (a) of this section shall retire upon the written application to the City of St. Joseph Employees' Retirement Board of Trustees.

This ordinance shall take effect 10 days after its final passage.

Commissioner Chickering; seconded by Commissioner Richards, moved that the foregoing ordinance be given a second and final reading and be declared adopted. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Manager presented the following amendment to the St. Joseph Zoning Ordinance and asked that the City Commission consider giving the amendment a second and final reading. He stated the City Commission had approved the amendment for a first reading on January 17, 2013.

City of St. Joseph

Berrien County, Michigan

An ordinance to amend the ZONING Ordinance of the City of St. Joseph, Michigan

THE CITY OF ST. JOSEPH ORDAINS:

The Zoning Ordinance of the City of St. Joseph, Michigan, is hereby amended as follows:

1. Article V, Section 5.2, Table 5-1 is hereby amended by adding a footnote numbered 9 which reads as follows:

"9. If a subject property is located between two properties that 1) front the same street as the subject property, 2) are contiguous to the subject property at the right-of-way line of that street, 3) are in the same zoning district as the subject property, and 4) each have a Principal Structure that is set back from the right-of-way line of that street a distance less than the minimum front setback for the zoning district, then the minimum front setback of the subject property shall be equal to the average of the actual front setbacks for the Principal Structures on those two contiguous properties, rounded up to the nearest one (1) foot. For the purpose of this calculation, an existing Principal Structure which projects into the public right of way will be considered to have a front setback of zero (0) feet. This footnote shall not apply if the subject property is a Flag Lot or a Corner Lot."

2. Article V, Section 5.2, Table 5-1 is hereby amended by adding a superscript numeral "9" indicating footnote number 9 is applicable to the column labeled Minimum Front Setback in Feet for each of the individual rows representing the R1-A, R1-B, R1-C, R1-D, R1-E and R2 zoning districts.

This ordinance shall take effect 10 days after its final passage.

Commissioner Garey; seconded by Commissioner Chickering, moved that the foregoing ordinance be given a second and final reading and be declared adopted. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Clerk presented four (4) applications for 2013 seasonal vending in the downtown; three applications seek to vend in public locations, as defined by the City Commission and one application seeks to vend on private property located at the southeast corner of Broad Street and Lake Boulevard.

She stated the City Commission would be asked to consider the application and grant vending licenses as part of the February 25, 2013 meeting agenda.

The City Commission received an update by Mr. Perry Ballard, owner of 526 Upton Drive and Attorney Andrew Barnes, representing the Edgewater Neighborhood Association regarding the status of conversations between the parties concerning the proposed rezoning of 526 Upton Drive. Discussion ensued; the City Manager suggested the matter be revisited at the next regular meeting of the City Commission on February 25th.

The City Manager presented a proposal from DK Construction to dredge approximately 2,000 cubic yards from the West Basin Marina at a cost of \$161,300.

Commissioner Richards; seconded by Commissioner Chickering, moved acceptance of a proposal from DK Construction of Holland, Michigan to dredge the West Basin Marina at a cost of \$161,300, as recommended by Abonmarche Consultants. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Engineer presented the following resolution for consideration:

RESOLUTION 13-02

City of St. Joseph

County of Berrien

RESOLUTION AUTHORIZING THE S2 GRANT AGREEMENT

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204a that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2010 PA 231, which provides grants to assist municipalities in completing loan application requirements under MCL 324.5308 or completing loan application requirements for other sources of financing for sewage treatment works projects, storm water treatment projects or nonpoint source projects; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "S2 Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204a, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to undertake planning, revenue system development, and/or design activities related to a project for which it intends to seek financing for construction; and

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$195,596 pay for the planning and/or design activities; and ("Grant") be requested from the MFA and the DEQ to **WHEREAS**, the Municipality shall obtain this Grant by entering into the S2 Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The St. Joseph City Finance Director, a position currently held by Deborah S. Koroch, is designated as the Authorized Representative for purposes of the S2 Grant Agreement.

- 2. The proposed form of the S2 Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix I) is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

- 3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if any of the following conditions occur:
 - a. The Municipality fails to submit an administratively complete loan application for assistance from the SRF, the SWQIF or other source of financing for the project within 3 years of the Grant award;

 - b. The project has been identified as being in the fundable range or is approved for funding from another source and the Municipality declines loan assistance for 2 consecutive fiscal years unless the Municipality proceeds with funding from another source; or

 - c. The Municipality is unable to, or decides not to, proceed with constructing the project.

- 4. The Grant, if repayable, shall be a first budget obligation from the general funds of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

- 5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant

funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees.

•6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

•7. The Municipality acknowledges that the S2 Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

•8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

Commissioner Chickering; seconded by Commissioner Garey, moved the approval of Resolution 13-02 authorizing the S2 Grant Agreement be approved and that tentative approval be given to a proposal by Abonmarche Consultants in the amount of \$195,596 to provide engineering services based upon the S2 Grant Agreement and contingent upon the City receiving the grant. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Manager updated the City Commission on the Cemetery Operating Budget and his plan to reduce spending by eliminating one full-time position. The City Manager stated that the Cemetery Operating had ended the prior year with a \$2,500 deficit balance and that based on a six month review of the fund, conditions had not improved. Therefore the Public Works Director has recommended the elimination of one full-time position; one employee will be transferred to a full-time vacancy in the Parks Department. This move will ensure that the fund ends this year with a positive fund balance and begins to grow that fund balance in the next fiscal year.

The City Manager reviewed the 2012-2013 Fiscal Year Budget with the City Commission. He stated that at the six month mark, there were no unforeseen issues and that all funds were on

track to end the fiscal year as anticipated.

The Howard Ice Arena Manager presented a draft policy to allow free open skate from 10 a.m. until 3 p.m. on any day that the St. Joseph Public Schools or Lake Michigan Catholic Schools are closed due to weather conditions. He stated that the charges for skate rental and concessions would continue to be levied; only admission fees would be waived for all skaters under the policy.

Commissioner Chickering; seconded by Commissioner Garey, moved the approval of a policy allowing free admission from 10 a.m. until 3 p.m. to the Howard Ice Arena on any day that the St. Joseph Public Schools or Lake Michigan Catholic Schools were closed due to weather. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Manager stated that he had been contacted by Benton Charter Township officials requesting to extend the agreement to share the City of St. Joseph Water Plant Superintendent for one additional year. He asked for authorization to negotiate a one year extension to the agreement.

Commissioner Richards; seconded by Commissioner Garey, moved the authorization for staff to enter into negotiations for a one year extension to the shared services agreement between the City of St. Joseph and Benton Charter Township for the services of the City's Water Plant Superintendent. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Manager announced that members of the Downtown Development Authority had worked to develop a new Five Year Plan outlining their goals and objectives for the next five years. The public is invited to review and comment on the plan during public meetings to be held on Wednesday February 20, 2013 at 8:30 a.m. or 6:30 p.m. in the City Commission Chambers.

The Public Safety Director presented the Medic 1 Ambulance Service 2013-2014 Fiscal Year Budget for consideration and approval. He stated the Medic 1 budget recommended no change in the per capita municipal subsidy, but due to the decrease in population, as reported by the

2010 Census Bureau, the City of St. Joseph would realize a decrease in their annual subsidy.

Commissioner Richards; seconded by Commissioner Garey, moved the approval of the 2013-2014 Fiscal Year Budget of Medic 1 Ambulance Service. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The Public Safety Director presented an update on the delivery and cost of fire service through the Public Safety model as compared to providing fire service in previous years. He specifically compared two fires occurring in January 2011 and January 2013, both on Winchester; response time, response manpower, and scene clearance all improved during the 2013 incident utilizing firefighters, public safety officers and fire reserves, while cost savings since implementation of the Public Safety Department has surpassed \$446,000.

The Public Works Director presented a proposal from Alsup Painting Inc. of St. Joseph for required maintenance and repair including drywall restoration and painting at City Hall at a cost of \$11,490.

Commissioner Richards; seconded by Commissioner Garey, moved the approval of a proposal from Alsup Painting Inc. of St. Joseph to repair drywall and paint predetermined areas within City Hall at a cost of \$11,490, as specified. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The City Engineer presented the following resolution for consideration:

RESOLUTION 13-03

City of St. Joseph

County of Berrien

RESOLUTION EXPRESSING THE IMMEDIATE AND ESSENTIAL NEED TO FUND THE REPAIR OF MICHIGAN'S ROADS FOR THE SAFETY OF OUR RESIDENTS AND FOR THE FISCAL HEALTH OF OUR STATE AND LOCAL COMMUNITIES

WHEREAS, let it be known that Michigan is losing \$3 million per day and more than \$1 billion per year due to maintenance costs and increased wear and tear on our roads and bridges; and

WHEREAS, Michigan's roads are consistently ranked among the nation's worst; and

WHEREAS, one-third of all fatal and serious traffic crashes in Michigan can be linked, in part, to poor road conditions; and

WHEREAS, the Michigan tax on gasoline - the user fee that is the primary source of transportation funding - has not increased since 1997. At the same time, the gasoline tax revenue collected today, adjusted for inflation is equal to that which was collected in 1974; and

WHEREAS, the state's 6 percent sales tax goes into the general fund, and not toward road repairs; and

WHEREAS, delaying investment in transportation puts Michigan at risk for future fiscal crisis. Currently 32 percent of Michigan's roads are ranked as being in poor condition. By 2018 this number is expected to jump to more than 65 percent; and

WHEREAS, bringing a road from poor to good pavement condition costs 6 times more than it does to bring a road from fair to good condition; and

WHEREAS, investing \$10 billion over the next ten years to fix Michigan's roads and bridges would create 12,000 jobs and prevent 100 crash-related deaths per year.

NOW, THEREFORE, BE IT RESOLVED, the City of St. Joseph hereby urges Governor Snyder and Michigan legislators to save taxpayer dollars, save lives and improve our economy by making the necessary investments to repair our roads and bridges so that our transportation systems can function at peak performance.

Commissioner Garey; seconded by Commissioner Chickering, moved the approval of Resolution 13-03 in support of funding additional investment in Michigan's transportation systems. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

Commissioner Garey presented a Letter of Agreement between the City of St. Joseph and the Michigan Municipal League for consulting services relating to the search for a city manager; the cost of the search not to exceed \$10,500.

Commissioner Richards seconded by Commissioner Chickering, moved the approval of a Letter of Agreement between the City of St. Joseph and the Michigan Municipal League for consulting services relating to a City Manager search on behalf of the City of St. Joseph at a cost not to exceed \$10,500 and authorization for Commissioner Garey to execute the agreement. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

There being no further business, Mayor Judd moved to adjourn at 7:24 p.m.

Mayor Judd