

**Meeting Minutes :**

MINUTES OF THE ST. JOSEPH CITY COMMISSION MEETING HELD IN THE COMMISSION CHAMBERS, CITY HALL, ST. JOSEPH, MICHIGAN ON MAY 20, 2013.

PRESENT: MAYOR JUDD, COMMISSIONERS CHICKERING, GAREY, GOFF AND RICHARDS

INTERIM CITY MANAGER JOHN HODGSON

CITY ATTORNEY LAURIE SCHMIDT

RECORDING SECRETARY SUSAN SOLON

ABSENT: CITY CLERK DEB KOROCH

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

Mayor Judd led the Pledge Allegiance.

**Commissioner Richards;** seconded by Commissioner Goff, moved approval of the May 20, 2013 Agenda, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Mayor Judd called for public comment. Jill Stone, Executive Director of St. Joseph Today, thanked the City Commission and staff for partnering with them on their Blues, Brews & BBQ event over the weekend. Sylvia Lieberg complimented the City Engineer for his diligence in the completion of the Price Street project.

Mayor Judd presented the May 20, 2013 Consent Agenda:

- Disbursements paid since May 2, 2013 in the amount of \$1,067,597.58
- Minutes of May 6, 2013 Regular Meeting
- Minutes of May 11, 2013 Special Meeting
- Minutes of May 16, 2013 Special Meeting

**Commissioner Chickering;** seconded by Commissioner Garey, moved approval of the May 20, 2013 Consent Agenda, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The Interim City Manager requested Item #12a. be moved to the front of the Manager's agenda items as Mr. Perry, presenter, had a conflict and wished to be released after his presentation.

The Director of Public Works made a presentation which summarized a request from St. Joseph Public Schools (SJPS) as it relates to Dickenson Field. He noted their request involved improvements at three separate areas in and around the field including: building a concrete pad up to the sidewalk and to install railing to improve accessibility to the concession stand; moving the bleachers to alleviate an obstructed view of the field; and cleaning up the batting cages area by installing a concrete pad and refining the fence creating a cleaner appearance.

He further noted that members of the Parks Advisory Board were in unanimous agreement of the proposed upgrades and that SJPS and the SJ Baseball Boosters will be responsible for all costs. Discussion ensued about the worn Coca Cola sign on the outfield fence and the need for its removal.

**Commissioner Goff;** seconded by Commissioner Chickering, moved approval of the proposed Dickenson Field upgrades, as presented and including the removal of the Coca-Cola as part of the overall project. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The Interim City Manager summarized a memorandum from the Finance Director describing recommended water and sewer rates for 2013-14. He explained that under the 2009 water agreement the previous 15% surcharge to Authority customers has been phasing out over a 5-year period and noted that this is the last year of the phase-out; as a result, the proposed water rate increase for Authority customers are less than the increase to City customers. He further noted that beginning this year, Authority and City customers will be charged identical rates by the water system. He reported the proposed increase to Authority customers would be \$0.03 per hundred cubic feet - going from \$1.72 per hundred cubic feet to \$1.75 per hundred cubic feet and City customers will see the rate increase from the current \$1.67 per hundred cubic feet to \$1.75 per hundred cubic feet. The common 5/8" residential meter will increase from \$15.20 to \$15.66 per quarter and City sewer rates will increase from \$2.10 per hundred cubic feet to \$2.20. He requested approval of Resolution 13-14, establishing the water and sewer rates for the 2013 - 2014 Fiscal Year.

#### RESOLUTION 13-14

#### A RESOLUTION ADOPTING THE UTILITY RATES FOR FISCAL YEAR 2013-2014

#### OF THE CITY OF ST. JOSEPH, MICHIGAN

WHEREAS, pursuant to and in accordance with Chapter 9 of the City Charter, the City Commission shall establish rates and fees necessary to maintain, operate and generally provide for improvements to the public water and sewer systems, and

WHEREAS, the Appropriations Ordinance provides for the various funds to end the year with adequate cash balances and positive fund balances, and

WHEREAS, the City of St. Joseph has entered into financing agreements with the State of Michigan to provide funding for capital improvements to the water and sewer systems; these bonds to be repaid through October 2031 at a rate of 2.5% through water and sewer rates, and,

WHEREAS, the State of Michigan Municipal Finance Authority also requires the City of St. Joseph to establish rates sufficient to operate and maintain the water and sewer systems while

making the required debt service payments, and

WHEREAS, an annual rate study has been conducted and the findings indicate that the current water and sewer rates are not sufficient to meet the annual cash requirements of the Water and Sewer Funds and that an increase to both the water and sewer rates is necessary for 2013-2014, and

WHEREAS, the 2013-2014 recommended water rate has been approved by the Water Services Joint Operating Board at their Regular Meeting on April 17, 2013, now

THEREFORE, BE IT RESOLVED, that the following Utility Rates shall be set to be effective with the July 1, 2013 utility billing:

	City of St. Joseph Water Rate	City of St. Joseph Sewer Rate	Southwest Regional Authority Water Rate
Per Unit	\$1.75	\$2.20	\$1.75
Ready to Serve			
5/8 inch meter	15.66	12.00	15.66
3/4 inch meter	17.23	13.20	17.22
1 inch meter	21.92	16.80	21.92
1.5 inch meter	28.19	21.60	28.18
2 inch meter	45.41	34.80	45.40
3 inch meter	172.26	132.00	172.22
4 inch meter	219.24	168.00	219.18
6 inch meter	328.86	252.00	328.78

**Commissioner Goff**; seconded by Commissioner Richards, approval of Resolution 13-14 setting the 2013-2014 Water and Sewer rates. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The Interim City Manager presented Resolution 13-16 for consideration:

## RESOLUTION 13-16

### NOMINATIONS FOR THE OFFICE OF CITY COMMISSIONER FOR THE CITY OF ST. JOSEPH GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2013

WHEREAS, the deadline for candidates to file nominating petitions and Affidavits of Identity for the August 6, 2013 Primary Election was Tuesday, May 14, 2013 at 4:00 p.m., and

WHEREAS, the City Charter provides that when less than twice as many candidates file for City Commissioner as are positions available, no primary election is required, and

WHEREAS, in such cases where no primary election is required, the City Charter further authorizes the City Commission to declare the valid candidates to be nominated and placed on the ballot for the November General Election, and

WHEREAS, four (4) candidates for the Office of City Commissioner have filed valid nominating petitions and Affidavits of Identity by said deadline,

NOW, THEREFORE, BE IT RESOLVED, that the City Commission declares that George Barfield, Michael C. Garey, Mary Goff and Chris Heugel be declared nominated for the Office of City Commissioner and that their names be placed on the November 5, 2013 General Election ballot.

**Commissioner Chickering;** seconded by Commissioner Richards, moved approval of Resolution 13-16 declaring that George Barfield, Michael C. Garey, Mary Goff and Chris Heugel be declared nominated for the Office of Commissioner and that their names be placed on the November 5, 2013 General Election ballot. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The Interim City Manager explained that the City must annually demonstrate compliance with three (3) state-established requirements to receive full payment under the State's Economic Vitality Incentive Program (EVIP). He further explained that the City has demonstrated compliance with Part 1 and Part 2, and is therefore on track to receive 2/3 of the available funding. Further, he noted that the City is in compliance with Part 3 (employee compensation) since implementing a policy to pay no more than 80% of the total annual cost of employee health care benefits. He requested the City Commission take action confirming that they plan to continue this policy for the upcoming fiscal year. He further noted that EVIP payments to the City for this year will total slightly more than \$213,000 and that we anticipate a similar amount for 2013-14.

**Commissioner Goff**; seconded by Commissioner Garey, moved that for the 2013-2014 fiscal year the City will pay no more than 80% of the total annual costs of all the medical benefit plans it offers or contributes to for its employees and authorizes staff to submit Certificate of 2011 PA 152 Compliance to the State. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The City Engineer reported the new traffic signal at the Napier and Langley intersection is now fully operational; the upgrades will improve traffic flow/reduce delays and meet current standards. He further noted that some drivers have been confused by the change so he presented a 2-minute film created by Michigan Department of Transportation on how to use the new "Flashing Yellow Arrow" signal.

Mayor Judd presented Resolution 13-15 and asked Cornerstone Chamber Services Vice President Pat Moody to discuss the initiation of community support for the Senior PGA. Mr. Moody spoke of the strong desire among surrounding communities, companies and organizations for Harbor Shores Golf Club to become the official home of the Senior PGA championship, returning to the community in even numbered years; he stated there are indications that this concept may be favorably received by the SPGA. He further noted that similar resolutions have been approved by Cornerstone Alliance, the Chief Elected Officials council, St. Joseph Today, among others. Following Mr. Moody's, remarks, the Mayor asked for the Commission to consider Resolution 13-15.

## **RESOLUTION 13-15**

## **Resolution Requesting the PGA of America Make Harbor Shores**

### **The Permanent Home of the Senior PGA Championship**

WHEREAS, The 2012 Senior PGA Championship presented by KitchenAid (SPGA) brought the world to our doorstep in Michigan's *Great Southwest* via hours of global network television coverage valued in excess of \$8-million dollars; and

WHEREAS, the people of our region stepped up at a record-setting pace to fill nearly 2,000 volunteer positions required to successfully conduct a major event of substantial proportions; and

WHEREAS, the extended community in our region successfully supported one of the largest amateur golf tournaments in the nation in the form of the Western Amateur Golf Championship for more than 40 years at the Point O'Woods Golf & Country Club in Benton Harbor; and

WHEREAS, the 75<sup>th</sup> Anniversary of the SPGA Championship will also be hosted at Harbor Shores in Benton Harbor in 2014; and

WHEREAS, Cornerstone Chamber of Commerce leaders have proactively engaged the support of the SPGA in polling nearly 1,000 of the already signed volunteers for the 2014 event, most of whom also served as volunteers for the 2012 event, regarding the potential to make a bid to encourage the SPGA to make Harbor Shores the permanent home of their Championship, returning the event to Benton Harbor on an every-other-year basis for the foreseeable future; and

WHEREAS, those volunteers have shown an overwhelming support for such a bid;

NOW THEREFORE, BE IT RESOLVED that the undersigned members of the St. Joseph City Commission do hereby go on record in support of asking the SPGA to designate, and actively promote Harbor Shores Golf Club in Benton Harbor, Michigan as the "Official Home" of their Championship, returning here in 2016 and on an every-other-year basis for the foreseeable future.

**Commissioner Chickering**; seconded by Commissioner Richards, moved approval of Resolution 13-15, asserting the City Commission's support for designating Harbor Shores Golf Club as the "official home" of the Senior PGA Championship. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Mayor Judd thanked the Communications and Marketing Director for a great public art kickoff Friday night and the St. Joseph Today Executive Director for an equally wonderful event on Saturday.

The Mayor then asked for a motion to go into closed session to discuss pending litigation, potential property acquisition, and to receive a legal opinion.

**Commissioner Goff**; seconded by Commissioner Garey, moved to go into Closed Session at 6:50 p.m. for the purpose of discussing pending litigation, potential property acquisition and to receive a legal opinion. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

**Commissioner Goff**; seconded by Commissioner Garey, moved to close the Closed Session at 7:55 p.m. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

**Commissioner Fran Chickering and Mayor Bob Judd** recused themselves and left the meeting citing a possible conflict of interest regarding a tax appeal by Whirlpool Corporation.

The City Assessor presented settlement options received from Whirlpool Corporation regarding a pending Michigan Tax Tribunal appeal and recommended the City Commission consider accepting the following offer:

- 2011-\$71.60 per square foot/No change

- 2012-\$51.74 per square foot
- 2013-\$47.50 per square foot

**Commissioner Goff;** seconded by Commissioner Richards, moved approval of a tax appeal settlement with Whirlpool Corporation, as presented Roll call resulted as follows: Yeas: Commissioners Garey, Goff and Richards. Nays: None. Absent: Commissioner Chickering and Mayor Judd. Motion carried.

**Commissioner Chickering and Mayor Judd returned to the meeting.**

The City Assessor presented the following settlement recommendation regarding a pending Michigan Tax Tribunal appeal by Fifth Third Bank and recommended the City Commission consider accepting the following settlement offer of \$107 per square foot for 2013.

**Commissioner Chickering;** seconded by Commissioner Richards, moved approval of a tax appeal settlement with Fifth Third Bank, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The Interim Manager presented a proposal to purchase the property located at 1406 Wolcott, which is currently in forfeiture and is for sale through the County of Berrien for \$4,000. He explained that this property would be an ideal entry to the ravine when such access is necessary by city staff for public purposes.

**Commissioner Chickering;** seconded by Commissioner Richards, moved to purchase the property located at 1406 Wolcott from the Berrien County Treasurer at a cost of \$4,000 to be utilized by the city for public purposes. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

There being no further business, Mayor Judd moved to adjourn the meeting at 8:15 p.m.

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Mayor

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City Clerk