

Meeting Minutes :

MINUTES OF THE ST. JOSEPH CITY COMMISSION MEETING HELD IN THE COMMISSION CHAMBERS, CITY HALL, ST. JOSEPH, MICHIGAN ON MAY 6, 2013.

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

CITY MANAGER FRANK WALSH

CITY ATTORNEY LAURIE SCHMIDT

CITY CLERK DEB KOROCH

ABSENT: NONE

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

Mayor Judd introduced Blossomtime's Miss St. Joseph and her court to the audience.

The City Manager recognized several members of the community for their support throughout his tenure as City Manager.

Commissioner Richards; seconded by Commissioner Goff, moved approval of the May 6, 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. Sylvia Lieberg of 810 State Street congratulated members of the Public Works department for having the City cleaned up and the streets opened so quickly after the Blossomtime Parade.

Mayor Judd presented the May 6, 2013 Consent Agenda:

- Disbursements paid since April 18, 2013 in the amount of \$309,001.61
- Minutes of the April 22, 2013 Regular Meeting
- Minutes of the April 27, 2013 Study Session
- Minutes of the April 29, 2013 Special Meeting
- Special Event - Players Restaurant - Here to Spay Pet Adoption Day - May 11th
- Special Event - Lest We Forget 6th Annual Tribute to Veterans - May 17th through May 19th
- Special Event - Third Coast Surf Shop Go Skateboarding Day - June 21st

Commissioner Chickering; seconded by Commissioner Richards, moved approval of the May 6, 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 Mayor opened a Public Hearing at 6:40 p.m. for the purpose of hearing comments on the proposed 2013-2014 Fiscal Year Budget; the 2013 millage rates and amendments to the 2012-2013 Fiscal Year Budget. The City Manager presented a summary of the budget, including recent trends, millage rates, anticipated fund balances, anticipated cash balances for business type funds, and a listing of proposed major projects.

There being no further comments, Commissioner Goff; seconded by Commissioner Garey, moved to close the Public Hearing at 7:53 p.m. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Resolutions 13-09, 13-10 and 13-11 were presented for consideration:

CITY OF ST. JOSEPH

RESOLUTION 13-09

A RESOLUTION

ADOPTING THE 2013-2013 FISCAL YEAR GENERAL FUND BUDGET

OF THE CITY OF ST. JOSEPH, MICHIGAN

WHEREAS, pursuant to and in accordance with Chapter 9 of the City Charter, the City Manager has submitted to the St. Joseph City Commission on April 8, 2013, a draft budget for the Fiscal Year 2013-2014, and

WHEREAS, the goals and objectives of the City Commission as stated during their October 22, 2012 study session have been addressed in the proposed draft budget, and

WHEREAS, notice of a public hearing on the proposed budget was published in the Herald Palladium on April 25, 2013, and

WHEREAS, a public hearing on the proposed budget was held on May 6, 2013 and

WHEREAS, the draft budget provides for the General Fund to end the year with adequate cash balances and positive fund balances, and

WHEREAS, the City Commission has studied and considered such proposed budget,

NOW, THEREFORE, BE IT RESOLVED, that the 2013-2014 Fiscal Year Budget for the General Fund and in the amounts as summarized on the attached **Exhibit A** is hereby adopted by activity level in accordance with the provisions of Public Act 621.

BE IT FURTHER RESOLVED, that the City Manager may execute transfers between line items of individual departmental budgets without the prior approval of the City Commission, provided that no increase in the total expenditures contained in the budget for any individual department is made and provided that the budget adjustments are reflected in status reports submitted as an informational item to the City Commission on a regular basis.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Commission.

CITY OF ST. JOSEPH

RESOLUTION 13-10

A RESOLUTION

ADOPTING THE 2013-2014 FISCAL YEAR BUDGET FOR PERMANENT, SPECIAL REVENUE, DEBT SERVICE, CAPITAL PROJECTS, ENTERPRISE AND INTERNAL SERVICE FUNDS OF THE CITY OF ST. JOSEPH, MICHIGAN

WHEREAS, pursuant to and in accordance with Chapter 9 of the City Charter, the City Manager has submitted to the St. Joseph City Commission on April 8, 2013, a draft budget for the Fiscal Year 2013-2014, and

WHEREAS, the goals and objectives of the City Commission as stated during their October 22, 2012 study session have been addressed in the proposed draft budget, and

WHEREAS, notice of a public hearing on the proposed budget was published in the Herald Palladium on April 25, 2013, and

WHEREAS, a public hearing on the proposed budget was held on May 6, 2013, and

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

WHEREAS, the City Commission has studied and considered such proposed budget,

NOW, THEREFORE, BE IT RESOLVED, that the 2013-2014 Fiscal Year Budget for the various funds and in the various amounts as summarized on the attached **Exhibit B** with all incorporated capital outlay programs is hereby adopted at the fund level in accordance with the provisions of Public Act 621.

BE IT FURTHER RESOLVED, that the City Manager may execute transfers between line items of individual fund budgets without the prior approval of the City Commission, provided that no increase in the total expenditures contained in any of the individual funds is made and provided that the budget adjustments are reflected in status reports submitted as an informational item to the City Commission on a regular basis.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Commission.

CITY OF ST. JOSEPH

RESOLUTION 13-11

A RESOLUTION ADOPTING THE 2013-2014 FISCAL YEAR BUDGET FOR COMPONENT UNIT FUND OF THE CITY OF ST. JOSEPH, MICHIGAN

WHEREAS, pursuant to and in accordance with PA 197 of 1975, Section 135-1678 the City Manager has submitted to the St. Joseph City Commission on April 8, 2013 a draft Downtown Development Budget for the Fiscal Year 2013-2014, and

WHEREAS, notice of a public hearing on the proposed budget was published in the Herald Palladium on April 25, 2013, and

WHEREAS, a public hearing on the proposed budget was held on May 6, 2013, and

WHEREAS, the draft budget provides for the Downtown Development Fund (DDA) to end the year with adequate cash balances and positive fund balances, and

WHEREAS, the City Commission has studied and considered such proposed budget,

NOW, THEREFORE, BE IT RESOLVED, that the 2013-2014 Fiscal Year Budget for the DDA and in the amounts as summarized on the attached Exhibit C is hereby adopted at the fund level in accordance with the provisions of Public Act 621.

BE IT FURTHER RESOLVED, that the City Manager may execute transfers between line items of individual department budgets without the prior approval of the City Commission, provided that no increase in the total expenditures contained in any of the individual department is made and provided that the budget adjustments are reflected in status reports submitted as an informational item to the City Commission on a regular basis.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Commission.

Commissioner Goff; seconded by Commissioner Richards, moved approval of Resolutions 13-09, 13-10, and 13-10 supporting the approval of the 2013-2014 Fiscal Year Budget for all City Funds, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Resolution 13-12 was presented for consideration:

CITY OF ST. JOSEPH

RESOLUTION 13-12

**A RESOLUTION APPROVING AMENDMENTS TO THE 2012-2013 FISCAL YEAR
BUDGET**

OF THE CITY OF ST. JOSEPH, MICHIGAN

WHEREAS, pursuant to and in accordance with Chapter 9 of the City Charter, the City Manager has submitted to the St. Joseph City Commission on April 8, 2013, a draft budget for the Fiscal Year 2013-2014, and

WHEREAS, that budget document included recommended changes to the 2012-2013 Fiscal Year Budget, and

WHEREAS, notice of a public hearing on the proposed budget was published in the Herald Palladium on April 25, 2013, and

WHEREAS, a public hearing on the proposed budget amendments was held on May 6, 2013, and

WHEREAS, the draft amendments provide for the various funds to end the year with adequate cash balances and positive fund balances, and

WHEREAS, the City Commission has studied and considered such proposed budget amendments,

NOW, THEREFORE, BE IT RESOLVED, that the 2012-2013 Fiscal Year Budget Amendments for the various funds and in the various amounts as summarized on the attached **Exhibit D** programs is hereby adopted as presented and in accordance with the provisions of Public Act 621.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Commission.

Commissioner Garey; seconded by Commissioner Richards, moved approval of Resolutions 13-12 supporting the approval of amendments to the 2012-2013 Fiscal Year Budget, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Resolution 13-13 was presented for consideration:

CITY OF ST. JOSEPH

RESOLUTION 13-13

A RESOLUTION ADOPTING THE 2013-2014 APPROPRIATIONS ORDINANCE

OF THE CITY OF ST. JOSEPH, MICHIGAN

WHEREAS, pursuant to and in accordance with Chapter 9 of the City Charter, the City Commission shall adopt an annual Appropriations Ordinance which shall be based on the budget submitted by the City Manager and approved by the City Commission, and

WHEREAS, the City Commission shall, by ordinance, levy such taxes for that year as may be necessary to meet the appropriations and all sums required by law to be raised on account of city debt, and

WHEREAS, notice of a public hearing on the proposed tax rate was published in the Herald Palladium on April 25, 2013, and

WHEREAS, a public hearing on the proposed tax rate was held on May 6, 2013, and

WHEREAS, 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, proposed utility rates for the 2013-2014 Fiscal Year have been established based upon the findings of rate studies conducted as part of the budget process in February 2013, and

WHEREAS, the Water Services Joint Operating Board has approved the recommended water rates for the 2013-2014 Fiscal Year at their regular meeting on April 17, 2013 and

WHEREAS, the recommended rates were used in developing revenue projections included in the 2013-2014 Fiscal Year Budget, and

WHEREAS, the 2013-2014 Appropriations Ordinance provides for the various funds to end the year with adequate cash balances and positive fund balances, and

WHEREAS, the City Commission has considered the proposed 2013-2014 Appropriations Ordinance, as attached,

NOW, THEREFORE, BE IT RESOLVED, that the 2013-2014 Appropriations Ordinance is hereby adopted and given its first reading.

APPROPRIATIONS ORDINANCE

2013-2014

AN ORDINANCE MAKING PROVISION FOR AND APPROPRIATING FUNDS TO DEFRAID THE EXPENSES AND LIABILITIES OF THE CITY OF ST. JOSEPH, MICHIGAN, FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, AND ENDING JUNE 30, 2014, AND FOR PAYMENTS ON BONDED INDEBTEDNESS, SPECIAL ASSESSMENTS AND OTHER OBLIGATIONS OF SAID CITY, AND DIRECTING THE LEVY OF A TOTAL TAX RATE OF 16.7844 MILLS,

THE CITY OF ST. JOSEPH ORDAINS:

ARTICLE I

General Fund Levies

General Declaration of Appropriation and Levy

Sec. 1. The Commission of the City of St. Joseph having heretofore considered the budget submitted by the City Manager, it is hereby determined and ordered that there shall be raised by general taxation upon all the taxable property in the City for the purpose of defraying the general operating expense of said City, the sum of \$5,412,498 raised by a tax rate of 12.50 mills upon the taxable valuation of all non-rennaissance zone taxable property in the City of St. Joseph, as determined and certified by the Board of Review of said City. This total to include 11.50 mills for general operating purposes and 1.00 mill designated for the improvement of city streets.

Sec. 2. When and as said taxes are collected and when and as the various estimated receipts are received from sources other than general taxation, all as contemplated for the fiscal year July 1, 2013, to June 30, 2014, said taxes and receipts shall be distributed and credited pro rata to the several specific funds as created, fixed, and enumerated in said budget.

ARTICLE II

Additional and Special Fund Levies

Sec. 1. In addition to the sums hereinbefore appropriated, it is hereby determined and ordered that there shall be raised by general taxation upon all the taxable property in the said City and further the sum raised by a tax rate of 2.9544 mills upon the taxable valuation of all taxable property, including fifty percent of the renaissance zone and 1.31 mills upon the taxable valuation of all taxable property in the City of St. Joseph as determined and certified by the Board of Review of said City, for the several specific funds and purposes next hereinafter set forth, to be credited to the specific funds designated in the following amounts respectively:

Library Fund:	A special tax authorized by Act 164 of the Public Acts of Michigan of 1877 and Sec. 14, Chap. IX, City Charter, for general library purposes; anticipated revenue - \$293,970	0.6800 mills
Band Fund:	A special tax authorized by Act 230 of the Public Acts of Michigan of 1923 and Section 15(b) of the City Charter and approved by a vote of the people April 4, 1938, for the maintenance of a musical band for the benefit of the public; anticipated revenue - \$108,077	0.2500 mills
Rubbish Fund:	A special tax authorized by Act 298 of the Public Acts of Michigan of 1917 and Section 15(a) of the City Charter, for the collection and disposal of garbage and rubbish; anticipated revenue - \$769,509	1.7800 mills
Airport Authority	A special tax authorized by Special Election 11/06 for the purpose of funding the Southwest Michigan Airport Authority - anticipated revenue - \$105,656	0.2444 mills
CSO Debt:	A special tax authorized by MCLA 147.1(a); MSA 5.3188 Section (45a) Approved 11/98; anticipated revenue - \$168,470	0.3800 mills

CSO Debt:	A special tax authorized by MCLA 147.1(a) MSA 5.3188 Section (45a) Approved 2/5/02; anticipated revenue - \$412,307	0.9300 mills
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ARTICLE III

Additional Downtown Development Authority Tax Levy

Sec. 1. In addition to the sums hereinbefore appropriated, it is hereby determined and ordered that there shall be raised by general taxation upon all taxable property located within the boundaries of the Downtown Development Authority of the said City and further the sum raised by a tax rate of 1.9770 mills upon the taxable valuation of said property as determined and certified by the Board of Review of said City, for the specific funds and purposes next hereinafter set forth, to be credited to the specific fund designated in the following amounts:

DDA:	A Special tax authorized by Act 197 of the Public Acts of Michigan of 1975 for the promotion and benefit of the Downtown Development Authority; anticipated revenue - \$50,600	1.977 mills
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ARTICLE IV

Special Funds to be Raised by Rates and Fees

Water Funds:	For maintenance, operation, extension and improvement of public water systems, mains and breakwater to be raised by water rates.	\$4,115,400
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Sewer Funds	For maintenance, operation, extension and improvement of public sewer systems, mains and breakwater to be raised by sewer rates.	\$1,463,000
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City Water Fund	For improvement of public water and sewer systems, mains and breakwater to be raised by water and sewer capital improvement rates.	\$670,000
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ARTICLE V

Special Assessment Levies

Sec. 1. General Declaration: This Commission having heretofore on various occasions, ordered and determined that the cost of certain public improvements should be paid in part by special assessment upon special assessment districts heretofore determined, and having confirmed and approved the respective special assessment rolls therefore. IT IS ORDERED AND DETERMINED that there shall be levied by special assessment according to either frontage or benefits as having been heretofore specifically determined with respect to each of said special assessment rolls for the special improvements and upon the special assessment districts according to (1) said methods; and (2) the composition and limit of said special - assessment districts and rolls as heretofore determined.

ARTICLE VI

Sec. 1. The City Assessor is hereby ordered and directed to cause the several sums so ordered to be raised by general taxation to be levied and spread upon and against all taxable property in said City and the same shall be due and payable July 1, 2013. She shall cause the several sums ordered and directed to be levied and spread as special assessments to be levied and spread at such times as shall be due and payable September 17, 2013 and if not sooner paid, shall be collected with the winter, December 1, 2013 taxes which shall be due and payable February 14, 2014.

Sec. 2. This ordinance is to take effect and be in full force ten days from the date of its passage.

The budget adopted by the City Commission on May 6, 2013 containing amounts to be appropriated to defray expenditures and meet liabilities and setting forth statements of estimated

revenues by source in each fund, forms a part of this General Appropriation Act.

This ordinance shall take effect on July 1, 2013.

Commissioner Richards; seconded by Commissioner Garey, moved approval of Resolution 13-13 supporting the proposed foregoing ordinance be approved and given its first reading and that the second reading be scheduled for May 20, 2013. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Berrien County Community Development Director Dan Fette gave an update on the County's St. Joseph River Dredging Project, including the emergency dredging planned for this year, as well as the long-term dredging plan for that would span over the next 10 years.

The Community Development Director asked the City Commission to consider authorizing him, as the Interim City Manager, to sign Form 424 as part of the Boating Infrastructure Grant application approved at their regular meeting on March 25, 2013.

Commissioner Garey; seconded by Commissioner Goff, moved authorization for Interim City Manager John Hodgson to sign Form 424 and apply for the Boating Infrastructure Grant as approved as part of the March 25, 2013 Regular Meeting. 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 Richards, moved approval of granting local government support for a State of Michigan Liquor License for Founder's Wine Cellar Wine Tasting Room to be located at 415 State Street, pending final inspection of the premises. 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 Richards, moved approval of the Title VI Non-Discrimination Policy and directed staff to seek professional assistance to implement the

policy, as presented. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The City Engineer presented a proposal from Abonmarche Consultants to complete engineering design and construction administrative services for the St. Joseph Drive Reconstruction Project at a proposed cost of \$33,600.

Commissioner Richards; seconded by Commissioner Goff, moved approval of a proposal from Abonmarche Consultants to complete engineering design and construction administrative services for the St. Joseph Drive Reconstruction Project at a proposed cost of \$33,600. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

The Community Development Director presented a request from owners of homes located at 428, 440 and 448 Ridgeway to divide the vacant lot at 438 Ridgeway, which they jointly purchased, among their properties.

Commissioner Chickering; seconded by Commissioner Goff, moved approval of a requested land division variance from the joint owners of a vacant lot at 438 Ridgeway to divide that property among their improved properties located at 428, 440 and 448 Ridgeway. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays: None. Absent: None. Motion carried.

Commissioner Richards; seconded by Commissioner Chickering, moved approval of a request from Melrose Pyrotechnics, Inc. for Fireworks Display Permit for the annual St. Joseph fireworks display on July 4, 2013 with a rain date of July 5, 2013 and direction for staff to issue the permit. 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 Richards, moved approval of a request from St. Joseph Today for a License to Encroach to allow them to install a 4 foot by 14 foot ramp in the public right of way to allow ADA access to the new Welcome Center at 301 State Street and directed staff to prepare and execute the License to Encroach. Roll call resulted as follows: Yeas: Commissioners Chickering, Garey, Goff, Mayor Judd and Commissioner Richards. Nays:

None. Absent: None. Motion carried.

Commissioner Garey updated the City Commission on the City Manager search stating the City Commission planned to host a reception for the candidates on May 10, 2013 and then conduct public interviews on Saturday, May 11th beginning at 1:00 p.m.

There being no further business, Mayor Judd moved to adjourn at 7:40 p.m.

Mayor

City Clerk

Meeting Announcements :