

Meeting Minutes :

MINUTES OF THE ST. JOSEPH CITY COMMISSION MEETING HELD IN THE COMMISSION CHAMBERS, CITY HALL, ST. JOSEPH, MICHIGAN ON MARCH 25, 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.

Mayor Judd recognized the members of the Retired Senior Volunteer Patrol and presented the President's Volunteer Service Award to members of the RSVP who have served 100 or more hours.

Mayor Judd recognized Mr. Ken Tiefenbach for 29 years of service as a Reserve Firefighter.

Commissioner Richards; seconded by Commissioner Garey, moved the approval of the March 25, 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 was an inquiry from Mr. George Barfield of 597 Summer Ridge Parkway regarding the pension benefits of City Manager Walsh and about the search for a new City Manager. Mayor Judd explained that the City has a Defined Benefit Plan and that pension liabilities are calculated annually through an actuarial study and the City makes

contributions to the plan based on the results of the study; Mayor Pro Tem Garey stated that the City Commission desires to hire a new City Manager with previous experience as a City Manager; he acknowledged that there are current staff members who are excellent employees but lack prior City Manager experience.

Mayor Judd presented the March 25, 2013 Consent Agenda:

- Disbursements paid since March 6, 2013 in the amount of \$1,202,079.56
- Minutes of the March 11, 2013 Regular Meeting
- Acceptance - Downtown Development Authority Resignation - Bret Bortner
- Summer Tax Collection Agreements

Commissioner Richards; seconded by Commissioner Garey, moved the approval of the March 25, 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.

Jessica Stauffer of **Be Healthy Berrien** discussed a new partnership to help fight child and adult obesity and the launch of their Million Mile Challenge to encourage Berrien County citizens to be more active.

The City Manager presented the June 30, 2013 General Fund Budget projections and reviewed the savings gleaned from the combination of the Police and Fire Departments and the elimination of the City dispatch service.

Mayor Judd opened a Public Hearing at 6:35 p.m. to receive comments and consider whether or not to adopt draft Resolution 13-06 authorizing submission of a MNRTF grant request to fund construction of two kayak/canoe launches and committing to a \$93,500 local match for the project.

The Community Development Director reviewed the City's long-term plan to construct two (2) kayak/canoe launches; one at Riverview Park and the other at Fisherman Road. He reminded the City Commission that they had previously accepted a grant to design the launches at these locations. If approved, the grant would fund 75% of the construction cost.

Mr. Rick Robinson of 1709 River Ridge Court spoke in opposition to the Fisherman Road location, stating there were other ways to utilize the property and he was concerned about the possibility of a gate at the end of the property which would limit his access to his property which is located north of the proposed launch site.

Mr. Carl Myers of 439 Island Point Drive spoke in support of the project, stating that Island Point Marina generally supported the project but had some concerns regarding the current disregard for the "no wake" zone which ends at approximately the Fisherman Road location; he would like to see better enforcement of the "no wake" zone.

Kevin Kasischke of 1511 Bernice stated he had fifteen (15) points of opposition to the Fisherman Road location; his main point of contention was the location just beneath his property; he believes that parks should be fenced and that the Fisherman Road property cannot be fenced due to easements currently in place. He recommended that this launch site be moved to the City Boat Launch located to the northwest.

Mr. Paul Granigan of 1507 Bernice spoke in opposition to the Fisherman Road location stating that a kayak/canoe launch at the location would change the eco-system.

Ms. Lonna Salnoske of 1505 Bernice spoke in opposition to the Fisherman Road location; she would like to continue to enjoy the natural beauty of the area.

Dr. Tony Salvagione of 1711 River Ridge Court spoke in opposition to the Fisherman Road location; he stated that he was an avid kayak/canoe enthusiast and he believes there are several reasons not to utilize the Fisherman Road location, including the shallowness of the river.

Mr. Jim Meister of 1509 Bernice spoke in opposition to the Fisherman Road location, stating security concerns.

Peter Colovos, Fisherman Road property owner to the north, spoke in support of the project and the Fisherman Road location, stating he was in favor of additional recreational use in the area and asked about alternative uses of the property if the launch was not built on the proposed site.

Mr. Judd Vosburg of 1601 Bernice spoke in opposition to the Fisherman Road location stating his concern that the project would result in a decline of his property value and that he would be forced to look at a port-a-potty all summer, he suggested the City Commission consider selling the property to the adjacent property owners, he further stated his concerns regarding the river currents and wakes and the safety of those using the launch.

Ms. Stephanie Bean of 1511 Bernice spoke in opposition to the Fisherman Road location citing safety issues, problems associated with patrolling the area and possible competition with private area kayak businesses.

Rick Robinson of 1709 River Ridge Court spoke again stating that he regularly has no problem canoeing from his property.

Mr. Charles Masters spoke in opposition to the Fisherman Road location stating he was concerned for inexperienced kayakers faced with speeding boaters who do not respect the "no wake" zone.

There being no further comments **Commissioner Richards**; seconded by Commissioner Garey, moved to close the Public Hearing at 7:30 p.m. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

Resolution 13-06 was presented for consideration.

RESOLUTION 13-06

A RESOLUTION APPROVING SUBMISSION OF

MICHIGAN NATURAL RESOURCES

TRUST FUND GRANT APPLICATION

ST. JOSEPH ACCESSIBLE KAYAK LAUNCH DEVELOPMENT

WHEREAS, the City of St. Joseph recognizes the need and value of its public park system and open space and endeavors to improve and maintain these vital community assets and,

WHEREAS, the City and its residents are fortunate to have the opportunity to enjoy recreational uses of Lake Michigan, the St. Joseph River, and the Paw Paw River, and

WHEREAS, the St. Joseph community through its 2011-2015 Parks and Recreation Master Plan recognizes the desirability of constructing accessible canoe and kayak launches to provide additional recreational opportunities to area residents and visitors, and

WHEREAS, the City of St. Joseph received a Coastal Management Program grant in 2012 for the purpose of designing Americans with Disabilities Act accessible canoe and kayak launches at Riverview Park and at the city owned Morrison Channel property at the south end of Fisherman's Road; and

Whereas, the City of St. Joseph has an opportunity to seek funding from the Michigan Department of Natural Resources administered Natural Resources Trust Fund and,

WHEREAS, a Public Hearing was held at 6:00 PM on March 25, 2013 during a regularly scheduled meeting of the St. Joseph City Commission, to provide an opportunity for citizens to

comment and ask questions regarding the proposed grant application and improvements and,

WHEREAS, after receiving public input the City Commission believes the proposed canoe and kayak launches would benefit the community, and

WHEREAS, the total project cost is estimated at approximately \$373,800 of which \$93,500 would be provided by City general funds and \$280,300 would be funded by the Michigan Natural Resources Trust Fund;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of St. Joseph approves the submission of a Michigan Natural Resources Trust Fund grant application to the Michigan Department of Natural Resources in the total project amount of \$373,800 for the construction of accessible canoe and kayak launches as described above and commits local financial support if the project is selected and awarded grant funding.

Discussion ensued. There was consensus among Commissioners that public property should be available for use by the entire community and that the public property located on Fisherman Road provides waterway access to the general public; further discussion centered on whether or not the City Boat Launch would be a suitable replacement location for the kayak/canoe launch.

Commissioner Garey; seconded by Mayor Judd, moved to reject Resolution 13-06 and request that staff evaluate all possible locations for the second kayak/canoe launch site. Roll call resulted as follows: Yeas: Commissioners Garey and Mayor Judd. Nays: Commissioners Chickering and Richards. Absent: Commissioner Goff. Motion failed for lack of majority.

The Community Development Director presented a proposal from Valpo Pizza, Inc. to increase their annual rent for the year July 1, 2013 through June 30, 2014 to \$1,493.76 per month and to tie subsequent annual increases through June 30, 2018 to the Consumer Price Index as already described in their lease agreement.

Commissioner Richards; seconded by Commissioner Chickering, moved approval of setting the July 1, 2013 through June 30, 2014 rent for the Depot building to Valpo Pizza, Inc. to be

\$1,493.76 per month, with subsequent annual increases through June 30, 2018 tied to the Consumer Price Index, as described in the lease agreement. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

The Community Development Director presented a draft development agreement between the City of St. Joseph and Harbor Village regarding the initial phase of the Harbor Village project. The agreement confirms the previous representations made by Harbor Village, that if the state approves the CDBG Grant for this property, Harbor Village will pay all local expenses associated with the grant and with the project and hold the city harmless, that it will provide grant administration support, and will develop the planned hotel, and will perform all maintenance on the public parking areas and waterfront park areas until the City of St. Joseph begins to receive tax revenue from the property; the City agrees to allow the public property to be developed including public parking lots and a waterfront walkway; the private property to be developed as provided in the existing Planned Unit Development.

Commissioner Garey; seconded by Commissioner Richards, moved the approval of the Parcel 3 Development Agreement between the City of St. Joseph and Harbor Village at Harbor Shores, 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 Community Development Director noted that in order to move forward with the Harbor Village development, it is necessary for Harbor Shores to donate a portion of the Parcel 3 property to the City for public parking lots and roads. He presented a donation agreement indicating that Harbor Shores is willing to donate this property to the City, with the restriction that it be used as a public parking lot and associated uses in keeping with the development contemplated in the Harbor Village Development Agreement.

Commissioner Garey; seconded by Commissioner Richards, moved the approval of the Harbor Shores Donation Agreement and authorization for staff to close on the property. 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 2013 Property Maintenance Program. He stated that staff was meeting to redevelop the property maintenance program to coincide with the sidewalk program; he plans to hire a seasonal employee to administer both the property

maintenance and sidewalk programs.

The Community Development Director reminded the City Commission that during their regular meeting on March 5, 2013, staff had been directed to place Short-Term Rentals on the March 25, 2013 agenda.

Commissioner Garey; seconded by Commissioner Chickering, moved to direct the Planning Commission to consider a Zoning Amendment regarding short-term rentals. 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 an amendment to the lease agreement between the City of St. Joseph and City Enterprises, Inc. for the space located at 421 State Street. The amendment would set the monthly rent from April 1, 2013 through March 31, 2014 at \$1,965.64 and tie subsequent annual increases to the Consumer Price Index through March 31, 2015 as described in the lease agreement.

Commissioner Garey; seconded by Commissioner Richards, moved the approval of an amendment setting the July 1, 2013 through June 30, 2014 rent for the 421 State Street property owned by City Enterprises and leased to the City of St. Joseph to be \$1,965.64 per month, with subsequent annual increases through March 31, 2015 tied to the Consumer Price Index, as described in the lease agreement. 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 in order for the City of St. Joseph to receive Federal and State grant monies, the City must develop and approve a Non-Discrimination Policy. He presented a draft policy which is currently under review by the State of Michigan. Once the Michigan Department of Transportation's review has been completed and any necessary changes incorporated, the document will come back to the City Commission for their consideration.

The City Manager presented an amendment to the Shared Services Agreement between the City of St. Joseph and Benton Charter Township for the sharing of the City of St. Joseph Water Filtration Plant Certified Plant Operator. The amendment extends the term of the original

agreement for one year from the date the agreement is executed.

Commissioner Garey; seconded by Commissioner Chickering, moved the approval of the Amendment to the Shared Services Agreement between the City of St. Joseph and Benton Charter Township for the sharing of the City of St. Joseph Water Filtration Plant Certified Plant Operator, 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 Manger presented a revised project schedule for the City Boat Launch Improvement Project; the revisions include awarding bid on April 22; construction starting on May 1; and substantial completion on August 14.

Commissioner Richards; seconded by Commissioner Garey, moved approval of the revised City Boat Launch Improvement Project schedule, 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 Community Development Director presented Resolution 13-05 for consideration:

RESOLUTION 13-05

A RESOLUTION OF INTENT TO EXPAND THE ST. JOSEPH DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT BOUNDARIES AND TO SET A PUBLIC HEARING TO CONSIDER THE PROPOSED EXPANSION

WHEREAS, the City of St. Joseph is authorized by the provisions of Act 197, Public Acts of Michigan, 1975, as amended, to create a downtown development authority (DDA) and to designate the DDA district boundaries; and

WHEREAS, the City has established the St. Joseph Downtown Development Authority and designated the boundaries of the DDA district; and

WHEREAS, the City Commission wishes to consider expanding the boundaries of the St. Joseph DDA to include the properties commonly known as 509 Ship Street and 100 State Street, as well as the portions of Lake Boulevard and Port Street adjacent to these properties and the public alley between these properties; and

WHEREAS, it is necessary to conduct a public hearing regarding the adoption of a proposed ordinance to so amend the boundaries of the St. Joseph DDA district:

NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby expresses its intent to expand the boundaries of the St. Joseph Downtown Development Authority district to include the properties commonly known as 509 Ship Street and 100 State Street, as well as portions of Lake Boulevard and Port Street adjacent to these properties and the public alley between these properties; and

BE IT FURTHER RESOLVED, that there shall be a public hearing before the St. Joseph City Commission at the regular meeting to be held at 6:00 p.m. on Monday, April 22, 2013, for the purpose of considering an ordinance so amending the DDA boundaries; and

BE IT FURTHER RESOLVED that the first and second readings of any ordinance so amending the DDA boundaries shall not take place until at least sixty (60) calendar days have passed following the conclusion of this public hearing.

Commissioner Richards; seconded by Commissioner Garey, moved the approval of Resolution 13-05 expressing the intention of the City to expand the DDA District and to set a Public Hearing to consider the proposed expansion for April 22, 2013 at 6:00 p.m. 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 the findings of the Downtown Parking Committee; he stated that the recommendation of the committee was to seasonally limit parking on Lake Boulevard to two-hours and to enforce all downtown parking restrictions seven days a week

from Memorial Day to Labor Day.

Commissioner Chickering; seconded by Commissioner Richards, moved acceptance of the Downtown Parking Committee recommendations, 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 Manager presented a request from Mr. Ron Schults that the City make application to the U.S. Fish and Wildlife Service for a Boating Infrastructure Grant. If awarded, the grant would help to fund the transient marina slips planned at Harbor Village; Harbor Village would develop the grant application and would pay all local costs and the local match. There would be no cost to the City of St. Joseph.

Commissioner Richards; seconded by Commissioner Garey, moved approval of a request for the City to make application to the U.S. Fish and Wildlife Service for a Boating Infrastructure Grant to assist in funding transient marina slips at Harbor Village and authorization for the Mayor to sign a letter of support for the application and project. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

Commissioner Garey updated the public on the City Manager search stating the application deadline is April 19th.

Commissioner Richards; seconded by Commissioner Chickering, moved approval of a request to go into Closed Session at 8:50 p.m. to review a legal opinion. Roll call resulted as follows: Yeas: Commissioners Chickering and Garey, Mayor Judd and Commissioner Richards. Nays: None. Absent: Commissioner Goff. Motion carried.

Commissioner Richards; seconded by Commissioner Garey, moved approval to close the Closed Session at 9:20 p.m. 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 9:21 p.m.

Mayor

City Clerk