

St. Joseph City Commission
Commission Chambers
700 Broad Street, St Joseph, MI 49085

AGENDA
February 3, 2025
6:00 PM

This meeting will be held in person: the public can view the meeting by going to Zoom.us on a computer or mobile device, or by calling 312.626.6799 (or 877.853.5247 toll free). Comments will not be received via Zoom; persons wishing to speak should be present in person.

Meeting ID: 844 8860 9278

Telecommunications relay services to assist individuals with disabilities are available by calling 7-1-1 and providing the meeting information to the relay operator; there is no charge to the caller.

Call to Order

Announcements

Recognition

1. Introduce new employee PSO Zachary Weber

Order of Business

2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment - For Items on the Consent Agenda or Not on the Agenda - Please Limit Comments to Three Minutes

Consent Agenda

5. Regular Meeting Minutes of Monday, January 13, 2025
6. Regular Minutes of Monday, November 18, 2024
7. Invoice and Tax Disbursements
8. Quarterly Investment Report PA 20
9. Agreements - 2025 Summer Tax Collections
10. Fee Schedule Amendment
11. 2027 Main Street Reconstruction Project - TAP Grant Resolution
12. Labor Counsel Engagement Letter
13. Second Amendment to Paddler Park Concession Agreement
14. Special Event - Lory's Place Run, Walk, Rock
15. Krasl Art Fair on the Bluff

Old Business

16. Zoning Ordinance Amendment - Sections 4.6.3, 4.6.4 and 11.12.22 - Allow Medium/Heavy Social Institutions as a permitted use in the CO Districts on the street level/first floor - Curious Kids' Museum - Second/Final Reading
17. Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage, Landscaping, Planter boxes and Retaining walls - Final Reading

New Business

18. Special Event - 50th Anniversary of Vietnam War
19. Whitcomb Towers Class C Liquor License
20. Public Hearing - 101 Broad Street - Amendment to Planned Unit Development - Anne Reitz - Wally and Gertz
21. 101 Broad Street - Amendment to Planned Unit Development - Anne Reitz - Wally Gertz
22. ETNA Resolution
23. FY25 Budget Amendments
24. Transfer 2023-24 Funds to Capital Improvement Fund

City Comments

25. City Manager Comments
26. City Commission Comments

Adjournment

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Steve Neubecker, Public Safety Director

RE: Introduce new employee PSO Zachary Weber

MEETING DATE: February 3, 2025

St. Joseph Department of Public Safety Director Steve Neubecker will introduce new Public Safety Officer Zachary Weber. Mr. Weber graduated from Eau Claire School and Lake Michigan College. He started his law enforcement career with the Benton Harbor Department of Public Safety in December of 2017. Prior to employment with the City of St. Joseph Department he worked for the Coloma Township Police Department.

Minutes of the St. Joseph City Commission Meeting held Commission Chambers, 700 Broad Street, St Joseph, MI 49085 on January 13, 2025.

Call to Order

The meeting was called to order at 6:00 PM by Mayor Brook Thomas

Attendee Name	Title	Status	Arrived
Michele Binkley	Mayor pro tem	Present	
Brook Thomas	Mayor	Present	
Michael Sarola	Commissioner	Absent	
Michael Fernandez	Commissioner	Present	
Tess Ulrey	Commissioner	Present	
Emily Hackworth	City Manager	Present	
Laurie Schmidt	City Attorney	Present	
Abby Bishop	City Clerk	Present	

Announcements

Order of Business

1. Pledge of Allegiance
2. Cub Scout Pack 623 Presentation

Leaders and scouts from Cub Scout Pack 623 thanked the City and residents for supporting their pack and presented popcorn to the Department of Public Safety in support of the local first responders. The Pack also shared information and pictures about their recent Howard Trail cleanup.

3. Approval of Agenda

MOTION: Approved the Agenda as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Michele Binkley, Mayor pro tem
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

4. Public Comment - For Items on the Consent Agenda or Not on the Agenda - Please Limit Comments to Three Minutes

Steven Nasich, 509 Ship Street, inquired if the City lot across the street from Whitcomb would be converted to a paid parking lot and what the fee would be. He also wanted to know if a facility located by the St. Joseph River was city-owned and, if so, if benches could be added.

Consent Agenda

MOTION: To approve the Consent Agenda as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Tess Ulrey, Commissioner
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

5. Regular Meeting Minutes of Monday, December 09, 2024
Approved the Minutes of Dec 9, 2024, as presented.
6. Invoice and Tax Disbursements
Approved the invoice and tax disbursements as presented.
7. 2025-2028 School Agreements

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

Approved authorizing City Clerk Abby Bishop to sign the 2025-2028 draft school agreements for the conduct of elections, subject to any minor changes approved by the City Attorney, for St Joseph Public Schools, Benton Harbor Area Schools, Lake Michigan College, and Berrien RESA.

- 8. Summary of the 2025 Property Maintenance Program – Focus Area 4A
Received summary report of the 2025 Property Maintenance Program for Focus Area 4A.
- 9. Category B Grant - MDOT Contract

RESOLUTION 2025-RES-1
CATEGORY B GRANT - MDOT CONTRACT

**APPROVAL OF MDOT CONTRACT 24-5451/JOB NO. 221207CON
ST. JOSEPH DRIVE AND MIDWAY AVENUE RESURFACING PROJECT**

WHEREAS, the City of St. Joseph is engaged in a resurfacing project referred to as the St. Joseph Drive and Midway Avenue Resurfacing Project (“Project”), and

WHEREAS, state funds will be provided for performance of certain improvements to the Project, such funds being managed and administered by the Michigan Department of Transportation Commission (“MDOT”); and

WHEREAS, the City and MDOT have reached an agreement regarding performance and funding of the Project as set forth in MDOT Contract 24-5451/Job Number 221207CON.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission approves the agreement between the City of St. Joseph and the Michigan Department of Transportation Commission (MDOT Contract 24-5451/Job Number 221207CON) to resurface St. Joseph Drive from Niles Avenue to South State Street, and Midway Avenue from Niles Avenue to South State Street, in the City of St. Joseph and authorize the City Manager and City Clerk to sign the agreement on the City’s behalf.

Adopted this 13th day of January, 2025.

BY: _____
Emily W.N. Hackworth, City Manager

ATTEST: _____
Abby Bishop, City Clerk

Approved the Resolution for the St. Joseph Drive and Midway Avenue Resurfacing Project MDOT Contract 24-5451 and authorized the City Manager and City Clerk to sign the agreement on behalf of the City.

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

Old Business

10. Silver Beach County Park Traffic and Parking Update

Berrien County Parks Director Jill Adams presented updates to the Commission regarding current projects at Silver Beach and the 2024 parking study that Walker Consultants completed. Adams stated that the new playground is expected to be completed by Memorial Day 2025, and plans are in place to improve the concession area.

Adams stated that the report provided three general recommendations for Silver Beach County Park: suggested changes to the pay-upon-entry method, implementing technologies like the pay-by plate and parking enforcement, and options for wayfinding signage and guidance to assist with traffic flow.

Adams stated that the planned upgrades for the 2025 season include expanding the entrance lane to accommodate two full lanes of traffic. The County is meeting with multiple professional service companies to provide options for pay-by-plate permit management and reservation activity, technology solutions, and various options for the County Park Department. Adams explained that Walker also outlined wayfinding measures to increase public education by letting people know what to expect while driving through the area and to the park. The County would like to partner with the City to ensure they communicate similar messaging.

Adams stated they plan to have these recommendations at Silver Beach for 2025 and will observe traffic flow and existing issues through the two summer seasons. She explained that they are bidding out concept design services, researching technology options, and pricing for Silver Beach and other County Parks. By the end of season two, the county will be able to determine what additional changes are needed to Silver Beach Park and what technologies would work for the whole county park system. Adams thanked the City for the report they commissioned to count vehicles and pedestrians that traversed that intersection, stating that the data was very helpful. Safety is a top concern.

Commissioner Binkley thanked the County for working with Walker Consultants and hopes the recommendations alleviate some of the problems, although she is skeptical that it will alleviate huge traffic backups. She would like to meet before the two years are up.

Commissioner Fernandez agreed with Commissioner Binkley and wanted to understand why the County wants to wait two years to evaluate the effects when the current income and budget are already known. Fernandez stated that this is an inevitable project and looks forward to many conversations sooner rather than later.

Commissioner Binkley was glad the County looked at safety and inquired about a safe drop-off location. Adams stated they have previously tried this, and she could bring back the results of how that worked and see what improvements could be made. Adams noted the correct drop-off site would need to be determined so as not to impede traffic flow. She also added that the County does not plan to wait two years to discuss how the changes are working and will meet with the St. Joseph Public Safety Department regularly to give and get updates.

City Manager Emily Hackworth said she is working with Berrien County Administrator Brian Disette to form a working group that will include City and County staff. The group will discuss pedestrian flow into the park, parking, and any other changes needed to support the traffic flow into the park. She said they plan to meet regularly.

Commissioner Ulrey agreed that regular discussions and meetings would be key and that solutions should be made before the 2027 season because of the impact on the community. She thinks a working group is a great way to stay on top of the issues and offered to be a part of the group.

Commissioner Binkley said part of the problem is that people drive down to the park, unaware there is no parking open. Binkley asked if the County planned to use digital signage this year. Adams stated they have been meeting with companies that have provided good options and do see potential for that in the short term.

Brian Dissette said that digital signage is a better use of money versus paid meters. He stated they intend to speak with staff regularly and desire to be a strong partner with the City. Dissette stated he respects the comments on the need for these improvements but stressed that the County has limited dollars available, noting Adams' efforts to raise money to pay for the new playground equipment. Dissette explained that the capital needs at Silver Beach outweigh the cash flow. Dissette understands the need to implement new strategies but states it is a balancing act between other priorities needed in the park. He explained that the County Board was updated on these needs, and they agreed.

Emily Hackworth explained that the lane expansion at the park entrance could be approved at a staff level but wanted to brief the Commission on the mechanics of it all first. Adams explained that existing staff could operate the entrance and that the expanded lane would work like a waiting queue to enter the park.

Mayor Thomas inquired if they had discussed using the City parking vehicle to help check parked cars. Adams indicated yes.

Commissioner Binkley inquired about increasing parking capacity inside the parking lots and suggested moving garbage bins. Adams noted that their master plan does call for more parking inside the park, which is a long-term goal. They know that it will increase the County Park revenue, which can, in turn, be put back into making more improvements. She stated that was not a part of the 2025 plan, and there is a cost to making those improvements.

Brian Dissette stated that budget limits and grant funding are a multi-year process. He noted that they are going after grant funds each year to help offset some of the costs to improve the park.

Commissioner Fernandez stated that the County is being as creative as possible within the budgetary constraints.

Mayor Thomas asked how often to expect updates from the work group. Hackworth stated that once the group is established, monthly updates in the summer would be reasonable.

Dissette stated that Jill Adams and her team actively work with the Sheriff's Department and the City's Public Safety Department, ensuring the Park is safe for roughly 750,000 visitors each year. He stated that the Director of Public Safety has been phenomenal to work with, and Adams has been an advocate for ensuring that the staffing at the beach is appropriate and that visitors experience a safe and welcoming place. Dissette expressed his willingness to continue to be creative with the improvements while focusing on being a great partner with the City and offering a safe place for visitors.

City resident Gloria Mance suggested taking out the center lane to allow for three lanes of traffic at the park entrance.

City resident June Bowman was happy to see the County working with the City but thinks the second lane is a band-aid. She stated this has been going on for 15 years and does not understand why the City does not put its foot down and start ticketing. Bowman said that the City should not let anything further go on there until the traffic is resolved. There have been several studies in the last 15 years and no successful solution implemented.

11. Wayfinding Fabrication and Installation

City Manager Emily Hackworth explained that the Downtown Development Authority (DDA) has prioritized implementing wayfinding since the 2020 Downtown Vision Master Plan recommended it. Corbin Design created the designs of the signs, and an RFP was released in December 2024 for sign fabrication and installation. Hackworth explained that four bids were received, and staff negotiated with the two lowest bidders and evaluated their experience and fit for the project. They recommend moving forward with Valley City Signs from Comstock Park, Michigan, the second lowest bidder. Hackworth stated the goal is to have the first round of signage in place by Memorial Day.

Mayor Thomas stated she was involved in these presentations and discussions as part of the DDA and asked Hackworth to explain why the lowest bidder wasn't chosen. Hackworth stated that Valley City Signs has more municipal experience and more experience working with MDOT.

MOTION: To approve the Wayfinding Fabrication and Installation proposal submitted by Valley City Sign, to be paid from the Capital Improvement Fund allocation to downtown improvements, and authorize the City Manager to execute the proposed contract, subject to City Attorney approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michele Binkley, Mayor pro tem
SECONDER:	Tess Ulrey, Commissioner
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

12. Ordinance Approving Contract with Benton Harbor: JWWTP Second Reading

City Attorney Laurie Schmidt presented the second reading of the ordinance approving a contract for the Joint Ownership, Use, and Operation of the Joint Wastewater Treatment Plan with the City of Benton Harbor. Schmidt advised this was the second reading, and the City of Benton Harbor approved their ordinance, which is a mirror ordinance, on December 16th, 2024. Schmidt explained that the ordinance, if approved, will become effective immediately because it is important to public health, safety, and welfare.

MOTION: To give a second and final reading to the Ordinance Approving a Contract Providing for the Joint Ownership, Use, and Operation of a Sewage Disposal Facility Jointly with the City of Benton Harbor, as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Tess Ulrey, Commissioner
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

New Business

13. Shoreline Softening Study

Greg Weykamp, President of Edgewater Resources, presented a slideshow on a shoreline softening study that explores innovative strategies for shoreline protection, reduces shoreline armoring, expands habitat, and reduces ongoing maintenance costs. Weykamp explained the drifting of the sand along the shoreline and how the piers interrupt the natural movement of the sand. He highlighted potential shore strategies such as beach nourishment, offshore segmented breakwaters, habitat reefs, and habitat islands.

Weykamp provided pictures of other shorelines already implementing these strategies by using the natural currents to put the sand back on the beach by building rock structures just off the coastline that will direct the sand and water by moving with the natural current. This is a more cost-effective approach to protecting the shoreline. Weykamp explained the current dredging process used to take sand from the lake and deposit it back onto the beach is expensive to do every other year. Weykamp explained why these other strategies will be beneficial in the long term and eventually reach a place of equilibrium. He encouraged residents to listen to his full presentation, which was uploaded to the City website.

Weykamp explained the study process, presented scanned sonar maps of the City’s shoreline and graphs of wave data, and presented three different projected alternatives for shoreline growth in the coming 5, 10, and 20 years. He outlined the next steps, which include feedback, finalizing the report, exploring ways to fund preliminary engineering, and funding future projects.

Commissioner Binkley said she understood the presentation and advised it would come down to cost.

Mayor Thomas stated she caught a part of the public meeting on this and thought it was fascinating.

City resident Gloria Mance asked if the area under the North Pier was still filled in. Weykamp said it was, and that is why there is growth on the beach on the north side.

14. Zoning Ordinance Text Amendment - Sections 4.6.3, 4.6.4, 11.12.22 - Allow Medium/Heavy Social Institutions as a permitted use in the CO Districts on the street level/first floor - Curious Kids' Museum - First Reading

ORDINANCE 2025-ORD-1

ZONING ORDINANCE TEXT AMENDMENT - SECTIONS 4.6.3, 4.6.4, 11.12.22 - ALLOW MEDIUM/HEAVY SOCIAL INSTITUTIONS AS A PERMITTED USE IN THE CO DISTRICTS ON THE STREET LEVEL/FIRST FLOOR - CURIOUS KIDS' MUSEUM - FIRST READING

THE CITY OF ST. JOSEPH ORDAINS that the City of St. Joseph Zoning Ordinance adopted by Chapter 33 of the City of St. Joseph Code of Ordinances and codified as Appendix A is hereby amended as follows:

Article IV. “Official Zoning Map, Zoning Districts and Authorized Uses” Sec. 4.6.3 “Use Classes, Definitions, and Examples of Uses Permitted,” Table 4-1, Use Classes and Definitions “Social Institutions,” is amended to allow Social Institutions, Medium/Heavy, as a Permitted Use in the CO District, and shall now read as follows:

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

USE CLASSES AND DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Social Institutions A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge. Social institutions may have offices, meeting, instruction, food preparation or serving areas, and athletic facilities as Accessory Uses.</p>	<p><u>Light/Office:</u> Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army that primarily use space for office operations. <u>Medium/Heavy:</u> Centers for social activities such as neighborhood, community or senior centers. Military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly; soup kitchens.</p>	<p><u>Light/Office:</u> "P" in C, CO, I-1 "C" in D (not on street level/first floor) "PUD" in R1, R2, R3 (when use is not an office use) <u>Medium/Heavy:</u> "P" in C, CO, I-1 "C" in D (not on street level/first floor) "PUD" in R1, R2, R3 (when the use is not an office use)</p>

2. Article IV. “Official Zoning Map, Zoning Districts and Authorized Uses” Sec. 4.6.4
 “Authorized Uses Table, Table 4-2” is amended to allow Social Institutions, Medium/Heavy,
 as a Permitted Use in the CO District, and shall now read as follows:

Land Uses: Principal by Use Category	R1	R2	R3	CO	D	C	I1	I2	OS	W
PUBLIC/SEMI-PUBLIC USES										
Public Buildings, City-Owned	P	P	P	P	P	P	P	P	P	P
Public Buildings, Owned by other than the City of St. Joseph	S	S	S	S	S	S	S	S	S	PUD
Educational Institutions	C	C	C							
Essential Services	P	P	P	P	P	P	P	P	P	P
Facilities for the Dead	C	C	C			C	C	C		
Medical Service Establishments, Small				C	C	P				
Medical Service Establishments, Large	PUD	PUD	PUD			S				
Parking Facilities				P	C	P	P	P		PUD
Religious Institutions	C	C	C	C	C	C	C	C		C
Social Institutions	PUD9	PUD9	PUD9	P	C	P	P			

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

ns, Light/Off ice										
Social Institio ns, Medium/ Heavy	PUD9	PUD9	PUD9	P	C	P	P			
Social Institio ns				C	C	P	P			
Utility and Public Service Installati ons, Heavy							P			
Utility and Public Service Installati ons, Light	S	S	S	S	S	S	P	S	S	S

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2. PUD = Planned Unit Development, see Article XIII.

Reference Notes:

- 1—Garages and sheds must be located off the alley.
- 2—Permitted only in the rear yard.
- 3—Not permitted in any front yard or secondary front yard.
- 4—Not permitted in side yard facing a residential district, even if across the street.
- 5—Must be screened from adjacent residential properties.
- 6—Off-street parking in the D Downtown District not owned or operated by the city is a conditional use, under the same requirements as parking facilities (see 11.12.15).
- 7—The residential dwelling unit must be authorized under this ordinance, or a nonconformity; the special use allows the short-term rental use of that dwelling unit.
- 8—The residential dwelling unit must be authorized under this ordinance, or a nonconformity; the conditional use allows the short-term rental use of that dwelling unit.
- 9—When the use is not an office use.

3. Article XI. “Special and Conditional Use Regulations” Sec. 11.12.22 “Social Institutions” is amended to allow Social Institutions, Medium/Heavy, as a Permitted Use in the CO District, and shall now read as follows:

11.12.22. *Social Institutions.* Social institutions, light/office, are permitted as a conditional use in the D Downtown District so long as such uses are not located at street level or on the first floor of a building. Social institutions, medium/heavy, are permitted as a conditional use in the D Downtown District so long as such uses are not located at street level or on the first floor of a building.

All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect.

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

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

Community Development Director Kristen Gundersen presented the request to amend the Zoning Ordinance to Article IV, Sections 4.6.3 Table 4-1 and 4.6.4 Table 4-2 and Article XI, Section 11.12.2. Gundersen stated that Curious Kids wants to purchase a building in the Commercial Office District. Gundersen explained that after reviewing the zoning ordinance, it was concluded that the use was not allowed as it was an expansion of a nonconforming use. The Planning Commission reviewed the requested amendment on January 2nd and discussed different options and scenarios. Gundersen said that after discussions, the Planning Commission recommended amending the ordinance to allow social institutions on the street level in the Commercial Office District. She explained that this would pertain to all properties in the CO District, and a map was included showing the area being described. Commissioner Binkley stated she learned a lot from this and does not see any downsides to approving it.

Commissioner Ulrey said she understood the history of the ordinance but noted how differently office space is used today. She wants to be more hospitable to organizations like the Curious Kids Museum.

Commissioner Fernandez said he was glad to see this necessary step, which will open the door to more changes.

MOTION: To approve the first reading of an Ordinance to amend Article IV, Sections 4.6.3 Table 4-1 and 4.6.4 Table 4-2 and Article XI, Section 11.12.22 as they relate to “medium/heavy” Social Institutions in the CO Commercial Office District in the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michele Binkley, Mayor pro tem
SECONDER:	Michael Fernandez, Commissioner
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

15. Revitalization and Placemaking (RAP) Grant Opportunity

City Manager Emily Hackworth presented the Revitalization and Placemaking (RAP) Grant opportunity offered through the Michigan Economic Development Corporation. She explained that they have opened a third round of funding for place-based infrastructure projects. Hackworth stated that at the Downtown Development Authority (DDA) meeting on January 6, there was a discussion about applying for a RAP Grant specifically focused on Pleasant Street Plaza. The project is currently estimated at 1.2 million dollars. She stated applicants for the grant must have a minimum request of \$500,000 and a maximum of the lesser of 1 million or 50% of eligible costs, which makes Pleasant Street Plaza a good fit. Hackworth stated they need to come up with a matching grant of about \$600,000, and the funds would need to be expended by June 30th, 2027. The DDA has asked staff to request approval from the Commission and submit the grant application.

Commissioner Ulrey said she was glad to see efforts and resources being put into the Pleasant Street Plaza. She added that St. Joe Today has done great work in making sure that side of Main Street remains vibrant. As the City works on parking and moving people around, it will be good to have the plaza up and running.

MOTION: To direct staff to apply for the Revitalization and Placemaking (RAP) Grant for Pleasant Street Plaza.

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Tess Ulrey, Commissioner
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

City Comments

16. City Manager Comments

City Manager Emily Hackworth stated that this is a City Commission election year. She advised that the application packets are available online and at the City Clerk's Office.

17. City Commission Comments

Commissioner Binkley stated the City looked beautiful during the holidays.

Mayor Thomas announced upcoming events including the Chili Tour, Beer Fest, and Ice Fest.

Closed Session

18. Closed Session

MOTION: To enter into closed session for the purpose of review and discussion of a confidential legal opinion authored by City Attorney Laurie Schmidt containing legal advice and opinions subject to the attorney-client privilege and to consider the 90-day personnel evaluation of City Manager Emily Hackworth, at Manager Hackworth's written request in accordance with MCL 15.268(h) and (a).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michele Binkley, Mayor pro tem
SECONDER:	Michael Fernandez, Commissioner
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Entered into Closed Session at 7:18 PM.

19. Return to Open Session

MOTION: To return to open session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Michele Binkley, Mayor pro tem
AYES:	Mayor pro tem Binkley, Mayor Thomas, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Returned to Open Session at 8:24 PM.

Adjournment

The meeting was closed at 8:24 PM

Presiding Officer

City Clerk/ Recording Secretary

Minutes Acceptance: Minutes of Jan 13, 2025 6:00 PM (Consent Agenda)



Joint Meeting of - CC, PC, & DDA

Regular

~ Minutes ~

700 Broad Street
St Joseph, MI 49085
<http://www.sjcity.com>

Emily Hackworth

Monday, November 18, 2024

6:45 PM

Commission Chambers

This meeting will be held in person: the public can view the meeting by going to Zoom.us on a computer or mobile device, or by calling 312.626.6799 (or 877.853.5247 toll free). Comments will not be received via Zoom; persons wishing to speak should be present in person.

Meeting ID: 844 8860 9278

Telecommunications relay services to assist individuals with disabilities are available by calling 7-1-1 and providing the meeting information to the relay operator; there is no charge to the caller.

Call to Order

Attendee Name	Title	Status	Arrived
Brook Thomas	Mayor	Present	
Michele Binkley	Mayor Pro Tem	Present	
Michael Sarola	Commissioner	Present	
Tess Ulrey	Commissioner	Present	
Michael Fernandez	Commissioner	Present	
Tami Fauver	Board Member	Present	
Stephanie Grill	Board Member	Absent	
Brian Maynard	Board Member	Present	
Tom Gawlik	Board Member	Absent	
Chris Lannert	Board Member	Present	
Sue Riemland	Board Member	Present	
Debra Sailor	Board Member	Present	
Robert Montgomery	Board Member	Present	
Patsy Hartzell	Chairman	Present	
Sean Ebbert	Commissioner	Present	
Kathy Burczak	Commissioner	Present	
Aaron Miller	Commissioner	Present	
Anthony Uhrick	Commissioner	Absent	
Becky Rice	Commissioner	Present	
Dustin Tefs	Commissioner	Present	
Michael Plichta	Commissioner	Present	
Pam Porter	Commissioner	Present	
Emily Hackworth	City Manager	Present	
Laurie Schmidt	City Attorney	Present	
Abby Bishop	City Clerk	Present	

Minutes Acceptance: Minutes of Nov 18, 2024 6:45 PM (Consent Agenda)

Discussion Items

2. Discussion Item (ID # 10289)

Economic Development Strategy Implementation

The Planning Commission, Downtown Development Authority, and City Commission will come together for a study session focused on the recently adopted Economic Development Strategy.

This plan was developed as part of the City's work to reach 'Certified' status under the Michigan Economic Development Corporation's (MEDC) Redevelopment Ready Communities (RRC) program. The RRC program is a technical assistance initiative designed to support communities in building a foundation of planning, zoning, and economic development best practices. Communities who engage in the RRC process commit to improving development readiness by agreeing to undergo a rigorous assessment and working locally to integrate best practices.

MEDC recently elevated St. Joseph to the 'Essential' status. At this level, the City was given access to up to \$40,000, with a 75/25 match, to complete requirements needed to reach 'Certified' status. With Commission approval, the City engaged with Cornerstone Alliance, and their subcontractor, Place + Main, to satisfy three remaining requirements: an Economic Development Strategy, a Marketing Plan, and a Guide to Development. Cornerstone Alliance committed to covering 25% of the cost.

The Economic Development Strategy was adopted unanimously by the City Commission in the 10/28 meeting. The Study session will focus on the recommendations that require involvement of the DDA and/or the Planning Commission.

COMMENTS - Current Meeting:

City Manager Emily Hackworth stated that the City Commission recently adopted a new economic development plan. Hackworth advised how this plan was developed to reach 'Certified' status under the Michigan Economic Development Corporation's (MEDC) Redevelopment Ready Communities (RRC) program. Hackworth advised that the City was elevated to the 'Essential' status two years ago. With Commission approval, the City engaged with Cornerstone Alliance and their subcontractor, Place + Main, to satisfy three remaining requirements: an Economic Development Strategy, a Marketing Plan, and a Guide to Development. The Economic Development Strategy was adopted unanimously by the City Commission in the 10/28 meeting.

Hackworth explained why the City is participating in the RRC program, based on its need and desire to develop and become a more development-friendly city. Andrew Hahn with Cornerstone Alliance also described the key benefits of the City becoming RRC Certified and how this will positively impact the community.

Hahn presented the Economic Development Strategy Overview slideshow that was previously presented to the City Commission. In it, Hahn described specific sectors and highlighted key issues. He also showed data on the background of tax base comparison, primary trade areas, and housing opportunities. Hahn outlined the key takeaways and discussed recommendations.

The group discussed housing opportunities in the City and Accessory Dwelling Units (ADUs). They also discussed the timing of making changes to the zoning ordinance and different ways to implement them. The group directed the Planning Commission to research and consider ADUs in the City and agreed to reconvene again in 6 months.

ATTACHMENTS:

- St Joseph Economic Development Strategy - FINAL (PDF)
- 2024_october_zoning_map_39 (PDF)

Public Comments

None.

Adjourn

Minutes Acceptance: Minutes of Nov 18, 2024 6:45 PM (Consent Agenda)

Agenda Item

TO: Members of the St. Joseph City Commission
FROM: Ben Reynnells, Finance Director
RE: Invoice and Tax Disbursements
MEETING DATE: February 3, 2025

As part of the consent agenda, please consider approval of the following invoices and disbursements from January 11, 2025, through January 31, 2025.

Regular invoices: \$2,709,611.44

Tax disbursements: \$373,177.29

Total disbursed: \$3,082,788.73

Action requested: Motion to approve, as part of the consent agenda, cash disbursements, as presented.

ATTACHMENTS:

- EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (PDF)

EXP CHECK RUN DATES 01/11/2025 - 01/31/2025

GL Number	Vendor	Invoice Description	Amount
Fund 101 General Fund			
Dept 000.000			
101-000.000-204.000	FIRST NATIONAL BANK OF OMAHA	LAURIE SCHMIDT	3.60
	Total For Dept 000.000		3.60
Dept 101.000 City Commission			
101-101.000-790.000	GONGWER NEWS SERVICE INC.	GONGWER	3,140.00
101-101.000-870.000	SOUTHWEST MICHIGAN REGIONAL CHAMBER	2025 MEMBERSHIP	300.00
	Total For Dept 101.000 City Commission		3,440.00
Dept 172.000 City Manager			
101-172.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	132.20
101-172.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	12.72
101-172.000-801.000	COREWELL HEALTH CLIENT BILLING	PRE-EMPLOYMENT & DOT	178.00
101-172.000-802.000	DOUBLE K ENTERPRISES INC.	TECH SERVICES - CITY HALL	950.00
	Total For Dept 172.000 City Manager		1,272.92
Dept 215.000 City Clerk			
101-215.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	14.60
101-215.000-740.000	SPECTRA ASSOCIATES, INC.	NEW MINUTEBOOK AND PAPER	332.50
101-215.000-801.000	FIRST NATIONAL BANK OF OMAHA	ABBY BISHOP	9.68
101-215.000-802.000	DOUBLE K ENTERPRISES INC.	NEW LAPTOPS AND SETUP - CITY HALL	5,521.36
101-215.000-870.000	FIRST NATIONAL BANK OF OMAHA	ABBY BISHOP	200.00
101-215.000-941.100	CIVICPLUS	WEBSITE ANNUAL MAINTENANCE	6,524.49
101-215.000-941.100	GRANICUS	PEAK AGENDA SOFTWARE - AGENDAS AND MINUTES	1,986.40
	Total For Dept 215.000 City Clerk		14,589.03
Dept 235.000 Central Purchasing			
101-235.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	24.80
101-235.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	203.16
101-235.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	49.00
101-235.000-740.000	OSCAR'S PRINTING & COPY CENTER	WINDOW ENVELOPES	490.55
101-235.000-802.000	DOUBLE K ENTERPRISES INC.	TECH SERVICES - CITY HALL	712.50
101-235.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	288.90
	Total For Dept 235.000 Central Purchasing		1,768.91
Dept 253.000 City Treasurer			
101-253.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	30.40
101-253.000-790.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	42.36
101-253.000-802.000	DOUBLE K ENTERPRISES INC.	TECH SERVICES - CITY HALL	95.00
101-253.000-802.000	DOUBLE K ENTERPRISES INC.	NEW LAPTOPS AND SETUP - CITY HALL	9,617.60
101-253.000-860.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	219.00

Attachment: EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (10489 : Invoice and Tax Disbursements)

	Total For Dept 253.000 City Treasurer		----- 10,004.36
Dept 257.000 City Assessor			
101-257.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	10.14
101-257.000-801.000	BLOOM SLUGGETT MORGAN	MTT24 002102 (WHIRLPOOL)	946.50
101-257.000-801.000	CLARK HILL P.L.C.	MTT CLARK LOGISTICS	55.00
101-257.000-801.000	SWISHER, ANTOINETTE	ASSISSTANCE TO ASSESSOR	1,330.00
101-257.000-870.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	97.38
101-257.000-900.000	SBF ENTERPRISES	2025 ASSESSMENT NOTICE POSTAGE	2,364.66
101-257.000-900.000	BERRIEN COUNTY	PERSONAL PRPPERTY STATEMENT FORMS	151.47
	Total For Dept 257.000 City Assessor		----- 4,955.15
Dept 262.000 Elections			
101-262.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	10.40
101-262.000-801.000	ELECTION SOURCE	ANNUAL MAINTENANCE STATE CONTRACTS	2,694.75
101-262.000-801.000	ELECTION SOURCE	ANNUAL MAINTENANCE CONTRACT	394.95
101-262.000-860.000	BISHOP, ABBY	TRANSPORTATION FOR SCHOOL ELECTION AGREEMENTS	18.43
	Total For Dept 262.000 Elections		----- 3,118.53
Dept 265.000 Buildings & Grounds			
101-265.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	10.80
101-265.000-740.000	ACE HARDWARE	FACILITIES TOOL	269.99
101-265.000-740.000	MICHIGAN STATE INDUSTRIES	FLAGS	80.00
101-265.000-740.000	DOUBLEDAY OFFICE PRODUCTS	FACILITIES DESK AND TACK BOARD	1,550.01
101-265.000-740.000	KENDALL ELECTRIC INC	LIGHT REPAIRS	121.48
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	753.28
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	40.50
101-265.000-740.000	LEEP'S SUPPLY CO., INC.	HVAC REPAIR	259.47
101-265.000-740.000	LOWE'S HOME CENTERS, LLC	*FACILITIES AND CLANING EQUIPMENT	312.55
101-265.000-850.000	TELNET WORLDWIDE	BILL DATE 01-15-2025	700.81
101-265.000-850.000	MILLENNIA TECHNOLOGIES, LLC	PHONE SERVICE CONTRACT	2,954.56
101-265.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	3,701.58
101-265.000-931.000	SUMMIT FIRE PROTECTION	CONTROLS REPAIRS	1,655.00
101-265.000-931.000	AUTOMATIC EQUIPMENT SALES & SERVICE	CITY HALL DOOR REPAIR	767.00
101-265.000-931.000	ENERCO SPECIALTY CHEMICAL	CONTRACT PAYMENT	225.00
101-265.000-931.000	GUSE-HAHN GARAGE DOORS	OHD DOOR REPAIR	165.00
	Total For Dept 265.000 Buildings & Grounds		----- 13,567.03
Dept 266.000 City Attorney			
101-266.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	20.00
101-266.000-790.000	FIRST NATIONAL BANK OF OMAHA	LAURIE SCHMIDT	21.19
101-266.000-956.000	FIRST NATIONAL BANK OF OMAHA	LAURIE SCHMIDT	6.00
	Total For Dept 266.000 City Attorney		----- 47.19
Dept 270.000 Personnel			
101-270.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	12.00

101-270.000-740.000	DOUBLEDAY OFFICE PRODUCTS	INK FOR STAMP	9.33
101-270.000-790.000	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL (DEC & JAN)	39.98
101-270.000-860.000	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL (DEC & JAN)	(48.66)
101-270.000-956.100	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL (DEC & JAN)	108.07
	Total For Dept 270.000 Personnel		<u>120.72</u>

Dept 336.000 Fire Department

101-336.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	18.00
101-336.000-740.000	ACE HARDWARE	SUPPLIES	33.27
101-336.000-740.000	DINGES FIRE COMPANY	METAL BADGE	190.51
101-336.000-740.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	98.02
101-336.000-740.000	ACE HARDWARE	FATENERS - CLEANING SUPPLIES	37.68
101-336.000-776.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	2,367.81
101-336.000-850.000	AT&T MOBILITY	CELL PHONES - TABLETS	136.75
101-336.000-860.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	937.28
101-336.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	1,063.76
101-336.000-930.000	MACQUARIE EQUIPMENT CAPITAL INC.	MONTHLY MAINTENANCE	78.99
	Total For Dept 336.000 Fire Department		<u>4,962.07</u>

Dept 345.000 Public Safety Department

101-345.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	417.40
101-345.000-740.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	443.27
101-345.000-740.000	NYE UNIFORM COMPANY	UNIFORM	1,479.50
101-345.000-740.000	UPS STORE #1992, THE	CAR #13 RADAR	20.16
101-345.000-740.000	NYE UNIFORM COMPANY	WRIGHT PANTS	209.00
101-345.000-740.000	NYE UNIFORM COMPANY	WEBER MISC GEAR	249.00
101-345.000-740.000	NYE UNIFORM COMPANY	BRUURSEMA PANTS	219.39
101-345.000-740.000	AMAZON CAPITAL SERVICES	DISPOSABLE GLOVES	783.03
101-345.000-740.000	AMAZON CAPITAL SERVICES	FILE TOTES	51.27
101-345.000-740.000	WEAVER, JARED	MILEAGE REIMBURSEMENT	30.01
101-345.000-790.000	FIRST NATIONAL BANK OF OMAHA	PUBLIC SAFETY DEPARTMENT	21.19
101-345.000-801.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	75.00
101-345.000-801.000	MICHIGAN STATE POLICE	PRINT FOR EMPLOYMENT	43.25
101-345.000-801.000	PREMIER PROMOTIONS	ENGRAVED PLATE FOR KOSACHUK	236.51
101-345.000-801.000	COLOMA TOWNSHIP POLICE DEPARTMENT	VEST FOR PSO WEBER	550.00
101-345.000-850.000	AT&T MOBILITY	CELL PHONES - TABLETS	976.63
101-345.000-860.000	AMERICAN AIR OPERATIONS	DRONE TRAINING	1,000.00
101-345.000-860.000	KENT KLEEN, LLC	INTERIOR/EXTERIOR CAR DETAILING	360.00
101-345.000-860.000	LAYLON, ANDREW	TRAINING REIMBURSEMENT	51.00
101-345.000-860.000	NEUBECKER, STEVE	MILEAGE REIMBURSEMENT FOR TRAINING	51.00
101-345.000-930.000	KUSTOM SIGNALS, INC	CAR #14 RADAR	137.80
101-345.000-930.000	MACQUARIE EQUIPMENT CAPITAL INC.	MONTHLY MAINTENANCE	104.00
101-345.000-930.000	MACQUARIE EQUIPMENT CAPITAL INC.	MONTHLY MAINTENANCE	79.00
101-345.000-930.000	TELE-RAD INC.	MONTHLY MAINTENANCE	346.40
	Total For Dept 345.000 Public Safety Department		<u>7,933.81</u>

Attachment: EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (10489 : Invoice and Tax Disbursements)

Dept 371.000 Building Inspection Department

101-371.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	37.46
101-371.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	112.37
101-371.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	224.74
101-371.000-860.000	METRO BUILDING INSPECTOR'S ASSOC	DUES FOR METRO GROUP CLASSES	270.00
	Total For Dept 371.000 Building Inspection Department		<u>644.57</u>

Dept 372.000 Code Enforcement Department

101-372.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	17.00
	Total For Dept 372.000 Code Enforcement Department		<u>17.00</u>

Dept 441.000 Public Works Department

101-441.000-740.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS (DEC & JAN)	39.98
101-441.000-740.000	OSCAR'S PRINTING & COPY CENTER	LEAVE REQUEST FORMS	237.39
101-441.000-740.000	OSCAR'S PRINTING & COPY CENTER	TIMESHEETS	331.68
101-441.000-740.000	DOUBLEDAY OFFICE PRODUCTS	OFFICE SUPPLIES	93.10
101-441.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	1,134.22
101-441.000-930.000	CLEAN EARTH ENVIRONMENTAL SERVICES	OIL AND WATER CLEANING	2,604.76
	Total For Dept 441.000 Public Works Department		<u>4,441.13</u>

Dept 447.000 City Engineer

101-447.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	51.40
101-447.000-740.000	FIRST NATIONAL BANK OF OMAHA	TIM ZEBELL	184.44
101-447.000-804.000	ABONMARCHE CONSULTANTS INC	GEN. ENGINEERING SERVICES	500.00
101-447.000-870.000	FIRST NATIONAL BANK OF OMAHA	TIM ZEBELL	244.00
101-447.000-930.000	UNITED STATES GEOLOGICAL SURVEY	STREAMGAGING STATION - ANNUAL MAINTENANCE	3,582.00
	Total For Dept 447.000 City Engineer		<u>4,561.84</u>

Dept 448.000 Street Lighting

101-448.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	7,223.77
	Total For Dept 448.000 Street Lighting		<u>7,223.77</u>

Dept 721.000 Community Development

101-721.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	19.80
101-721.000-860.000	FIRST NATIONAL BANK OF OMAHA	TIFFANY MITCHELL	73.39
101-721.000-870.000	FIRST NATIONAL BANK OF OMAHA	KRISTEN GUNDERSEN	325.00
101-721.000-900.000	HERALD-PALLADIUM	PUBLIC HEARING NOTICE	180.75
101-721.000-900.000	HERALD-PALLADIUM	NOTICE OF PUBLIC HEARING	195.75
101-721.000-900.000	HERALD-PALLADIUM	188.25	188.25
101-721.000-900.000	HERALD-PALLADIUM	NOTICE OF PUBLIC HEARING	192.00
101-721.000-900.000	HERALD-PALLADIUM	PUBLIC HEARING	199.50
101-721.000-900.000	HERALD-PALLADIUM	LEGAL NOTICE	192.00
	Total For Dept 721.000 Community Development		<u>1,566.44</u>

Dept 740.000 Communications

101-740.000-884.000	FAR AHEAD ADVERTISING INC.	ICE ARENA AND LIGHT P THE BLUFF	439.20
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	Total For Dept 740.000 Communications		----- 439.20
Dept 751.000 Parks/Recreation			
101-751.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	79.50
101-751.000-740.000	ACE HARDWARE	TAPE	12.59
101-751.000-740.000	FIRST NATIONAL BANK OF OMAHA	JEFFREY RECHNER	1,137.23
101-751.000-740.000	FOHS, MATT	CLOTHING ALLOWANCE	166.94
101-751.000-740.000	MICHIGAN STATE INDUSTRIES	FLAGS	525.00
101-751.000-740.000	RENTAL BRANCH	STUMP GRINDER RENTAL	670.65
101-751.000-740.000	BERRIEN COUNTY	POOL INSPECTION FEE	135.00
101-751.000-740.000	DOUBLEDAY OFFICE PRODUCTS	OFFICE SUPPLIES	70.98
101-751.000-740.000	GAMETIME	SUN SHADES FOR PROJECT	26,952.83
101-751.000-860.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS (DEC & JAN)	640.00
101-751.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	2,582.06
101-751.000-930.000	T2 SYSTEMS CANADA INC.	DIGITAL IRIS SERVICE	65.00
101-751.000-964.000	BREMMEYR, LAURA	WOODBINE LODGE CANCELLATION	310.00
101-751.000-964.000	DREWS, JANET	WOODBINE LODGE CANCELLATION	248.00
	Total For Dept 751.000 Parks/Recreation		----- 33,595.78
Dept 752.000 Lighthouse Operations			
101-752.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	143.54
	Total For Dept 752.000 Lighthouse Operations		----- 143.54
Dept 756.000 Recreation Programs			
101-756.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	759.99
101-756.000-790.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	39.98
	Total For Dept 756.000 Recreation Programs		----- 799.97
Dept 757.000 Ice Arena Operations			
101-757.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	12.20
101-757.000-740.000	FIRST NATIONAL BANK OF OMAHA	JEFFREY RECHNER	482.23
101-757.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	810.06
101-757.000-740.000	ACE HARDWARE	SUPPLIES FRO ICE ARENA	64.78
101-757.000-740.000	BECKER ARENA PRODUCTS, INC.	SKATE LACES	208.43
101-757.000-740.000	LINDE GAS & EQUIPMENT INC.	ZAMBONI PROPANE	433.57
101-757.000-801.000	SPECIALTY GRINDING CO.	BLADE SHARPENING	463.52
101-757.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	319.70
101-757.000-850.000	FAR AHEAD ADVERTISING INC.	ICE ARENA AND LIGHT P THE BLUFF	439.20
101-757.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	16,500.66
	Total For Dept 757.000 Ice Arena Operations		----- 19,734.35
Dept 890.000 Extraordinary Expenditures			
101-890.000-801.000	FIRST NATIONAL BANK OF OMAHA	EMILY HACKWORTH	577.88
	Total For Dept 890.000 Extraordinary Expenditures		----- 577.88
	Total For Fund 101 General Fund		----- ----- 139,528.79

Attachment: EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (10489 : Invoice and Tax Disbursements)

Fund 202 Major Street Fund			
Dept 445.000 Public Drains			
202-445.000-801.000	SPICER GROUP	MS4 COMPLIANCE	1,083.35
	Total For Dept 445.000 Public Drains		----- 1,083.35
Dept 449.000 Roads, Streets, Bridges - ACT 51			
202-449.000-801.000	ABONMARCHE CONSULTANTS INC	CONSTRUCTION ADMIN	513.75
	Total For Dept 449.000 Roads, Streets, Bridges - ACT 51		----- 513.75
Dept 474.000 Traffic Services			
202-474.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	128.89
	Total For Dept 474.000 Traffic Services		----- 128.89
Dept 903.207 Cleveland Ave			
202-903.207-801.000	ABONMARCHE CONSULTANTS INC	CLEVELAND RESURFACING DESIGN	4,070.09
	Total For Dept 903.207 Cleveland Ave		----- 4,070.09
	Total For Fund 202 Major Street Fund		=====
			5,796.08
Fund 203 Local Street Fund			
Dept 445.000 Public Drains			
203-445.000-801.000	SPICER GROUP	MS4 COMPLIANCE	1,083.35
	Total For Dept 445.000 Public Drains		----- 1,083.35
Dept 449.000 Roads, Streets, Bridges - ACT 51			
203-449.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	107.00
203-449.000-740.000	ANTHONY HAMANN	CLOTHING REIMBURSEMENT	42.96
203-449.000-930.000	JOHN WITHROW EXCAVATING INC.	WHITWAM BRUSH CUTTING	2,000.00
	Total For Dept 449.000 Roads, Streets, Bridges - ACT 51		----- 2,149.96
Dept 474.000 Traffic Services			
203-474.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	12.40
203-474.000-740.000	ACE HARDWARE	LAG SCREWS FOR BEACH SIGN REPLACEMENT	36.89
203-474.000-740.000	DORNBOS SIGN & SAFETY INC	SIGN BLANKS	392.96
203-474.000-740.000	DORNBOS SIGN & SAFETY INC	SIGNS	391.43
	Total For Dept 474.000 Traffic Services		----- 833.68
	Total For Fund 203 Local Street Fund		=====
			4,066.99
Fund 204 Municipal Street Fund			
Dept 903.194 Anchors Way Drainage			
204-903.194-801.000	POINT BLUE, LLC	ENV. SERVICES	20,509.00
	Total For Dept 903.194 Anchors Way Drainage		----- 20,509.00
	Total For Fund 204 Municipal Street Fund		=====
			20,509.00

Fund 209 Cemetery Fund			
Dept 567.000 Cemetery Operatings			
209-567.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	22.20
209-567.000-740.000	MICHIGAN STATE INDUSTRIES	FLAGS	1,864.00
209-567.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	159.85
209-567.000-850.000	TELNET WORLDWIDE	BILL DATE 01-15-2025	14.60
209-567.000-850.000	MILLENNIA TECHNOLOGIES, LLC	PHONE SERVICE CONTRACT	61.55
209-567.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	411.71
209-567.000-930.000	AMERICAN ELECTRIC POWER	METER RELOCATION	3,354.70
	Total For Dept 567.000 Cemetery Operatings		<u>5,888.61</u>
	Total For Fund 209 Cemetery Fund		<u><u>5,888.61</u></u>
Fund 214 Depot Fund			
Dept 264.000 Buildings			
214-264.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	30.86
	Total For Dept 264.000 Buildings		<u>30.86</u>
	Total For Fund 214 Depot Fund		<u><u>30.86</u></u>
Fund 226 Rubbish Collection Fund			
Dept 521.000 Sanitation/Solid Waste			
226-521.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	22.20
226-521.000-801.000	COREWELL HEALTH CLIENT BILLING	PRE-EMPLOYMENT & DOT	38.00
226-521.000-804.200	STEVENSVILLE TRANSFER STATION-3246	BRUSH DUMPING	1,653.16
	Total For Dept 521.000 Sanitation/Solid Waste		<u>1,713.36</u>
	Total For Fund 226 Rubbish Collection Fund		<u><u>1,713.36</u></u>
Fund 271 Library Fund			
Dept 790.000 Library			
271-790.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	58.74
271-790.000-740.000	AMAZON CAPITAL SERVICES	PODIUM, SPECIAL PROGRAM SUPPLIES	272.00
271-790.000-740.000	DOUBLEDAY OFFICE PRODUCTS	OFFICE SUPPLIES	128.95
271-790.000-740.000	DOUBLEDAY OFFICE PRODUCTS	RETURN OFFICE SUPPLIES	(2.62)
271-790.000-740.000	KSS ENTERPRISES	SUPPLIES	55.89
271-790.000-780.000	GALE	LARGE PRINT COLLECTION	65.58
271-790.000-780.000	BAKER & TAYLOR BOOKS	ADULT NFIC BOOKS	186.65
271-790.000-780.000	BAKER & TAYLOR BOOKS	ADULT FICTION COLLECTION	255.91
271-790.000-780.000	BAKER & TAYLOR BOOKS	CHILDREN'S COLLECTION	149.45
271-790.000-780.000	BAKER & TAYLOR BOOKS	AFULT FICTION COLLECTION	298.63
271-790.000-780.000	BAKER & TAYLOR BOOKS	ADULT NFIC COLLECTION	138.82
271-790.000-790.000	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	902.00
271-790.000-850.000	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	297.85
271-790.000-850.000	TELNET WORLDWIDE	BILL DATE 01-15-2025	160.60

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271-790.000-850.000	MILLENNIA TECHNOLOGIES, LLC	PHONE SERVICE CONTRACT	677.09
271-790.000-885.000	STRONG, ADELLA	REIMBURSE FOR SNACKS AT TEAM ANIME CLUB	32.66
271-790.000-885.000	AMAZON CAPITAL SERVICES	PODIUM, SPECIAL PROGRAM SUPPLIES	215.99
271-790.000-900.000	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	3,805.14
271-790.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	2,110.39
271-790.000-930.000	KINGDOM BROS. LAWN CARE & PROP	SNOW REMOVAL 01-10-2025	125.00
271-790.000-930.000	KINGDOM BROS. LAWN CARE & PROP	SNOW REMOVAL 01-13-2025	125.00
271-790.000-930.000	KINGDOM BROS. LAWN CARE & PROP	SNOW REMOVAL	215.00
271-790.000-930.000	KINGDOM BROS. LAWN CARE & PROP	SNOW REMOVAL	125.00
271-790.000-930.000	VESTIS SERVICES, LLC	SEASONAL RUG RENTAL	34.65
	Total For Dept 790.000 Library		<u>10,434.37</u>
	Total For Fund 271 Library Fund		<u><u>10,434.37</u></u>
Fund 275 Band Fund			
Dept 802.000 Municipal Band			
275-802.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	15.15
275-802.000-740.000	J.W. PEPPER & SON INC.	MUSIC FOR BAND	85.99
275-802.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	66.08
	Total For Dept 802.000 Municipal Band		<u>167.22</u>
	Total For Fund 275 Band Fund		<u><u>167.22</u></u>
Fund 401 Capital Projects Fund			
Dept 265.121 Facilities Maintenance Items			
401-265.121-967.000	SUMMIT FIRE PROTECTION	CONTRACT PAYMENT - FIRE STATION ALARM	20,463.00
	Total For Dept 265.121 Facilities Maintenance Items		<u>20,463.00</u>
Dept 345.000 Public Safety Department			
401-345.000-977.000	TELE-RAD INC.	NEW SERVER FOR AVIGILON CAMERAS	39,816.00
	Total For Dept 345.000 Public Safety Department		<u>39,816.00</u>
Dept 751.000 Parks/Recreation			
401-751.000-974.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS (DEC & JAN)	(315.00)
401-751.000-974.000	ABONMARCHE CONSULTANTS INC	CONSTRUCTION STAKING	1,053.75
	Total For Dept 751.000 Parks/Recreation		<u>738.75</u>
Dept 751.591 WCF Restroom Facility			
401-751.591-975.000	HAMMERSMITH EQUIPMENT COMPANY	NEEDED FOR PROJECT	424.65
401-751.591-975.000	LOWE'S HOME CENTERS, LLC	PROJECT MATERIALS	98.96
401-751.591-975.000	LOWE'S HOME CENTERS, LLC	PROJECT MATERIALS	141.58
401-751.591-975.000	YODER'S STRAIGHT LINE CONSTRUCTION	CARPENTRY FOR PROJECT	18,200.00
401-751.591-975.000	B & Z COMPANY	PROJECT EXCAVATIONS	11,894.20
401-751.591-975.000	UNITED RENTALS (NORTH AMERICA) INC.	FENCE RENTAL	243.00
	Total For Dept 751.591 WCF Restroom Facility		<u>31,002.39</u>

Attachment: EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (10489 : Invoice and Tax Disbursements)

	Total For Fund 401 Capital Projects Fund		92,020.14
Fund 441 UPTON RECONSTRUCTION			
Dept 441.000 Public Works Department			
441-441.000-801.000	ABONMARCHE CONSULTANTS INC	CONSTRUCTION ADMIN	2,620.56
441-441.000-974.000	KALIN CONSTRUCTION	CONSTRUCTION	405,938.99
	Total For Dept 441.000 Public Works Department		408,559.55
	Total For Fund 441 UPTON RECONSTRUCTION		408,559.55
Fund 450 CSO Separation Project Fund			
Dept 000.000			
450-000.000-211.000	KALIN CONSTRUCTION	CSO EA PROJECT CONSTRUCTION	(52,611.70)
	Total For Dept 000.000		(52,611.70)
Dept 527.500 CSO storage project			
450-527.500-956.000	WADE TRIM	WADE TRIM INSPECTOR DAYS	9,515.00
450-527.500-973.000	KALIN CONSTRUCTION	CSO EA PROJECT CONSTRUCTION	516,602.00
	Total For Dept 527.500 CSO storage project		526,117.00
	Total For Fund 450 CSO Separation Project Fund		473,505.30
Fund 590 Sewer Fund			
Dept 000.000			
590-000.000-230.500	JOINT WASTEWATER TREATMENT PLANT	WWTP AUTHORITY PAYMENT	74,964.04
590-000.000-256.000	PATZKOWSKY, KENNETH	UB REFUND FOR ACCOUNT: 200760	1.23
590-000.000-256.000	O'CONNELL, STEVE	UB REFUND FOR ACCOUNT: 911210	247.16
590-000.000-256.000	AUSTIN, HELENE	UB REFUND FOR ACCOUNT: 309350	6.04
590-000.000-256.000	MARTIN, KELLY	UB refund for account: 230200	172.56
	Total For Dept 000.000		75,391.03
Dept 527.000 Sewer System			
590-527.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	13.20
590-527.000-740.000	MICHIANA SUPPLY INC.	VACTOR REPAIR PARTS	293.04
590-527.000-740.000	THE SAFETY COMPANY LLC, DBA MTECH	REPAIR PARTS SEWER CAMERA	562.73
590-527.000-801.000	BEAUDOIN ELECTRICAL CONSTRUCTION	PROFESSIONAL ELECTRICAL SERVICES	252.00
590-527.000-801.000	GASVODA & ASSOCIATES, INC.	STARTUP SERVICES - HAWTHORNE FLOW METER	1,469.00
590-527.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	1,170.31
590-527.000-925.000	JOINT WASTEWATER TREATMENT PLANT	DECEMBER 2024 SEWER TREATMENT	74,470.47
590-527.000-930.000	THE SAFETY COMPANY LLC, DBA MTECH	SEWER CAMERA REPAIRS	1,740.08
590-527.000-956.000	MISS DIG SYSTEM, INC.	ANNUAL MEMBERSHIP/FEES	1,771.30
590-527.000-956.000	UPS STORE #1992, THE	WATER DEPT SHIPPING CHARGES	125.50
	Total For Dept 527.000 Sewer System		81,867.63
Dept 904.942 Hawthorne Lift Station Rehab			
590-904.942-801.000	ABONMARCHE CONSULTANTS INC	DESIGN	9,432.50

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Total For Dept 904.942 Hawthorne Lift Station Rehab 9,432.50

Total For Fund 590 Sewer Fund 166,691.16

Fund 591 Water Fund

Dept 000.000

591-000.000-256.000 AUSTIN, HELENE UB REFUND FOR ACCOUNT: 309350 26.93
Total For Dept 000.000 26.93

Dept 530.000 Water Treatment Plant

591-530.000-717.000 RELIANCE STANDARD LIFE INSURANCE CO FEBRUARY 2025 LIFE INSURANCE 95.40
591-530.000-740.000 FIRST NATIONAL BANK OF OMAHA GREG ALIMENTI 42.22
591-530.000-740.000 FIRST NATIONAL BANK OF OMAHA MICHAEL CHRISTENSEN 749.98
591-530.000-740.000 FISHER SCIENTIFIC LAB SUPPLIES 2,592.95
591-530.000-740.000 KENNEDY INDUSTRIES, INC. PUMP PARTS 353.52
591-530.000-740.000 SHIMADZU SCIENTIFIC INSTRUMENTS INC LAB SUPPLIES 156.29
591-530.000-750.000 CHEMICAL SYSTEMS, INC. CHLORINE-BOOSTER STATIONS 4,980.00
591-530.000-801.000 FIRST NATIONAL BANK OF OMAHA GREG ALIMENTI 484.50
591-530.000-801.000 EUROFINS EATON ANALYTICAL LLC ANALYSIS TOC AND CREDIT ON ACCOUNT 156.24
591-530.000-801.000 STATE OF MICHIGAN ANNUAL WATER SUPPLY FEE-AUTHORITY 10,666.19
591-530.000-850.000 FIRST NATIONAL BANK OF OMAHA FINANCE DEPARTMENT 213.97
591-530.000-850.000 TELNET WORLDWIDE BILL DATE 01-15-2025 73.00
591-530.000-850.000 MILLENNIA TECHNOLOGIES, LLC PHONE SERVICE CONTRACT 307.77
591-530.000-870.000 FIRST NATIONAL BANK OF OMAHA GREG ALIMENTI 9.99
591-530.000-870.000 HERALD-PALLADIUM MEDIA SUBSCRIPTION 60.00
591-530.000-920.000 INDIANA MICHIGAN POWER COMPANY JANUARY BILLING 22,525.20
591-530.000-930.000 VESTIS SERVICES, LLC RUGS AND RAGS 19.34
Total For Dept 530.000 Water Treatment Plant 43,486.56

Dept 536.000 Water Distribution System

591-536.000-717.000 RELIANCE STANDARD LIFE INSURANCE CO FEBRUARY 2025 LIFE INSURANCE 115.80
591-536.000-740.000 ACE HARDWARE METER SUPPLIES 18.51
591-536.000-740.000 ACE HARDWARE TOOLS 132.22
591-536.000-740.000 HAMMERSMITH EQUIPMENT COMPANY TOOL (DRILL BIT) 125.00
591-536.000-740.000 LOWE'S HOME CENTERS, LLC TOOLS AND SUPPLIES 48.94
591-536.000-740.000 MATHIAS, ROBERT CLOTHING REIMBURSEMENT 63.56
591-536.000-740.000 MICHIANA SUPPLY INC. VACTOR REPAIR PARTS 293.04
591-536.000-740.000 RED ARROW TRANSPORT, INC SAND/BACKFILL MATERIAL 4,302.74
591-536.000-740.000 JIM SCHUHKNECHT BACKFILL MATERIAL 2,964.00
591-536.000-740.000 JIM SCHUHKNECHT BACKFILL MATERIAL 1,482.00
591-536.000-740.000 FERGUSON WATERWORKS #3386 WATER SERVICE PART 417.00
591-536.000-740.000 FERGUSON WATERWORKS #3386 WATER SERVICE PART RETURN (417.00)
591-536.000-740.000 ARNY, ALLEN CLOTHING REIMBURSEMENT 86.20
591-536.000-740.000 BLACKBURN MANUFACTURING CO. MISS DIG FLAGS AND LATE FEE DEC0010-FC 233.06
591-536.000-740.000 LINDERMAN, DAVID CLOTHING REIMBURSEMENT 66.17
591-536.000-740.000 PRICE, TRETT CLOTHING REIMBURSEMENT 127.19

Attachment: EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (10489 : Invoice and Tax Disbursements)

591-536.000-740.000	SAFETY SERVICES INCORPORATED	GLOVES/SUPPLIES	91.20
591-536.000-740.000	ETNA SUPPLY COMPANY	CREDIT FH REPAIR PARTS (RETURN)	(554.40)
591-536.000-740.000	ETNA SUPPLY COMPANY	FH REPAIR PARTS	554.40
591-536.000-771.000	ETNA SUPPLY COMPANY	WATER METERS	6,090.00
591-536.000-771.000	ETNA SUPPLY COMPANY	WATER METER	145.00
591-536.000-771.000	ETNA SUPPLY COMPANY	WATER METERS	7,000.00
591-536.000-801.000	BERRIEN COUNTY ROAD DEPARTMENT	ROW PERMIT	100.00
591-536.000-801.000	BERRIEN COUNTY ROAD DEPARTMENT	ROW PERMIT	100.00
591-536.000-801.000	BERRIEN COUNTY ROAD DEPARTMENT	ROW PERMIT	100.00
591-536.000-801.000	BERRIEN COUNTY ROAD DEPARTMENT	ROW PERMIT	35.00
591-536.000-801.000	FIRST ADVANTAGE LNS OC HEALTH SOLUT	PRE-EMPLOYMENT	52.02
591-536.000-801.000	COREWELL HEALTH CLIENT BILLING	PRE-EMPLOYMENT & DOT	244.00
591-536.000-860.000	MATHIAS, ROBERT	WATER DISTRIBUTION LICENSE RENEWAL	95.00
591-536.000-860.000	THOMPSON, JUSTIN	CDL RENEWAL	40.83
591-536.000-930.000	ETNA SUPPLY COMPANY	ANNUAL MAINTENANCE SUPPORT	4,000.00
591-536.000-956.000	MISS DIG SYSTEM, INC.	ANNUAL MEMBERSHIP/FEES	5,313.87
591-536.000-956.000	OSCAR'S PRINTING & COPY CENTER	METER SERVICEPERSON BUSINESS CARDS	71.00
	Total For Dept 536.000 Water Distribution System		<u>33,536.35</u>

Dept 540.000 Water Administration

591-540.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	20.20
591-540.000-728.000	SBF ENTERPRISES	JANUARY DELINQ NOTICES FOR SJIC AND RT	396.44
591-540.000-740.000	OSCAR'S PRINTING & COPY CENTER	BLUE RETURN ENVELOPES	91.69
591-540.000-740.000	OSCAR'S PRINTING & COPY CENTER	BLUE RETURN ENVELOPES	172.89
591-540.000-801.000	SBF ENTERPRISES	JANUARY DELINQ NOTICES FOR SJIC AND RT	147.76
591-540.000-802.000	DOUBLE K ENTERPRISES INC.	NEW LAPTOPS AND SETUP - CITY HALL	5,855.25
	Total For Dept 540.000 Water Administration		<u>6,684.23</u>

Dept 900.000 General Capital Outlay

591-900.000-972.000	FISHBECK	SCIP II CONSTRUCTION ENGINEERING	22,103.37
591-900.000-972.000	RK DAVIS, INC.	SCIP II CONSTRUCTION PAY APP #14	462,724.56
591-900.000-972.000	RK DAVIS, INC.	SCIP PHASE II - -PAY APP #12	73,123.07
591-900.000-972.000	RK DAVIS, INC.	SCIP PHASE II IMPROVEMENTS - PAY APP 15	423,890.79
	Total For Dept 900.000 General Capital Outlay		<u>981,841.79</u>

Total For Fund 591 Water Fund

1,065,575.86

Fund 592 City System Development Fund

Dept 536.000 Water Distribution System

591-536.000-740.000	JIM SCHUHNECHT	BACKFILL MATERIAL	1,482.00
591-536.000-804.000	CITY OF ST JOSEPH - GENERAL FUND	2022 LSLR PROJECT (PAJAY) - FINAL 49 PLUMBING PERMITS	7,595.00
	Total For Dept 536.000 Water Distribution System		<u>9,077.00</u>

Total For Fund 592 City System Development Fund

9,077.00

Fund 594 Marina Fund

Attachment: EXP CHECK RUN DATES 01-11-2025 TO 01-31-2025 (10489 : Invoice and Tax Disbursements)

Dept 597.000 Marina Operations

594-597.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	47.80
594-597.000-740.000	ATLANTIC CORDAGE	TRAVEL LIFT SLINGS	2,585.42
594-597.000-740.000	AMAZON CAPITAL SERVICES	MAINTENANCE SUPPLIES	443.83
594-597.000-741.000	PRI MAR PETROLEUM	FUEL STATEMENT BALANCE	96.55
594-597.000-801.000	EDGEWATER RESOURCES, LLC	DREDGING ENGINEER SERVICES	2,461.20
594-597.000-801.000	EDGEWATER RESOURCES, LLC	DREDGING ENGINEERING SERVICES	2,861.35
594-597.000-801.000	EDGEWATER RESOURCES, LLC	DREDGING ENGINEER SERVICES	2,452.00
594-597.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	307.85
594-597.000-850.000	TELNET WORLDWIDE	BILL DATE 01-15-2025	29.20
594-597.000-850.000	MILLENNIA TECHNOLOGIES, LLC	PHONE SERVICE CONTRACT	123.11
594-597.000-850.000	DIRECTV	TV SERVICE	159.24
594-597.000-919.000	BEST WAY DISPOSAL INC	TRASH SERVICE	627.94
594-597.000-920.000	INDIANA MICHIGAN POWER COMPANY	JANUARY BILLING	892.78
	Total For Dept 597.000 Marina Operations		<hr style="border-top: 1px dashed black;"/>

13,088.27

Total For Fund 594 Marina Fund

13,088.27

Fund 661 Motor Pool Fund

Dept 345.000 Public Safety Department

661-345.000-930.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS (DEC & JAN)	240.00
661-345.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	770.46
661-345.000-981.000	LUNGHAMER FORD	2025 FORD POLICE INTERCEPTOR	60,546.00
	Total For Dept 345.000 Public Safety Department		<hr style="border-top: 1px dashed black;"/>

61,556.46

Dept 441.000 Public Works Department

661-441.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	12.40
661-441.000-740.000	FISHER AUTO PARTS, INC.	PART	6.36
661-441.000-740.000	FISHER AUTO PARTS, INC.	WIPERS	36.38
661-441.000-740.000	KIMBALL MIDWEST	HARDWARE	473.40
661-441.000-740.000	MICHIANA SUPPLY INC.	RETURN - REFUND	(39.96)
661-441.000-740.000	MICHIANA SUPPLY INC.	TOOLS	107.72
661-441.000-740.000	O' REILLY AUTO PARTS	PARTS	37.98
661-441.000-740.000	O' REILLY AUTO PARTS	HITCH	59.98
661-441.000-740.000	O' REILLY AUTO PARTS	PART	40.12
661-441.000-740.000	CITY AUTO REPAIR	PARTS	478.00
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTER	4.65
661-441.000-740.000	FISHER AUTO PARTS, INC.	WIPERS AND BATTERY	336.51
661-441.000-740.000	FISHER AUTO PARTS, INC.	SOLVENT	23.16
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTERS	128.40
661-441.000-740.000	O' REILLY AUTO PARTS	BATTERIES	269.90
661-441.000-740.000	WEST MICHIGAN INTERNATIONAL LLC	PARTS	382.15
661-441.000-740.000	WEST MICHIGAN INTERNATIONAL LLC	FILTER	170.28
661-441.000-930.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS (DEC & JAN)	120.00
661-441.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	372.98
661-441.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	813.82

661-441.000-930.000	JOHN DEERE FINANCIAL	REPAIR TO GATOR	834.99
661-441.000-930.000	WEST MICHIGAN INTERNATIONAL LLC	TRUCK REPAIRS	50,258.76
	Total For Dept 441.000 Public Works Department		<u>54,927.98</u>

Total For Fund 661 Motor Pool Fund 116,484.44

Fund 677 Self-Insurance Fund

Dept 851.000 Insurance Premiums

677-851.000-676.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 LIFE INSURANCE	12.80
677-851.000-717.000	RELIANCE STANDARD LIFE INSURANCE CO	FEBRUARY 2025 VOLUNTARY LIFE INSURANCE	307.89
	Total For Dept 851.000 Insurance Premiums		<u>320.69</u>

Total For Fund 677 Self-Insurance Fund 320.69

Fund 690 Health Care Fund

Dept 851.000 Insurance Premiums

690-851.000-716.200	BLUE CROSS BLUE SHIELD	BILL PERIOD 12-01-2024 TO 12-31-2024	92,941.28
690-851.000-716.300	BLUE CROSS BLUE SHIELD	BILL PERIOD 12-01-2024 TO 12-31-2024	67,210.45
690-851.000-716.400	BLUE CROSS BLUE SHIELD	BILL PERIOD 12-01-2024 TO 12-31-2024	8,125.27
690-851.000-716.600	BLUE CROSS BLUE SHIELD	BILL PERIOD 12-01-2024 TO 12-31-2024	2,021.75
690-851.000-801.000	BASIC	QUARTERLY ADMIN FEE	855.00
	Total For Dept 851.000 Insurance Premiums		<u>171,153.75</u>

Total For Fund 690 Health Care Fund 171,153.75

Fund 701 General Agency Fund

Dept 000.000

701-000.000-283.000	LLAMAS, SHARON	2024-065 ROW PERMIT - CHECK IN LIEU OF BOND REFUND	5,000.00
	Total For Dept 000.000		<u>5,000.00</u>

Total For Fund 701 General Agency Fund 5,000.00

Fund 703 Current Tax Collection Fund

Dept 000.000

703-000.000-274.000	HAMILTON, SANDRA	TAX REFUND	0.16
703-000.000-276.000	CORELOGIC CENTRALIZED REFUNDS	TAX REFUND	370.51
703-000.000-276.000	LERETA, LLC	TAX REFUND	361.93
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - SJPS SET	8,876.96
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - COUNTY GENERAL	7,054.16
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - COUNTY 911	103,397.22
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - COUNTY LAW EN	80,415.57
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - COUNTY SR CENTER	68,935.90
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - COUNTY PARKS	22,996.51
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISTRIBUTION - DRAN 225	70.75
703-000.000-956.000	LAKE MICHIGAN COLLEGE	TAX DISTRIBUTION - LAKE MI COLLEGE	3,351.57
703-000.000-956.000	SOUTHWEST MI REGIONAL AIRPORT	TAX DISTRIBUTION - AIRPORT	361.51

703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISTRIBUTION - SJPS OPERATING	15,802.78
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISTRIBUTION - SJPS SCH-2014BLDGS	1,466.84
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISTRIBUTION - SJPS SCH-2010DEBT	4,571.58
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISTRIBUTION - SJPS SCH-2016DEBT	902.41
703-000.000-956.000	TODD, JAMES	TAX REFUND	2,548.38
703-000.000-956.000	BERRIEN COUNTY INTERMEDIATE	TAX DISTRIBUTION - RESA GENERAL	257.80
703-000.000-956.000	BERRIEN COUNTY INTERMEDIATE	TAX DISTRIBUTION - RESA SPECIAL	3,245.07
703-000.000-956.000	BERRIEN COUNTY INTERMEDIATE	TAX DISBURSEMENT - RESA GENERAL	48.32
703-000.000-956.000	BERRIEN COUNTY INTERMEDIATE	TAX DISBURSEMENT - RESA SPECIAL	608.22
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - SJPS SET	1,663.80
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - COUNTY GENERAL	1,322.15
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - COUNTY 911	15,830.53
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - COUNTY LAW EN	12,311.84
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - COUNTY SR CENTER	10,554.23
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - COUNTY PARKS	3,520.83
703-000.000-956.000	BERRIEN COUNTY TREASURER	TAX DISBURSEMENT - DRAIN 225	23.03
703-000.000-956.000	LAKE MICHIGAN COLLEGE	TAX DISBURSEMENT - LAKE MI COLLEGE	628.17
703-000.000-956.000	SOUTHWEST MI REGIONAL AIRPORT	TAX DISBURSEMENT - AIRPORT	67.74
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISBURSEMENT - SJPS OPERATING	309.89
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISBURSEMENT - SJPS SCH-2014BLDGS	274.93
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISBURSEMENT - SJPS SCH-2010DEBT	856.86
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	TAX DISBURSEMENT - SJPS SCH-2016DEBT	169.14
	Total For Dept 000.000		373,177.29
			<hr/>
			<hr/>
	Total For Fund 703 Current Tax Collection Fund		373,177.29

Fund Totals:

Fund 101 General Fund	139,528.79
Fund 202 Major Street Fund	5,796.08
Fund 203 Local Street Fund	4,066.99
Fund 204 Municipal Street Fund	20,509.00
Fund 209 Cemetery Fund	5,888.61
Fund 214 Depot Fund	30.86
Fund 226 Rubbish Collection Fund	1,713.36
Fund 271 Library Fund	10,434.37
Fund 275 Band Fund	167.22
Fund 401 Capital Projects Fund	92,020.14
Fund 441 UPTON RECONSTRUCTION	408,559.55
Fund 450 CSO Separation Project Fund	473,505.30
Fund 590 Sewer Fund	166,691.16
Fund 591 Water Fund	1,065,575.86
Fund 592 City System Development Fund	9,077.00
Fund 594 Marina Fund	13,088.27
Fund 661 Motor Pool Fund	116,484.44
Fund 677 Self-Insurance Fund	320.69

Fund 690 Health Care Fund	171,153.75
Fund 701 General Agency Fund	5,000.00
Fund 703 Current Tax Collection Fund	373,177.29
Total For All Funds:	<u><u>3,082,788.73</u></u>

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Ben Reynnells, Finance Director

RE: Quarterly Investment Report PA 20

MEETING DATE: February 3, 2025

As part of the consent agenda please accept this Public Act 20 of 1943 (PA20) report. PA20 requires the “investment officer” to annually provide a written report to the governing body concerning the investment of the funds. Going forward, staff plans to share this report quarterly. Included with this agenda item is a summary published by the State of Michigan detailing the requirements of PA20, and a summary of our investments and interest earned.

Included in this report are funds invested with Huntington Bank, MCLASS, Fidelity (Doris K Lininger Custodial Account) and 5/3 Securities. We are not presenting the funds invested with Berrien Community Foundation, or for the pension. While the Berrien Community Foundation is included with our financials, we don’t control those investments. The pension investments are controlled by the City of St. Joseph Employees Retirement System board.

The interest earned from our checking accounts is included with the year-to-date interest revenue on this report.

Below is a summary of interest rates from the most recent statements for each institution, as well as our checking accounts.

Statement Rate	FY25 Q1	FY25 Q2	FY25 Q3	FY25 Q4
MCLASS	4.9769%	4.6870%		
Fidelity	5.0100%	4.9100%		
5/3 Securities	4.6640%	4.4440%		
UFCU - Pooled	3.9900%	3.4900%		
UFCU - General	0.0400%	0.0500%		
UFCU - Library	0.0500%	0.0500%		
UFCU - Utility	0.1400%	0.1600%		
UFCU - Marina	0.0500%	0.0500%		
UFCU - Tax	0.1400%	0.0500%		

ATTACHMENTS:

- PA20 Investments of Surplus Funds of Political Subdivisions (PDF)
- FY25 Q2 PA 20 CC Report (PDF)



TREASURY

Investments of Surplus Funds of Political Subdivisions

Public Act 20 of 1943 as amended by **Public Act 196 of 1997**

Public Act 20 of 1943 as amended through June 30, 1997	Public Act 20 of 1943 as amended through December 31, 1997
129.91	
<p>Sec. 1. (1) The legislative or governing body of a county, city, village, township, or special assessment district, or an agency, board, or commission of a county, city, village or township, by resolution may authorize its treasurer or other chief fiscal officer to invest surplus funds belonging to and under the control of the political subdivision, special assessment district, or agency, board, or commission of a county as follows:</p>	<p>Sec. 1. (1) Except as provided in section 5, the governing body by resolution may authorize its investment officer to invest the funds of the public corporation in 1 or more of the following:</p>
<p>(a) In bonds, securities, and other obligations of the United States, or an agency or instrumentality of the United States in which the principal and interest is fully guaranteed by the United States. This subdivision shall include securities issued or guaranteed by the government national mortgage association.</p>	<p>(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.</p>
<p>(b) In certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution complies with subsection (2).</p>	<p>(b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, buy only if the financial institution complies with subsection (2).</p>
<p>(c) In commercial paper rated at the time of purchase within the 3 highest classifications established by not less than 2 standard rating</p>	<p>(c) Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard</p>

Attachment: PA20 Investments of Surplus Funds of Political Subdivisions (10448 : Quarterly Investment Report - PA 20)

<p>services and which matures not more than 270 days after the date of purchase. Not more than 50% of any fund may be invested in commercial paper at any time.</p>	<p>rating services and that matures not more than 270 days after the date of purchase.</p>
<p>(d) In United States government or federal agency obligation repurchase agreements.</p>	<p>(d) Repurchase agreements consisting of instruments listed in subdivision (a).</p>
<p>(e) In bankers' acceptances of United States banks.</p>	<p>(e) Bankers' acceptances of United States banks.</p>
	<p>(f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.</p>
<p>(f) In mutual funds composed of investment vehicles which are legal for direct investment by local units of government in this state.</p>	
	<p>(g) Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with the authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:</p> <ul style="list-style-type: none"> (i) The purchase of securities on a when-issued or delayed delivery basis. (ii) The ability to lend portfolio securities as long as the mutual fund receives collateral all times equal to at least 100% of the securities loaned. (iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.

Attachment: PA20 Investments of Surplus Funds of Political Subdivisions (10448 : Quarterly Investment Report - PA 20)

	<p>(h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperations Act, PA 7 of 1967 (Ex Sess), MCL 124.501 to 124.512.</p>
	<p>(i) Investment pools organized under the surplus funds investment pool act, PA 367 of 1982, 129.111 to 129.118.</p>
	<p>(j) The investment pools organized under the local government investment pool act, PA 121 of 1985, MCL 129.141 to 129.150.</p>
<p>(2) A county, city, village, township, or special assessment district investing funds under subsection (1) shall not deposit or invest the funds in a financial institution which is not eligible to be a depository of surplus funds belonging to the state under section 6 of PA 105 of 1855, MCL 21.146.</p>	<p>(2) A public corporation that invests its funds under subsection (1) shall not deposit or invest the funds in a financial institution that is not eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.</p>
<p>(3) Assets acceptable for pledging to secure deposits of public funds are limited to any of the following:</p> <ul style="list-style-type: none"> (a) (b) (i) (ii) (iii) (c) 	<p>(3) Assets acceptable for pledging to secure deposits of public funds are limited to assets authorized for direct investment under section (1).</p>
<p>(4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in this state under the laws of this state or the United States.</p>	<p>(4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in this state under the laws of this state or the United States.</p>

Attachment: PA20 Investments of Surplus Funds of Political Subdivisions (10448 : Quarterly Investment Report - PA 20)

Act 196 PA 1997 ADDED subsection (5) to Section 1 as follows:

(5) As used in this act:

(a) "Governing body" means the legislative body, council, commission, board or other body having legislative powers of a public corporation.

(b) "Funds" means the money of a public corporation, the investment of which is not otherwise subject to a public act of this state or bond authorizing ordinance or resolution of a public corporation that permits investment in fewer than all of the investment options listed in subsection (1) or imposes 1 or more conditions upon an investment in an option listed in subsection (1).

(c) "Investment officer" means the treasurer or other person designated by statute or charter of a public corporation to act as the investment officer. In the absence of statute or charter designation, the governing body of a public corporation shall designate the investment officer.

(d) "Public corporation" means a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of this state, or a board, commission, or another authority or agency created by or under an act of the legislature of this state.

Act 196 PA 1997 REPEALED Section 2 of Act 20 PA 1943.

Act 196 PA 1997 AMENDED Section 3 as follows:

Sec. 3. Investments made before the effective date of the amendatory act that repealed section 2 of the surplus funds, sinking funds, or insurance funds of a political subdivision of this state in bonds and other obligations of the United States or its instrumentalities or certificates of deposit or depository receipts of a bank that is a member of the federal deposit insurance corporation as provided under section 1 and former section 2 of this act are hereby ratified and validated.

Act 196 PA 1997 Added Section 5 and 6 as follows:

Sec. 5. (1) Not more than 180 days after the end of a public corporation's first fiscal year that ends after the effective date of the amendatory act that repealed section 2, a governing body, in conjunction with the investment officer, shall adopt an investment policy that, at a minimum, includes all of the following:

(a) A statement of the purpose, scope, and objectives of the policy, including safety, diversification, liquidity, and return on investment.

(b) A delegation of authority to make investments.

(c) A list of authorized investment instruments. If the policy authorizes an investment in mutual funds, it shall indicate whether the authorization is limited to securities whose intention is to maintain a net asset value of \$1.00 per share or also includes securities

whose net asset value per share may fluctuate on a periodic basis.

(d) A statement concerning safekeeping, custody, and prudence.

(2) A governing body that as of the effective date of the amendatory act that repealed section 2 has adopted an investment policy that substantially complies with the minimum requirements under subsection (1) is not in violation of this section as long as that policy remains in effect.

Sec 6.(1) Subject to subsection (2), before executing an order to purchase or trade the funds of a public corporation, the financial intermediary, broker, or dealer shall be provided with a copy of the public corporation's investment policy and shall do both of the following:

(a) Acknowledge receipt of the investment policy.

(b) Agree to comply with the terms of the investment policy regarding buying or selling of securities.

(2) A public corporation is subject to subsection (1) beginning on the date that the investment policy of a public corporation takes effect or 180 days after the end of the public corporation's first fiscal year ending after the effective date of the amendatory act that repealed section 2, whichever is earlier.

(3) The investment officer annually shall provide a written report to the governing body concerning the investment of the funds.



Investments of Surplus Funds of Political Subdivisions

Copyright State of Michigan

Fund Name	Huntington CD 003.000	MCLASS 008.000	Fidelity (Doris K Lininger Custodial Account) 016.500	5/3 Securities 002.500 & 017.000	Interest Earn (Less Pensio With UFCU 665.000
101 General Fund (Includes 102 Budget Stabilization Fund)	-	6,317,125.42	-	3,083,883.90	160,886
151 Cemetery Trust Fund	-	135,363.24	-	-	3,299
155 Library Endowment Fund	152,000.00	344,064.68	-	-	8,415
202 Major Street Fund	-	801,814.36	-	1,538,818.56	43,331
203 Local Street Fund	-	435,677.61	-	-	12,226
204 Municipal Street Fund	-	4,668,150.85	-	2,178,384.03	143,097
209 Cemetery Fund	-	247,975.58	-	-	6,712
214 Depot Fund	-	283,281.40	-	-	7,084
226 Rubbish Collection Fund	-	1,382,736.24	-	-	30,538
243 Brownfield Redevelopment Authority Fund	-	83,267.06	-	-	1,926
248 Downtown Development Authority Fund	-	90,182.72	-	-	2,173
264 Law Enforcement Training Fund	-	13,859.72	-	-	390
265 Drug Law Enforcement Fund	-	3,930.20	-	-	98
266 Law Enforcement Fund Criminal Forfeiture	-	30.14	-	-	1
271 Library Fund	-	1,307,359.74	5,054.15	-	29,344
275 Band Fund	-	421,491.48	-	-	9,852
301 General Debt Service Fund	-	435,882.74	-	-	7,554
401 Capital Projects Fund	-	816,125.48	-	2,169,846.74	39,433
471 Library Capital Project Fund	-	-	-	-	12
485 Lighthouse Capital Improvement Fund	-	223,387.45	-	-	4,719
590 Sewer Fund	-	4,846,874.64	-	1,070,810.75	136,380
591 Water Fund	-	6,088,022.33	-	3,222,785.22	138,767
592 City System Development Fund	-	1,769,847.66	-	1,082,031.21	53,253
594 Marina Fund	-	627,994.91	-	-	15,723
661 Motor Pool Fund	-	754,710.24	-	-	19,622
677 Self-Insurance Fund	-	620,986.47	-	504,844.25	18,363
690 Health Care Fund	-	1,060,667.44	-	-	31,255
	152,000.00	33,780,809.80	5,054.15	14,851,404.66	924,465

Attachment: FY25 Q2 PA 20 CC Report (10448 : Quarterly Investment Report - PA 20)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Ben Reynnells, Finance Director

RE: Agreements - 2025 Summer Tax Collections

MEETING DATE: February 3, 2025

As part of the Consent Agenda, the City Commission is being asked to approve the annual Summer Tax Collection Agreements between the City of St. Joseph and each of the four school districts with parcels located within the City of St. Joseph. Each agreement outlines the terms by which the City of St. Joseph will collect and disburse taxes levied by each individual school district taxing unit.

Under the terms of the agreements, the school districts will each reimburse the City for the per-parcel cost paid to Berrien County for electronic tax services. The City agrees to disburse the taxes collected, on behalf of each district, in a timely fashion twice per month and will retain interest and penalties that accrue against the tax receipts while in the City's possession.

These are routine agreements that have been entered into each tax season for many years.

Action requested: Motion to approve, as part of the consent agenda, the 2025 Summer Tax Agreements between the City of St. Joseph and the following school districts: Benton Harbor Area Schools, St. Joseph Public Schools, Lake Michigan College, and the Berrien Regional Education Service Agency, as presented; and to authorize the Mayor and the City Clerk to execute the agreements.

ATTACHMENTS:

- TY25 BHAS Tax Agreement (PDF)
- TY25 LMC Tax Agreement (PDF)
- TY25 RESA Tax Agreement (PDF)
- TY25 SJPS Tax Agreement (PDF)

AGREEMENT FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES

AGREEMENT made this 3rd day of February, 2025 by and between the **BENTON HARBOR AREA SCHOOLS**, with offices at 870 Colfax Ave, Benton Harbor, Michigan (hereinafter "School District") and the **CITY OF ST. JOSEPH**, with offices at City Hall, 700 Broad Street, St. Joseph, Michigan, (hereinafter "City"), pursuant to 1976 P.A. 451, as amended, for the purpose of providing for the collection by City of a summer levy of 100% of School District property taxes for the year 2025.

The parties agree as follows:

1. The City agrees to collect the school property taxes as certified by the School District for levy on July 1, 2025 on property located within the City.
2. The School District agrees to reimburse the City for the actual per parcel cost of the collection as billed by Berrien County Computer Services Department.
3. **No later than June 6, 2025**, the School District shall certify to the City Clerk, the school millage to be levied on property for summer collection in 2025.
4. The City Treasurer shall account for and disburse summer school tax collection according to the following schedule: Taxes collected between the 1st and 15th day of each month beginning in July will be disbursed with the next regular check run on the last day of the month. Taxes collected between the 16th and the last day of the month will be disbursed with the next regular check run on or about the 15th of the next month.
5. City will retain any collection fee and penalties/interest monies that accrue from said tax collections.
6. The School District shall in consultation with the City prepare, publish and fold all Media to accompany the July 1 tax billing and pay the cost for including such material with the tax bill.


BENTON HARBOR AREA SCHOOLS

CEO

CFO

CITY OF ST. JOSEPH

Mayor



Finance Director

Signature authorized by
School Board action
on _____.

Signature authorized by
City Commission action
February 3, 2025

Attachment: TY25 BHAS Tax Agreement (10415 : Agreements - 2025 Summer Tax Collections)

AGREEMENT FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES

AGREEMENT made this 3rd day of February, 2025 by and between the LAKE MICHIGAN COLLEGE, with offices at 2755 East Napier Avenue, Benton Harbor, Michigan (hereinafter called "Community College District or District") and the CITY OF ST. JOSEPH, with offices at City Hall, 700 Broad Street, St. Joseph, Michigan, (hereinafter called "City"), pursuant to 1976 P.A. 451, as amended, for the purpose of providing for the collection by the City of a summer levy of 100% of Community College District property taxes for the year 2025. The parties agree as follows:

- 1. The City agrees to collect the community college school property taxes as certified by the Community College District for levy on July 1, 2025 on property located within the City.
2. The Community College District agrees to reimburse the City for the actual per parcel cost of the collection as billed by Berrien County Computer Services Department.
3. No later than June 6, 2025, Community College District shall certify to the City Clerk the community college school millage to be levied on property for summer collection in 2025.
4. The City will strictly adhere to the above payment schedule and the City will retain any collection fee and penalties/interest monies that accrue from said tax collections.
5. The Community College District shall in consultation with the City prepare, publish and fold all media to accompany the July 1 tax billing and pay the cost for including such material with the tax bill.

LAKE MICHIGAN COLLEGE

Secretary, Board of Trustees

Vice President, Business & Finance

Signature authorized by Board of Trustees action of _____.

CITY OF ST. JOSEPH

Mayor

Finance Director

Signature authorized by City Commission action February 3, 2025

Attachment: TY25 LMC Tax Agreement (10415 : Agreements - 2025 Summer Tax Collections)

AGREEMENT FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES

AGREEMENT made this 3rd day of February, 2025 by and between the **BERRIEN REGIONAL EDUCATION SERVICE AGENCY**, with offices at 711 St. Joseph Avenue, Berrien Springs, Michigan (hereinafter called "RESA") and the **CITY OF ST. JOSEPH**, with offices at City Hall, 700 Broad Street, St. Joseph, Michigan, (hereinafter called "City"), pursuant to 1976 P.A. 451, as amended, for the purpose of providing for the collection by the City of a summer levy of 100% of RESA property taxes for the year 2025.

The parties agree as follows:

1. The City agrees to collect the intermediate school property taxes as certified by the RESA for levy on July 1, 2025 on property located within the City.
2. The RESA agrees to reimburse the City for the actual per parcel cost of the collection as billed by Berrien County Computer Services Department.
3. **No later than June 6, 2025**, the RESA shall certify to the City Clerk the intermediate school millage to be levied on property for summer collection in 2025.
4. The City Treasurer shall account for and disburse summer school tax collection according to the following schedule: Taxes collected between the 1st and 15th day of each month beginning in July will be disbursed with the next regular check run on the last day of the month. Taxes collected between the 16th and the last day of the month will be disbursed with the next regular check run on or about the 15th of the next month.
5. The City will strictly adhere to the above payment schedule and the City will retain any collection fee and penalties/interest monies that accrue from said tax collections.
6. The RESA shall in consultation with the City prepare, publish and fold all media to accompany the July 1 tax billing and pay the cost for including such material with the tax bill.

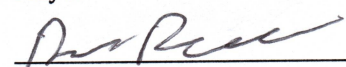
BERRIEN REGIONAL EDUCATION SERVICE AGENCY

Secretary, Board of Education

Director, Business & Finance

CITY OF ST. JOSEPH

Mayor



Finance Director

Signature authorized by
Board of Education action
on _____.

Signature authorized by
City Commission resolution
February 3, 2025

Attachment: TY25 RESA Tax Agreement (10415 : Agreements - 2025 Summer Tax Collections)

AGREEMENT FOR COLLECTION OF SUMMER SCHOOL PROPERTY TAXES

AGREEMENT made this 3rd day of February, 2025 by and between the **ST. JOSEPH PUBLIC SCHOOLS**, with offices at 2580 S. Cleveland Ave, St. Joseph, Michigan (hereinafter called "School District") and the **CITY OF ST. JOSEPH**, with offices at City Hall, 700 Broad Street, St. Joseph, Michigan, (hereinafter called "City"), pursuant to 1976 P.A. 451, as amended, for the purpose of providing for the collection by the City of a summer levy of 100% of School District property taxes for the year 2025.

The parties agree as follows:

1. The City agrees to collect the school property taxes as certified by the School District for levy on July 1, 2025 on property located within the City.
2. The School District agrees to reimburse the City for the actual per parcel cost of the collection as billed by Berrien County Computer Services Department.
3. **No later than June 6, 2025**, the School District shall certify to the City Clerk the school district millage to be levied on property for summer collection in 2025.
4. The City Treasurer shall account for and disburse summer school tax collection according to the following schedule: Taxes collected between the 1st and 15th day of each month beginning in July will be disbursed with the next regular check run on the last day of the month. Taxes collected between the 16th and the last day of the month will be disbursed with the next regular check run on or about the 15th of the next month.
5. The City will strictly adhere to the above payment schedule and the City will retain any collection fee and penalties/interest monies that accrue from said tax collections.
6. The School District shall in consultation with the City prepare, publish and fold all media to accompany the July 1 tax billing and pay the cost for including such material with the tax bill.


ST. JOSEPH PUBLIC SCHOOLS

Secretary, Board of Education

President, Board of Education

CITY OF ST. JOSEPH

Mayor



Finance Director

Signature authorized by
Board of Education action
of _____.

Signature authorized by
City Commission action
February 3, 2025

Attachment: TY25 SJPS Tax Agreement (10415 : Agreements - 2025 Summer Tax Collections)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Ben Reynnells, Finance Director

RE: Fee Schedule Amendment

MEETING DATE: February 3, 2025

As part of the Consent Agenda, please consider the addition of a \$75 non-refundable administration fee for a building permit refund. A permit fee would typically be requested for a refund when a permit application is withdrawn or cancelled before any work has begun under the permit and usually within a specific time frame after the permit issuance, often due to changes in plans, project abandonment, or an error in the application process.

This fee has been a component of the building permit fees for many years to cover the expense of any inspections, reviews or other administrative work completed as part of or following the application process. This fee has been missed as an addition to the City's fee schedule.

The \$75 fee is proportional to the City's costs associated with the initial processing and refunding of a permit. The State of Michigan's non-refundable fee is also \$75 for mechanical, electrical and plumbing permits. The State of Michigan's building permit non-refundable fee is \$100. Staff believes the amount of \$75 is justifiable, and in line with what is done by the State of Michigan and other local governments.

There are no other changes requested to the fee schedule since it was last adopted on 6/24/24.

Action requested: Motion to approve, as part of the consent agenda, the City of St. Joseph FY25 Fee Schedule, effective immediately, as presented.

ATTACHMENTS:

- Final Fee Schedule 01-30-25 (PDF)

CITY OF ST. JOSEPH
2025 FEE SCHEDULE

Fee Type	Fee
Business & Documentation (Clerk and Finance Offices)	
Permits	
Carnival, Circus or Fair	annual \$500.00
Dance Hall	annual \$500.00
Going Out of Business License	30 day period up to 90 days total \$50.00
Pawn Broker	annual \$500.00
Pool or Billiard Hall	per table/per year \$20.00
Precious Gems Dealer	annual \$50.00
Sexually Oriented Businesses Application Fee	annual \$250.00
Sexually Oriented Businesses Employee License Fee	annual \$25.00
Garage Sale Permit	1 per calendar year, maximum three days No charge
Vending	
Vending Application	per application \$50.00
<i>\$10.00 per employee fee for background check</i>	
Vending Daily (private property)	per day \$25.00
Vending Daily (public property)	per day \$50.00
Vending Seasonal (private property)	per season \$500.00
Vending Seasonal (public property)	per season \$1,000.00
Copies and Documentation	
Code of Ordinances - Contents Only	per copy \$35.00
Freedom of Information Act (F.O.I.A) Request	per policy
Photocopy - Letter (8.5 x 11), Legal (8.5 x 14), & Ledger (11x17)	per page \$1.00
Photocopy - Greater than Ledger size	per page \$2.00
Voter Registration List (emailed)	no charge
Voter Registration List or Labels (printed/mailed)	per page \$1.00
Duplicate Tax Document	no charge
Other Miscellaneous Items	
Non-sufficient funds (NSF)	each occurrence \$25.00
City Cemetery/Riverview Cemetery - (Fees set by Cemetery Board and collected by Clerk's Office)	
Lot Fees	
City Resident - Adult	per lot \$1,100.00
City Resident - Cremation	per lot \$450.00
City Resident - Infant	per lot \$250.00
Non-Resident - Adult	per lot \$1,550.00
Non-Resident - Cremation	per lot \$650.00
Non-Resident - Infant	per lot \$350.00
Columbarium - Niche (Includes plaque)	
City Resident	per niche \$1,500.00
Non-Resident	per niche \$2,000.00
Family Columbarium	
City Resident	per niche \$2,750.00
Non-Resident	per niche \$3,550.00
Burial Services (Includes Vault Setting)	
City Resident - Adult	per burial \$900.00
City Resident - Infant	per burial \$600.00
City Resident - Cremation	per burial \$450.00
City Resident - Columbarium	per burial \$375.00
City Resident - Mausoleum	per burial \$650.00
City Resident - Disinterment/Reinterment from/in Cemetery	per disinterment/reinterment Current Burial Cost
Non-Resident - Adult	per burial \$1,350.00
Non-Resident - Infant	per burial \$700.00
Non-Resident - Cremation	per burial \$700.00
Non-Resident - Columbarium	per burial \$450.00
Non-Resident - Mausoleum	per burial \$750.00
Non-Resident - Disinterment/Reinterment from/in Cemetery	per disinterment/reinterment Current Burial Cost
Overtime Charges - Saturday and Holidays (flat fee)	per service \$450.00
Foundations for Markers and Monuments	
Foundation/stones 299 square inches or less/or Removal of	per foundation \$135.00
Foundation/stones 300 square inches or more/or Removal of	per foundation \$.45/sq.in
Foundation and setting of Veteran surface markers/or removal of	per foundation \$150.00
Setting of surface markers	per foundation \$50.00
Cremation Vaults	
Compact Vault	per vault \$40.00
Single Vault (white or golden)	per vault \$45.00
Single Vault (sky blue, midnight navy, heavenly pink, royal purple)	per vault \$55.00
Double Vault	per vault \$70.00
Other Miscellaneous Items	
Columbarium bud vase	per vase \$215.00
Veteran Flag Holder	per holder \$30.00
Additional Tent	per tent \$100.00
Transfer Fee	per transfer \$75.00
Parks & Recreation Facilities and Programs - (All fees collected by Finance Department)	
Baseball Fields	
Practice	per practice \$15.00
Game - weekday (field groomed/bases set)	per day \$50.00
Game - weekday (field groomed/bases set/lights)	per day \$70.00
Game - weekend (field groomed/bases set)	per day \$115.00

Attachment: Final Fee Schedule 01-30-25 (10418 : Fee Schedule Amendment)

CITY OF ST. JOSEPH
2025 FEE SCHEDULE

Fee Type		Fee
Game - weekend (field groomed/bases set/lights)	per day	\$135.00
Special Event - weekday reserved/extended time/no prep	per day	\$105.00
Special Event - weekend reserved/extended time/no prep	per day	\$135.00
Howard Ice Arena		
Ice Season		
Admission for 5 and under		FREE
Admission for Open Skate	per person/per day	\$5.00
Admission for Stick & Puck	per person/per day	\$8.00
Admission for Stick & Puck for Adult w/child under 12	per person/per day	\$5.00
Admission for Drop-In Hockey (Player)	per person/per day	\$10.00
Admission for Drop-In Hockey (Goalie)	per person/per day	\$5.00
Ice Rental: St. Joseph Public Schools	per hour	\$50.00
Ice Rental, private groups and hockey:		
Reservation made on or before Dec. 1 of that winter season	per hour	\$220.00
Reservation made after Dec. 1 of that winter season	per hour	\$235.00
Party Room (package 1)	2 hrs/15 people/unlimited skating	\$195.00
Party Room (package 2)	1 hr/15 people/unlimited skating	\$160.00
Party Room (package 3)	2 hrs/skating extra	\$75.00
Party Room (package 4)	1 hr/skating extra	\$40.00
Party Room (private M-F only)	2 hrs/skate rental/unlimited skating/photo	\$300.00
Season Pass: Single - City Resident	per person/season	\$75.00
Season Pass: Single - Non-resident	per person/season	\$100.00
Season Pass: Family - City Resident	per family/season	\$150.00
Season Pass: Family - Non-resident	per family/season	\$200.00
Season Pass: Stick & Puck	per person/season	\$120.00
Season Pass: Family - Stick & Puck (4 skaters)		\$360.00
Season Pass: Family - Stick & Puck (2 skaters)		\$180.00
Skate Rental	per pair	\$3.00
Off Season Rental - No Ice		
Facility Rental (summer only)	per event	\$250.00
Non-profit rental	per event	\$75.00
Pavilion Rentals		
*City residents and organizations based within the City will receive a 20% discount off normal daily rates		
Band Shell: - capacity 500	Monday - Thursday	\$400.00
Band Shell: - capacity 500	Friday - Sunday	\$500.00
Kiwanis Park: - capacity 80	Monday - Thursday	\$125.00
Kiwanis Park: - capacity 80	Friday - Sunday	\$150.00
Lions Beach: Shelter #1 (north) - capacity 48	Monday - Thursday	\$100.00
Lions Beach: Shelter #1 (north) - capacity 48	Friday - Sunday	\$125.00
Lions Beach: Shelter #2 (center) - capacity 48	Monday - Thursday	\$100.00
Lions Beach: Shelter #2 (center) - capacity 48	Friday - Sunday	\$125.00
Lions Beach: Shelter #3 (south) - capacity 80	Monday - Thursday	\$125.00
Lions Beach: Shelter #3 (south) - capacity 80	Friday - Sunday	\$150.00
Riverview Park: Briarwood Lodge - capacity 400	Monday - Thursday	\$350.00
Riverview Park: Briarwood Lodge - capacity 400	Friday - Sunday	\$400.00
Riverview Park: Woodbine Lodge - capacity 100	Monday - Thursday	\$250.00
Riverview Park: Woodbine Lodge - capacity 100	Friday - Sunday	\$310.00
Riverview Park: Lions Shelter - capacity 80	Monday - Thursday	\$125.00
Riverview Park: Lions Shelter - capacity 80	Friday - Sunday	\$150.00
Tiscornia Beach - Shelter - capacity 40	Monday - Thursday	\$100.00
Tiscornia Beach - Shelter - capacity 40	Friday - Sunday	\$125.00
Recreation Programming		
Basketball, Youth (2nd-3rd grade), One Child	per 8-game season	\$50.00
Basketball, Youth (4th-6th grade), One Child	per 8-game season	\$60.00
Football, Flag (4-5 year old), One Child	per 8-game season	\$50.00
Non-Resident: One Child	per week	\$100.00
Summer Tennis Camp		
City Resident: Per Child = 4-6 years of age	per program	\$55.00
Non-Resident: Per Child = 4-6 years of age	per program	\$105.00
City Resident: Per Child = 7-10 years of age	per program	\$90.00
Non-Resident: Per Child = 7-10 years of age	per program	\$140.00
City Resident: Per Child = 11-18 years of age	per program	\$100.00
Non-Resident: Per Child = 11-18 years of age	per program	\$150.00
Miscellaneous Park and Recreation		
Park Benches (with honorary plaque)	per each	\$2,200.00
Youth Baseball & Softball		
T-Ball	per program	\$80.00
8-U	per program	\$130.00
10-U	per program	\$130.00
12-U	per program	\$130.00
14-U	per program	\$140.00

Attachment: Final Fee Schedule 01-30-25 (10418 : Fee Schedule Amendment)

CITY OF ST. JOSEPH
2025 FEE SCHEDULE

Fee Type	Fee
Parking	
Beachfront and Fountain Parking (Lions Beach, Tiscornia, Whirlpool Centennial Park)	
Annual Pass - nonresident	per vehicle/year \$40.00
Annual pass - nonresident owner of property in City	2 passes per property no charge
Annual Pass - City resident	2 passes per property or dwelling unit with no vehicle registration required, <u>or</u> every vehicle registered at that city address no charge
<u>Early Season Parking - April 1 - May 20:</u>	
Daily Parking - Monday thru Thursday excluding holidays	per day \$5.00
Daily Parking - Friday thru Sunday	per day \$7.00
Hourly Parking - All Days	per hour \$2.00
<u>Summer Season Parking, May 21 to September 10:</u>	
Daily Parking - Monday thru Thursday excluding holidays	per day \$7.00
Daily Parking - Friday thru Sunday and Holidays	per day \$10.00
Hourly Parking - All Days	per hour \$3.00
<u>Late Season Parking, September 11 to September 30:</u>	
Daily Parking - Monday thru Thursday excluding holidays	per day \$5.00
Daily Parking - Friday thru Sunday	per day \$7.00
Hourly Parking - All Days	per hour \$2.00
<u>October Parking, October 1 - October 31:</u>	
Daily Parking - All Days	per day \$5.00
Hourly Parking - All Days	per hour \$2.00
Kiwanis Park (and Riverview Park 2022):	
<u>All Season Parking, April 1 to October 31:</u>	
Daily Parking - All Days	per day \$5.00
Hourly Parking - All Days	per hour \$2.00
Lions Park - Upper Road Parking	
Daily Parking - Monday thru Thursday excluding holidays	per day no charge
Daily Parking - Friday thru Sunday and Holidays	per Beachfront Parking schedule above
Hourly Parking - All Days	per Beachfront Parking schedule above
Public Safety	
Fingerprints	
Fingerprints	each \$10.00
Bicycle License	
Bicycle License	each Free
Parking Tickets (set by city ordinance)	
- Two (2) Hour Limit	First 48 Hrs./See Schedule for + 48 Hrs. \$10.00
- Miscellaneous Violation	First 48 Hrs./See Schedule for + 48 Hrs. \$40.00
- Overnight Parking violation	First 48 Hrs./See Schedule for + 48 Hrs. \$5.00
- Handicapped parking violation	First 48 Hrs./See Schedule for + 48 Hrs. \$75.00
- Beach/Fountain/Boat Launch parking violation	First 48 Hrs./See Schedule for + 48 Hrs. \$40.00
Parking Tickets - 2 hr. Limit 1st or 2nd (within 14 days)	First 48 Hrs./See Schedule for + 48 Hrs. \$10.00
Parking Tickets - 2 hr. Limit 3rd (within 14 days)	First 48 Hrs./See Schedule for + 48 Hrs. \$50.00
Parking Tickets - 2 hr. Limit 4th (within 14 days)	First 48 Hrs./See Schedule for + 48 Hrs. \$75.00
Public Works and Utilities (All fees collected by Finance Department)	
Rubbish	
Yard Waste Tags	1 Tag \$3.00
Special Pick-ups after 9 cubic yards	First Three (3) Free Per Year/Each (9 cubic yards) \$125.00
Special Pick-ups - violation of Chapter 14 of City Ordinance	Per Pickup \$100.00
Water & Sewer	
Missed Appointment Fee	per occurrence \$50.00
Sewer City Connection Fee	per occurrence \$1,400.00
Sewer Inspection Fee	per inspection \$50.00
Shut off/Turn on (regular working hrs)	per occurrence \$50.00
Shut off/Turn on (non-regular working hrs)	per occurrence \$100.00
Tenant Deposit	per affidavit \$300.00
Water System Review Escrow	per development \$2,500.00
Water Tap and Meter	per schedule below
Water & Sewer connection and commodity charges	See separate rate schedule approved for 7/1/2024
Water Connection	
System Connection Fee: 5/8" meter	per unit \$210.00
System Connection Fee: 3/4" meter	per unit \$230.00
System Connection Fee: 1" meter	per unit \$290.00
System Connection Fee: 1 1/2" meter	per unit \$375.00
System Connection Fee: 2" meter	per unit \$600.00
System Connection Fee: 3" meter	per unit \$2,270.00
System Connection Fee: 4" meter	per unit \$2,885.00
System Connection Fee: 6" meter	per unit \$4,330.00
Water Taps	
Normal Tap - 1 inch	per unit \$2,387.00
Normal Tap - 1 inch (With BCRD R.O.W Permit)	per unit \$2,497.00
Normal Tap - 2 inch	per unit \$2,585.00
Normal Tap - 2 inch (With BCRD R.O.W Permit)	per unit \$2,695.00
Taps greater than 2 inch performed by City	per unit Cost + 20%
Taps greater than 2 inch to be completed by a City approved contractor and hired by applicant	per unit inspections fee \$200.00

Attachment: Final Fee Schedule 01-30-25 (10418 : Fee Schedule Amendment)

CITY OF ST. JOSEPH
2025 FEE SCHEDULE

Fee Type	Fee
Water Meters	
Meter Charge: 5/8" meter	per unit \$223.00
Meter Charge: 3/4" meter	per unit \$234.00
Meter Charge: 1" meter	per unit \$350.00
Meter Charge: 1 1/2" meter - T-2	per unit \$1,406.00
Meter Charge: 1 1/2" meter - C-2	per unit \$2,055.00
Meter Charge: 2" meter - T-2	per unit \$1,667.00
Meter Charge: 2" meter - C-2	per unit \$2,366.00
Meter Charge: 3" meter - T-2	per unit \$2,074.00
Meter Charge: 3" meter - C-2	per unit \$3,002.00
Meter Charge: 4" meter - T-2	per unit \$4,039.00
Meter Charge: 4" meter - C-2	per unit \$5,209.00
Meter Charge: 6" meter - T-2	per unit \$7,271.00
Meter Charge: 6" meter - C-2	per unit \$8,993.00
MXU Meter Transceiver Unit - Single Port	per unit \$261.00
MXU Meter Transceiver Unit - Dual Port	per unit \$344.00
Meter Pits	
Meter Pit (subject to City authorization)	per unit Cost + 20%
<i>Meters must be installed as soon as structure provides protection from freezing</i>	
Temporary Meters	
Meter Rental Deposit - Fully Refundable upon return of undamaged equipment and paid water usage	per unit at time of application \$500.00
Backflow Device Test Fee - Non Refundable	per unit at time of application \$170.00
Meter Rental Fee Invoiced upon return of meter	per unit \$100.00
Water Usage - Invoiced upon return of meter	Current prorated RTS charge plus per unit water rate
Community Planning and Development Fees - (Assessing, Code Enforcement, Engineering, Building, Planning and Zoning)	
Copies and Documentation:	
Downtown Vision Master Plan: Printed copy	\$15.00 per document
Downtown Vision Master Plan: Downloaded from website	No Charge
2016 Master Plan: Printed copy	\$15.00 per document
2016 Master Plan: Downloaded from website and printed off-site	No Charge
Zoning Ordinance: Printed copy	\$15.00 per document
Zoning Ordinance: Downloaded from website and printed off-site	No Charge
Zoning Map: Printed copy	\$1 per copy
Zoning Map: Downloaded from website and printed off-site	No Charge
Fees Applicable to All Types of Projects	
Un-permitted Work	2 times the permit fee
Un-permitted Work in the Right-of Way	\$100.00
Un-permitted Installation of Temporary Banner Signs	\$50.00
Right-of-Way Permits	
Right-of-way Permit: City of St. Joseph Right-of-Way - Bond and Insurance before work done	No charge
Un-permitted Right-of-way Permit: Work done without permit	\$100
Nuisance Violations	
Lot Mowing - Tall Grass Violation	\$35.00 + contractor charge
Construction Plan Review	
Plan Review- Construction Drawings: Improvements valued at \$50,000 or less	No Charge
Plan Review- Construction Drawings: Improvements valued at greater than \$50,000 are nonrefundable	65% of Building Permit Fee
Engineering Review	
Engineering Review	No Charge
Water Review Escrow	\$2,500.00
Building and Sign Permit	
Accessory Structure (i.e., shed) less than 200 square feet (Zoning Permit)	\$40.00
Building Moving	Actual cost of service + 10%
Demolition Permit	\$100.00
Un-permitted Work	2 times the cost of the permit
Fence Permit (Zoning Permit)	\$40.00
Swimming pool (installation)	\$1.00 per \$100 or fraction of estimated market value
Temporary Construction Dumpster (30 days)	\$30.00
Building and Individual Sign Permit Fees (includes all items not listed above) Based on value, all fees rounded to the next \$1.00	
*Construction Plan Review Fees are in addition to Building Permit Fee (Non-refundable)	
\$1 to \$500	\$54.00
\$501 - \$2,000	\$54.00 for first \$500 + \$3.00 per \$100 or fraction thereof above
\$2,001 - \$25,000	\$99.00 for first \$2,000 + \$14.00 per \$1,000 or fraction thereof above
\$25,001 - \$50,000	\$421.00 for first \$25,000 + \$10.10 per \$1,000 or fraction thereof
\$50,001 - \$100,000	\$674.00 for first \$50,000 + \$7.00 per \$1,000 or fraction thereof
\$100,001 - \$500,000	\$1,024.00 for first \$100,000 + \$6.00 per \$1,000 or fraction thereof
\$500,001 - \$1,000,000	\$3,264.00 for first \$500,000 + \$5.00 per \$1,000 or fraction thereof
\$1,000,001 and up	\$5,639.00 for first \$1,000,000 + \$4.00 per \$1,000 or fraction thereof
Temporary Banner Signs (installed prior to permitted sign installation (maximum 4 per year)	No Charge
Temporary Banner Sign (installed prior to un-permitted sign installation)	\$50
Refunds are subject to a \$75.00 administration fee	
Electrical, Mechanical, and Plumbing Permits	
Electrical: https://www.sjcity.com/sites/default/files/fileattachments/building_inspection/page/2543/electrical_permit_application_2013_-_sjc_emailled_-_fillable.pdf	
Mechanical: https://www.sjcity.com/sites/default/files/fileattachments/building_inspection/page/2543/mechanical_permit_application_with_supplemental_regulations.pdf	
Plumbing: https://www.sjcity.com/sites/default/files/fileattachments/building_inspection/page/2543/plumbing_permit_application_with_supplemental_regulations.pdf	

Attachment: Final Fee Schedule 01-30-25 (10418 : Fee Schedule Amendment)

CITY OF ST. JOSEPH
2025 FEE SCHEDULE

Fee Type	Fee
Residential Rental Property Program	
Long Term Rental Program (minimum one month stay): Initial Rental Registration Application Fee (one time)	\$100.00 per Owner/Structure
Long Term Rental Program: Biennial Inspection of each rental unit	\$75.00 for first unit + \$40.00 for each additional unit
Short Term Rental Program (less than one month stay - verify Zoning): Initial Rental Registration Fee (one time fee)	\$100.00 per Owner/Structure
Short Term Rental Program (less than one month stay - verify Zoning): Biennial Inspection of each rental unit on one property	\$75.00 for first unit + \$40.00 for each additional unit
Rental Reinspection Fee	\$60.00 for first unit + \$30.00 for each additional unit
Missed Inspection Appointment (Includes appointments canceled within 24 hours of scheduled inspection)	\$75.00 per appointment
Renewal of Expired Long Term Rental Certificate < 30 days	\$50.00 + re-registration application fee
Renewal of Expired Long Term Rental Certificate 31 - 60 days	\$100.00 + re-registration application fee
Renewal of Expired Long Term Rental Certificate > 61 days	Citation issued for each unit
Downtown Sidewalk Amenities	
Sidewalk Amenities	No Charge with permit <u>or</u> \$50.00 Late Fee with unpermitted activity
Planning and Zoning Applications (special approvals)	
Conditional Use Permits - See Zoning Ordinance for additional information	\$100.00 per request
Home Occupation Registration Fee - See Zoning Ordinance for additional information	\$40.00 per request
Ordinance Interpretation	No Charge
Land Division, Boundary Adjustment or Combination Application	\$300.00 + \$100.00 for each additional parcel
Site Plan Review: Minor, Major, and Amendment	No Charge
Brownfield Redevelopment Application - BRA and City Commission	\$400.00 plus all direct expenses
Items requiring action by appointed Board or Commission	
Additional public hearings required - any request	\$400 for each additional public hearing required
Appeal of Administration Decision - Zoning Board of Appeals	\$400.00 per application
Appeal of Construction Decision - Construction Board of Appeals	\$100.00 per application
Appeal of Property Maintenance Violations - Property Maintenance Board of Appeals Hearing	\$50.00 per application
Appeal of Property Maintenance Violation - Request 75 day extension - Property Maintenance Board of Appeals	\$25.00 per application
Dimensional Variance - Zoning Board of Appeals	\$600.00 per application
Dimensional Variance for Fence Requests Only	\$300.00 per application
Land Division Appeal Application - before City Commission	\$250.00 per application
License Agreement - City Commission	\$50.00 per request
Map Amendment (Rezoning) - Planning Commission Process	\$800.00 per request
Planned Unit Development: Initial Request - Planning Commission Process	\$1,600.00 per application
Planned Unit Development: Amendment (requiring public hearing) Commission Process	\$1,200.00 per filing
Planned Unit Development: Minor Amendment (per Zoning Ordinance) - Staff Process and no notice required	\$350.00 per application
Planned Unit Development: Extension of Time Request - City Commission Process	\$400.00 per request
Planned Unit Development: Hardship - City Commission	\$1,600.00 per application
Sign Modification (Variance) - Planning Commission Process	\$100.00 + \$75.00 for each additional sign requiring a variance
Sign - Landmark Sign Designation	\$100
Sign Special Approval - greater than 32 square feet or Electronic Message Board - Planning Commission Process	\$50.00 + \$25.00 each additional sign requiring review
Special Use Permit (SUP)- Planning Commission Process	\$1,000 per request + \$400.00 for each additional SUP Requested
Text Amendment (change language in Zoning Ordinance) - Planning Commission Process	\$900.00 per application

Attachment: Final Fee Schedule 01-30-25 (10418 : Fee Schedule Amendment)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Tim Zebell, City Engineer

RE: 2027 Main Street Reconstruction Project - TAP Grant Resolution

MEETING DATE: February 3, 2025

City staff is requesting the City Commission approve a resolution in order to apply for a Transportation Alternatives Program (TAP) Grant application to assist with funding eligible pedestrian safety and streetscape components of the 2027 Main Street I-94 & M-63 Reconstruction Project. The Michigan Department of Transportation (MDOT) is the lead agency on the project with the City participating in the cost of our utilities and streetscape enhancements that go beyond standard MDOT roadway work. The total construction cost is currently estimated at approximately \$33,000,000 with ~\$8,400,000 of that being the City's responsibility.

The grant application is in development. Joelle Regovich with Abonmarche is assisting City staff in compiling the necessary information to submit a competitive package. A portion of the application and the current construction estimate are attached.

If successful, the City could receive up to 80% of eligible expenses (\$3,937,000) in grant funding, leaving a City match of 20% of eligible expenses (\$984,200). The remaining \$3,491,700 in ineligible City obligation is for the replacement of the City sanitary sewer and water main within the project limits.

The application is due on February 19th.

Action Requested: Please consider, as part of the consent agenda, approval of the attached Resolution to apply for the Transportation Alternatives Program (TAP) Grant application to fund a portion of the pedestrian and streetscape improvements planned as part of the 2027 MDOT Main Street I-94 & M-63 Reconstruction Project and authorize the City Manager and City Clerk to sign the agreement on behalf of the City.

ATTACHMENTS:

- 2025-01-28 TAP App Estimate-Items-tz-rev (PDF)
- Project Info TAP (PDF)

2027 MAIN STREET RECONSTRUCTION PROJECT - TAP GRANT RESOLUTION

**CITY OF ST JOSEPH
TRANSPORTATION ALTERNATIVES PROGRAM RESOLUTION**

WHEREAS, the City of St Joseph, an eligible Public Act 51 Agency, is applying for funds through MDOT from the Transportation Alternatives Program to construct pedestrian safety and streetscaping improvements in conjunction with water main and sanitary sewer utility improvements along M-63/BL-94 from Central Avenue to the Blossomland Bridge and I-94 BL (Ship Street and Port Street) to the Bicentennial Bridge, called the BL 94/M-63 Streetscape Improvements project; and

WHEREAS, the Streetscapes Improvement project will be constructed as part of MDOT’s JN 213168 I-94 BL & M-63 Reconstruction Project; and

WHEREAS, MDOT requires a formal resolution of support from the public agency that will be applying for the Transportation Alternatives Program funds; and

WHEREAS, the City of St. Joseph is in support of this project; and

WHEREAS, the total streetscape and utility improvement project construction cost is estimated to be \$8,412,900 with eligible TAP project construction cost estimated at **\$4,921,200**; the City of St. Joseph is requesting **80% (\$3,937,000)** of the eligible project costs from the Transportation Alternatives Program and matching **20% (\$984,200)** from local funds; and

WHEREAS, the City of St. Joseph commits to being responsible for its share of engineering, permits, administration, potential cost overruns and non-participating costs in the MDOT project; and

WHEREAS, the City commits to owning/operating the constructed facility and funding a maintenance program in perpetuity or causing operations and maintenance to occur;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of St. Joseph has authorized the City Manager, Emily Hackworth, to act as agent on behalf of the City to request Transportation Alternatives Program funding, to act as the applicant’s agent during project development and to sign a project agreement upon receipt of a funding award.

Adopted this 3rd day of February, 2025.

BY: _____
Emily W.N. Hackworth, City Manager

ATTEST: _____
Abby Bishop, City Clerk

**City of St. Joseph BL 94/M-63 Streetscape Project
TAP Application Estimate**

Participating				
Pay Item Name	Units	Unit Price	QTY	Total
Mobilization, Max	LSUM	\$ 2,620,300.00	0.24	\$ 628,872.00
Minor Traffic Devices	LSUM	\$ 499,100.00	0.24	\$ 119,784.00
Storm Drain Leads	FT	\$ 115.98	2145	\$ 248,777.10
Traffic Regulator Control	LSUM	\$ 124,800.00	0.24	\$ 29,952.00
Site Preparation, Max	LSUM	\$ 52,500.00	1	\$ 52,500.00
Watering and Cultivating, First Season, Min	LSUM	\$ 25,500.00	1	\$ 25,500.00
Watering and Cultivating, Second Season, Min	LSUM	\$ 33,150.00	1	\$ 33,150.00
Streetscaping	LSUM	\$ 500,000.00	1	\$ 500,000.00
Sidewalk, Rem	SYD	\$ 13.80	5348	\$ 73,802.40
Sidewalk, Conc, 4 inch	SFT	\$ 6.07	40044	\$ 243,067.08
Sidewalk, Conc, 8 inch	SFT	\$ 8.07	3555	\$ 28,688.85
Lighting Work	LSUM	\$ 1,939,128.00	1	\$ 1,939,128.00
Traffic Signal Work (Enhancements)	LSUM	\$ 200,000.00	1	\$ 200,000.00
Contractor Staking	LSUM	\$ 512,800.00	0.24	\$ 123,072.00
Staking Plan Errors and Extras, Max \$180/hr	HR	\$ 180.00	68	\$ 12,240.00
Subtotal Participating				\$ 4,258,533.43
Contingency 7%			0.07	\$ 298,097.34
Inflation 8%			0.08	\$ 364,530.46
Total Participating - rounded to the nearest \$100				\$ 4,921,200.00

Requested Grant Amount (80%) - rounded to nearest \$100	\$ 3,937,000.00
Local Match (20%) - rounded to nearest \$100	\$ 984,200.00

Non-Participating				
Sanitary Sewer Replacement	LSUM	\$ 2,812,960.00	1	\$ 2,812,960.00
Water Main Work (Extra Upsizing Cost)	LSUM	\$ 208,615.00	1	\$ 208,615.00
Total Non-Participating				\$ 3,021,575.00
Contingency 7%			0.07	\$ 211,510.25
Inflation 8%			0.08	\$ 258,646.82
Total Non-Participating - rounded to nearest \$100				\$ 3,491,700.00

Total Project - rounded to the nearest \$100	\$ 8,412,900.00
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Attachment: 2025-01-28 TAP App Estimate-Items-tz-rev (10425 : 2027 Main Street Reconstruction Project - TAP Grant Resolution)

Applicant Information

Application Number: 2025008
Section: 01
Applicant Agency: City/Village
Grant Applicant: City of St. Joseph

Project Description

Project Name: M-63/BL 94 Streetscape Improvements
Type of Work: Pedestrian and Bicycle Safety Improvements
Length (miles): 1.2

Project Location

County: Berrien
Region: Southwest
Prosperity Region: Southwest Prosperity Region
City/Village or Township: St. Joseph
Zip Code: 49085-1276
Route/Street Name/Facility Name: M-63/I-94 BL
Project Limits (use nearest cross streets): I-94BL from Central Ave to the Blossomland and Bicentennial Bridge
MPO (Metropolitan Planning Organization): Twin Cities Area Transportation Study
TMA (Transportation Management Area): Not in TMA area

Legislative Information

State Senator: Aric Nesbitt (20)
State Representative: Joey Andrews (38)
U.S. Representative: Bill Huizenga (4)

Project Category

Facilities for pedestrians and bicyclists, including traffic calming and other safety improvements

Attachment: Project Info TAP (10425 : 2027 Main Street Reconstruction Project - TAP Grant Resolution)

Application Details - TA 2025008.01, City of St. Joseph, M-63/BL 94 Streetscape Improvements, Open

Contacts

Prefix Contact Type	Name Title	Phone Organization	Cell	Email
Ms Application Preparer	Joelle Regovich Grant Administrator	(269) 926-4579 Abonmarche Consultants Inc	(269) 326-5442	jregovich@abonmarche.com
Ms Chief Administrative Official	Emily Hackworth City Manager	(269) 983-5541 City of St. Joseph		ehackworth@sjcity.com
Mayor Chief Elected Official	Brook Thomas Mayor	(269) 983-5541 City of St. Joseph		bthomas@sjcity.com
Mr Contact Person	Tim Zebell Asst City Mgr/City Eng	(269) 983-5541 City of St Joseph		tzebell@sjcity.com

Attachment: Project Info TAP (10425 : 2027 Main Street Reconstruction Project - TAP Grant Resolution)

Application Details - TA 2025008.01, City of St. Joseph, M-63/BL 94 Streetscape Improvements, Open

Schedule

Project Type: Construction

<u>Milestones</u>	<u>Date</u>
1. Plans and Estimate Complete:	07/02/2026
2. Grade Inspection Package submitted to MDOT:	03/30/2026
3. Right of Way Certified:	07/11/2026
4. Matching Funds Certified:	09/01/2026
5. Project Listed on Approved TIP/STIP:	09/01/2025
6. Advertisement Start Date:	10/30/2026
7. Construction Letting Date:	12/04/2026
8. Construction Start Date:	02/01/2027
9. Construction End Date:	12/28/2029

Will this project be paired with any future construction projects? Yes

1. Project with MDOT Management? Yes

If yes, provide the project description (type of work, dates of the proposed construction, job number, etc.)

The project will be integrated with MDOT JN 213168. MDOT work will include pavement reconstruction, sidewalk replacement, curb and gutter replacement, storm sewer replacement, water main replacement, sanitary sewer improvements, non-motorized improvements, streetscaping, permanent signing and pavement markings.

This is a FY26 MDOT project. Scheduled obligation date is 10/09/26, letting date 12/4/2026, construction start date 2/1/2027, end date 12/26/2029

The project will be done concurrently with the other project.

The project will be done subsequent to the other project.

Additional comments about the project schedule:

Attachment: Project Info TAP (10425 : 2027 Main Street Reconstruction Project - TAP Grant Resolution)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Laurie Schmidt, City Attorney

RE: Labor Counsel Engagement Letter

MEETING DATE: February 3, 2025

The City engaged Miller Johnson in 2011 for labor work, with Attorney Pete Peterson as the lead counsel. Attorney Peterson retired a few years ago and the firm continued to represent the City. The City's needs have changed and it is anticipated there will be more labor services required. When reviewing hourly rates for experienced labor counsel, staff found that the current counsel's hourly rates are very high in comparison with other equally experienced labor counsel.

We received several recommendations for municipal labor law attorneys from well-respected attorneys and contacted three firms. All were very well qualified; lead counsel rates were competitive and much less than the City's current rates. Based on the City's needs and counsel's experience, location, and depth of support, City Manager Hackworth and I concluded Foster, Swift, Collins & Smith PC ("Foster Swift") with Attorney Michael Kluck as lead counsel, was the most appropriate choice.

Due to an immediate need for labor representation for a pending arbitration, Manager Hackworth executed an engagement letter with Foster Swift to begin that process. We recommend ending the City's engagement with Miller Johnson for labor and employment matters and engaging Foster Swift for those legal services.

Action Requested: To approve, as part of the Consent Agenda, hiring the law firm of Foster Swift, as labor counsel for the City and to ratify the City Manager's execution of the attached engagement letter with Foster Swift.

ATTACHMENTS:

- Executed Engagement Letter_20250117 (PDF)

FOSTER SWIFT

FOSTER SWIFT COLLINS & SMITH PC | ATTORNEYS

Lansing | Southfield | Grand Rapids | Detroit | Holland

Michael R. Kluck

Job Title

P: 517.371.8292 F: 517.371.8200

MKluck@fosterswift.com

313 S. Washington Square

Office Business Street 2

Lansing, MI 48933-2193

January 14, 2025

Ms. Emily Hackworth
City Manager
CITY OF ST. JOSEPH
700 Broad Street
St. Joseph, MI 49085

**Re: Engagement of Legal Services –
Labor/Employment Matters**

Dear Ms. Hackworth:

We are pleased that you have requested to retain us to represent you in connection with the above matter.

Our representation will commence, and we will serve as your counsel for Labor and Employment matters, when we are in receipt of a copy of this letter signed by you. This signed letter acknowledges your understanding of the details of our representation and confirms the scope of the work as outlined below. It is customary in the legal profession to initiate a relationship between an attorney and client through an engagement letter. This engagement letter and the attached Additional Terms of Engagement will serve as an agreement about the nature and scope of our relationship.

The nature of this work is Labor and Employment.

In the interest of assuring that you are fully aware of our fees, we are explaining our fee arrangement for our representation in this engagement below.

If you retain us, our services will be billed on the basis of hourly rates for the time incurred. The present hourly rates for those individuals expected to perform services for your matter are as follows:

	<u>Range</u>
A. Shareholders	\$300.00 - \$560.00
B. Associates/Senior Attorneys	\$240.00 - \$375.00
C. Legal Assistants	\$160.00 - \$250.00

fosterswift.com

Attachment: Executed Engagement Letter_20250117 (10471 : Labor Counsel Engagement Letter-Foster Swift)

FOSTER SWIFT

FOSTER SWIFT COLLINS & SMITH PC|| ATTORNEYS

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Mr. Emily Hackworth

Page 2

The hourly rates are set depending upon experience and expertise. My services will be billed at the preferred client rate of \$250.00 per hour. The hourly rates are subject to adjustment from time to time. You will also be billed for costs which are expenditures by the Firm on your behalf. The costs and attorney fees will generally be billed monthly. If an invoice is not timely paid, a late charge may be added to any portion not paid within thirty (30) days. The late charge will be computed at the rate of .58% per month (7% annual) starting thirty (30) days after the date of the invoice.

Based on the information you have provided, the Firm believes that its representation of you complies with the Michigan Rules of Professional Conduct. However, because changes in structure, ownership, employment, etc. may give rise to conflicts of interest, you must promptly advise us of such changes during this engagement. If we determine that a conflict of interest arises during this engagement, the Firm may take appropriate steps to remedy the conflict, including withdrawal.

Our responsibility in representing you is, of course, to do so in a manner that is consistent with the customary professional practices and requirements for handling matters of this sort. In turn, we will need your full and timely cooperation. This will likely include providing us with various materials relating to the matters for which you are retaining us.

The Firm will pursue this matter on your behalf conscientiously and without delay, but with regard for the Firm's workload and the nature of the legal system. The Firm will keep you reasonably informed about the status of this matter and welcomes requests for information.

We intend to establish a mutually rewarding and enduring relationship with you as your legal counsel. Nevertheless, you are free to terminate our services at any time by written notice to us to that effect. We may also terminate our services to you, by written notice to you to that effect, if you unreasonably fail to cooperate with us, if you fail to pay our monthly statements in a timely manner, or if we determine that our continued representation of you would violate the rules of professional responsibility applicable to lawyers or would otherwise be impractical.

When this matter has concluded, the Firm will return to you any original materials in the Firm's files that belong to you. The Firm will dispose of its files (including the Firm's work product) related to this matter as it sees fit.

Although this letter is intended to deal with the specific matter referenced above, it will also govern any other legal services that we may render to you in the future, unless we mutually agree in writing to a different arrangement with respect to these future matters.

Should you have any questions, please do not hesitate to call us. If you agree with the above, please sign this letter at the bottom. Your return of the letter is the first step in our representation of your interests. We look forward to serving you.

fosterswift.com

Attachment: Executed Engagement Letter_20250117 (10471 : Labor Counsel Engagement Letter-Foster Swift)

FOSTER SWIFT

FOSTER SWIFT COLLINS & SMITH PC || ATTORNEYS

Lansing | Southfield | Grand Rapids | Detroit | Holland

Mr. Emily Hackworth

Page 3

Very truly yours,

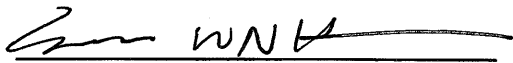
FOSTER SWIFT COLLINS & SMITH PC



Michael R. Kluck

MRK:rlc

AGREED:

By: 

Dated: 01/17/25

Attachment: Executed Engagement Letter_20250117 (10471 : Labor Counsel Engagement Letter-Foster Swift)

Ms. Emily Hackworth

Page 4

Additional Terms of Engagement

Scope of Engagement:

Our engagement is on behalf of the parties expressly named in our agreement. As way of example, our representation of an entity does not include a representation of the interests of the individuals that are directors, shareholders, or officers of that entity.

Cooperation:

You agree to fully, accurately, and truthfully disclose to us all facts that may be relevant to the matter or that we may otherwise request to keep us apprised of developments relating to the matter. You agree to cooperate fully with us in all matters related to the preparation and presentation of your claims. We will be relying on the completeness and accuracy of the information you provide when we perform our services.

No Promise or Guarantee of Results:

You agree that we have made no promises or guarantees regarding the outcome of your case. Either at the beginning or during the course of our representation, we may express our opinions or beliefs concerning the matter or various courses of action and the results that might be anticipated. Any such statement made by any attorney, employee, or agent of our firm is intended to be an expression of opinion only, based on information available to us at the time, and must not be construed by you as a promise or guarantee of any particular result. In addition, the advice and communications we render on your behalf are not intended to be disseminated to or relied on by any other parties without our prior written consent.

Consultations with Internal and Outside Counsel to the Firm:

We represent a large number of clients on a wide variety of complex matters. In the course of our representation, we may consult with the firm's internal counsel with expertise in legal ethics issues and in the past have considered such consultations to be attorney-client privileged. Recent court rulings have indicated that in some circumstances such consultations may not be deemed privileged. Our firm believes that expert advice and analysis regarding legal ethics issues would positively benefit our clients.

You agree that if we determine during the course of the representation that it is either necessary or appropriate to consult with our firm's internal counsel or outside counsel to the firm, we have your consent to do so and that our representation of you shall not, thereby, waive any attorney-client privilege.

FOSTER SWIFT

FOSTER SWIFT COLLINS & SMITH PC|| ATTORNEYS

Lansing | Southfield | Grand Rapids | Detroit | Holland

Ms. Emily Hackworth

Page 5

E-mail Policy:

Our firm's attorneys, employees, and agents may utilize e-mail for communications in this matter unless you notify us, in writing, not to use this means of communication. Unless you request in writing that we encrypt out-going e-mail and we have agreed in writing to reasonable and mutually acceptable protocols, documents sent to you by e-mail will not be encrypted.

Our firm expends reasonable efforts to exclude any virus or other defect that might affect any computer or IT system from our e-mails and electronic documents. We do not accept liability for any loss or damage resulting from the use of commercial software, or the receipt or use of electronic communications from us containing a virus or defect that was not created by us.

Circular 230 Notices:

Congress has passed legislation imposing reporting requirements and penalties, which the IRS has implemented by amending Circular 230 and setting forth various rules about written tax advice. As a result, you may notice that we will often have a Circular 230 statement on written communications about reliance on what you receive.

Attorney's Lien:

All payments by way of recovery, award, judgment, or settlement to you from third parties shall be made jointly payable to you and us. If you obtain a monetary judgment or award, we shall have a lien on the proceeds to the extent of any of our unpaid fees, disbursements, or other charges.

Relationship Term:

When we have completed the specific professional legal services agreed to in this engagement, our attorney-client relationship shall end, regardless of the date you are billed or pay for our services.

Any agreement to provide non-professional services (facilities use, file storage, copies of old client files) does not revive the attorney-client relationship. The newsletters, e-mails, or other publications that we may occasionally send to you containing general updates on areas of the law of interest to you do not revive an attorney-client relationship.

Future Representation:

If our attorney-client relationship has ended, we have no obligation to represent you in connection with related matters unless we have agreed to do so in writing in our engagement agreement. Regardless of whether we are representing you in other matters, we have no duty to accept new engagements from you unless mutually agreed.

fosterswift.com

Attachment: Executed Engagement Letter_20250117 (10471 : Labor Counsel Engagement Letter-Foster Swift)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Greg Grothous, Director of Public Works

RE: Second Amendment to Paddler Park Concession Agreement

MEETING DATE: February 3, 2025

In December 2022, the City Commission issued a one-year concession agreement to Scooter Joe's Wheel and Water Rentals to run a concession for renting kayaks and stand-up paddle boards (SUPs) at Paddler Park at East Basin. The agreement also allowed for the option of two additional one-year extensions to the agreement.

The Parks and Recreation Advisory Board met with Mr. Allen at its January 9, 2025, meeting, reviewed/discussed the challenges of last year due to the Upton Dr construction, and recommended that the City Commission approve a one-year extension to the Concession Agreement with Scooter Joe's Wheel & Water Rentals.

The Amended Agreement would be for a term of one year, as this would be the second of two extensions as described in the original agreement. The vendor would pay a license fee to the City of six percent (6%) of gross sales in 2025.

The proposed 2025 agreement is enclosed.

Action requested: Motion, as part of the consent agenda, to approve a one-year License Agreement with Scooter Joe's Wheel & Water Rentals of St. Joseph MI and authorize the City Manager to execute the appropriate documents on behalf of the City.

ATTACHMENTS:

- Second Amendment with Exhibits 2025 (PDF)

**VENDING PERMIT AGREEMENT
BETWEEN SCOOTER JOE’S LLC AND CITY OF ST. JOSEPH
2025**

THIS VENDING PERMIT AGREEMENT (“Agreement”) is entered into by and between THE CITY OF ST. JOSEPH, a Michigan municipal corporation, 700 Broad Street, St. Joseph, Michigan 49085 (“the City”) and SCOOTER JOE’S, LLC, a Michigan limited liability company with a business address of 711 Gard Street, St. Joseph, Michigan 49085 (“Vendor”).

1. Description of Premises: The City permits Vendor to use a portion of Paddler’s Park situated in the City of St. Joseph, County of Berrien, State of Michigan, described as shown in the drawing attached and incorporated as Exhibit 1 (the Premises”) under the terms and conditions set forth in this Agreement.

2. Term: The term of this Agreement is from April 1, 2025 through October 31, 2025. The parties agree that Vendor shall be permitted the non-exclusive use of and access to the Premises as described in this Agreement. Vendor understands and agrees that the public may use the waterfront, launch area and park property concurrently with Vendor’s use.

3. Use and Occupancy: The parties agree that Vendor may use and occupy the Premises for public kayak, canoe, and paddle rentals, which may include limited retail sales associated with such use. The Premises may not be used for bicycle rental or for any other purposes.

Vendor may place a portable building on the Premises as shown in photographs attached and incorporated as Exhibit 2, from which it will conduct its on-site business. The location of the portable building is shown on Exhibit 1, and may only be relocated upon prior written approval of the City.

Vendor shall maintain the portable building in good and clean condition, and secure it when not in use. The portable building includes solar panels, which will provide the energy source for Vendor’s business operations.

Vendor is responsible for all refuse associated with its use of the Premises, and in addition will pick up all trash, bottles, and other refuse, perform minor landscaping, and maintain security cameras for Paddler’s Park.

City will place a portable toilet and trash receptacle(s) on the Premises for public use, and provide trash pickup. Vendor agrees to notify City if additional trash receptacles or pickups are needed and if the portable toilet is in need of service.

Vendor shall not use the Premises for any purpose in violation of any federal, state, or local law, rule or regulation, and that upon any substantial breach of this Agreement, the City may, at its option, terminate this Agreement.

4. Vending Permit Fee and Payment: The Vendor agrees to pay a license fee to the City of St. Joseph for operating the concession on City property of six percent (6%) of gross sales per year. Vendor will provide the City with appropriate documentation of its gross sales fee within thirty (30) days of the contract term.

5. Option to Renew or Extend: The License will be for one (1) year.

6. Assignment: Vendor may not assign or transfer this Agreement. Any assignment, transfer or sale of membership interest in Vendor or its assets shall give the City the right to terminate this Agreement and to re-enter and repossess the Premises.

7. Automatic Termination Upon Certain Conditions: Vendor agrees that if the rights created by this Agreement shall be taken in execution or by other process of law, if Vendor shall be declared bankrupt or insolvent, if any receiver is appointed for its business or property, if any assignment shall be made of Vendor's property for the benefit of creditors, if Vendor discontinues or closes its business operations located at the Premises, or if Vendor violates any material terms of this Agreement, this Agreement shall automatically terminate immediately and the City may re-enter and repossess the Premises.

8. Restoration. Vendor agrees that upon termination of this Agreement for any reason, Vendor shall promptly restore the Premises to a same or better condition than it was in at the time Vendor began use of the Premises, including removing all items of personal property and restoring all land disturbed, which may include minor grading and filling. If Vendor does not perform such required removal and restoration within a reasonable time period, City may do such work upon 7 days' written notice and Vendor shall be responsible for all associated costs.

9. Vendor Agreement to Insure: Vendor will procure and keep in effect, during the term of this Agreement, the following insurance coverage on an occurrence basis with companies authorized to conduct business in the State of Michigan and satisfactory to the City:

a. **Worker's Compensation** Insurance, including employers' Liability coverage, in accordance with Michigan law.

b. **Commercial General Liability** Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and aggregate. Coverage shall include the following extensions: i.) contractual liability, ii.) Products and Completed Operations, iii.) Independent Contractors Coverage, iv.) Owners and Contractors Protective Liability Coverage v.) Broad form general liability extensions or equivalent.

c. **Motor Vehicle Liability** Insurance, including Michigan No-Fault coverage, with limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage. Coverage shall include all owned vehicles, non-owned vehicles, and hired vehicles.

Vendor may provide required insurance coverage by using an Excess/Umbrella Liability policy in addition to the primary liability policies. If coverage limits are satisfied by an Excess and/or Umbrella policy, coverage must follow the form of the primary liability policy(ies).

The Commercial General Liability Insurances shall include an endorsement naming as an additional insured the City of St. Joseph, all elected and appointed officials, employees, volunteers, boards, commissions, and/or authorities including members, employees and volunteers thereof. Vendor's policies of insurance shall be primary.

All insurance shall include an endorsement that contains a 30 day advance written notice of policy cancellation, nonrenewal or reduction in coverage to the City Manager, City of St. Joseph, Michigan.

Vendor shall furnish to City Certificates of Insurance evidencing the insurance required above is in full force and effect. The stated insurance requirements should not be interpreted to limit Vendor's liability. It is understood and agreed by naming the City of St. Joseph as additional insured, coverage afforded is considered to be primary and any other insurance the City may have in effect shall be considered secondary and/or excess.

10. Hold Harmless and/or Indemnification. To the fullest extent permitted by law, Vendor shall hold harmless and indemnify the City, including its officers, agents, employees, assigns and those acting under its authority against any and all claims, actions, suits, liens, judgments, damages, losses, liability and expenses, including actual and reasonable attorney fees and costs, for property damage or bodily injury up to and including death, that may arise as a result of Vendor's acts, omissions, breaches or defaults liability, claims, losses, demands or actions brought against the City and its officers, agents, employees, assigns and those acting under its authority, including those which in any way arise out of or are related Vendor's default, act, or omission that is directly or indirectly related to its use of the Premises. As referenced in this provision, City and Vendor shall include its respective officers, agents, employees, contractors, subcontractors, assigns and those acting under its authority.

11. Non-Discrimination. Vendor shall not discriminate in the provision of services or accommodations or against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, sexual orientation, gender identity, gender expression, height, weight, marital status, or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

12. Compliance: Vendor shall, at its own expense, promptly comply with all laws, orders, rules and regulations of all local, state and federal authorities affecting the Premises and the cleanliness, safety, occupation and use of same.

13. Advertising Display: Vendor shall follow the City’s Sign Ordinance and any other applicable regulations in advertising its business at the Premises.

14. Remedies Not Exclusive: Each and every one of the rights, remedies and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies and benefits or of any other rights, remedies and benefits allowed by law.

15. Waiver: One or more waivers of any term of this Agreement by the City shall not be construed as a further waiver of that term or any other.

16. Notices: All notices which the City and Vendor may desire to serve upon each other under the terms of this Agreement shall be served by certified mail, postage prepaid, addressed as set forth below:

To City:
City Manager
St. Joseph City Hall
700 Broad Street
St. Joseph, MI 49085

To Vendor:
Joseph Allen
711 Gard, #4
St. Joseph, MI 49085

17. Surrender of Premises: Vendor agrees to surrender the Premises at the end of the term or upon the termination of this Agreement in as good condition and repair as the same was at the commencement of the original term, normal wear and tear excepted.

18. Effective Date: This Agreement is effective upon final execution.

SCOOTER JOE’S LLC

Dated: _____

By: JOSEPH ALLEN
Its: Managing Member

CITY OF ST. JOSEPH

Dated: _____

Emily Hackworth, City Manager

Approved as to form:

By: _____
Laurie L. Schmidt, City Attorney

Attachment: Second Amendment with Exhibits 2025 (10479 : Second Amendment to Paddler Park Concession Agreement)

Paddler Park

213 Upton Dr.

Building Location for Concessions



Attachment: Second Amendment with Exhibits 2025 (10479 : Second Amendment to Paddler Park Concession Agreement)



Attachment: Second Amendment with Exhibits 2025 (10479 : Second Amendment to Paddler Park Concession Agreement)

EXHIBIT 2

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Cameron Welch,

RE: Special Event - Lory's Place Run, Walk, Rock

MEETING DATE: February 3, 2025

Lory's Place is requesting permission to host their Run, Walk, Rock 5K on the north side of the St. Joseph River beginning and ending at Lory's Place on Saturday, May 17, 2025 from 6:00am to 11:30am. The funds raised assist with services at Lory's Place to help those experiencing grief. The request is similar to past years and includes public safety assistance and public works assistance with sand clean up, barricades and waste containers.

Also attached is an alternate race route from last year's event that will be used if the resurfacing project along Upton Drive is not yet completed by May 17th.

Requested action: Motion to approve, as part of the consent agenda, the Run, Walk, Rock 5K special event application as presented.

ATTACHMENTS:

- Run, Walk, Rock Application (PDF)
- Run, Walk, Rock Map (PDF)
- Staff Review and Comments (PDF)
- LP Alt. Course (PDF)



700 Broad Street
St. Joseph, MI 49085
tel (269) 983-5541
fax (269) 985-0346

Special Event Application Form

Important: Please fill out each item as completely as possible, to allow your application to be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to the City Manager's Office, at the address shown at the left.

Special Events must be approved by the City Commission, which typically meets twice per month. We recommend submitting your application at least two months before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Commission may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: Run, Walk, Rock

Sponsoring Organization (if applicable): Lory's Place

Mailing/billing Address: 445 Upton Drive

City/State/ZIP Code: St. Joseph, MI 49085

Contact person(s): Stephanie Kohler-Pagan

Business phone: 269.983.2707 Cell phone: 269.932.5000 Fax: 269.983.2740

E-Mail Address(es): stephanie.kohler3@corewellhealth.org

Event Information

**A separate event schedule and/or description may be attached in response to questions 1 through 4.*

***For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.*

1. What is the requested day(s), date(s), and time(s) of the Special Event: _____
Saturday, May 17, 2025; 6:00am to 11:00am

2. Is there a requested alternative date(s)? [YES] [NO]
• If yes, please provide the alternative date(s): No alternative date at this time.

3. Please describe the event(s): 5k Run/Walk Event begins and ends at Lory's Place

4. What is the requested location(s) of the event(s): Edgewater area of St. Joseph

Revised 06/14/2022

(continue to page 2)

Attachment: Run, Walk, Rock Application (10478 : Special Event - Lory's Place Run, Walk, Rock)

5. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
6. **An Event Map**—If your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.
7. **Does the applicant wish to prohibit vending within the event area?** Vendors with current permits to operate within the event area are allowed to continue vending at their normal location even within the event area, unless alternate arrangements are agreed to by the vendor and by the City Commission as part of this application. Please note these arrangements, if requested. However, if the application is approved, the City Commission would not approve additional vendors.
8. **If vending is not prohibited, does the applicant wish to have control of vending within the festival area?** In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies. If vending is not prohibited but the applicant does not wish to have the responsibility of controlling vendors, please direct any potential vendors to contact the City Clerk's Office to apply for the appropriate vending permit.
9. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
10. **Is the applicant requesting special parking arrangements—such as limiting parking areas to certain groups of users?** If yes, you must coordinate with the Police Chief.
11. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area, and provide a description or map showing the utilities requested.
12. **Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal or picnic tables or other fixtures, or cessation of lawn sprinkling?** If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available, and provide a description of the services Public Services has indicated it could provide. The applicant may be charged for these services.
13. **Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Department of Public Safety in addressing these concerns?** If yes, you must contact the Director of Public Safety to determine what assistance from Public Safety is appropriate and available, and provide a description of the services Public Safety has indicated it could provide. The applicant may be charged for these services.

Revised 06/14/2022

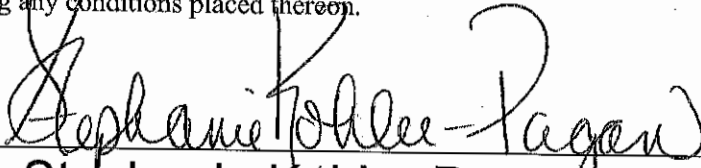
- 14. **Is the applicant requesting assistance from an outside agency or contractor in addressing these concerns?**
If yes, you must please attach information indicating all of these contractors on this application.
- 15. **Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.?**
If yes, you must please attach information indicating all of these on this application..
- 16. **Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?**
If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.
- 17. **Are alcoholic beverages proposed to be served as part of the event?**
If yes, you must advise the Department of Public Safety of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process.
You must have any and all necessary liquor licenses been obtained at the time of this application.
- 18. Please **attach a separate sheet detailing** any aspects of the event that are not specifically addressed in this form but of which the City Commission should be aware to make a fully informed decision with regard to approval of the proposed event.
- 19. The applicant is required to provide a minimum of \$1,000,000 of general liability insurance coverage with respect to the event. The City may require additional insurance coverage based on the potential risk and nature of the event. A Certificate of Insurance with the City of St Joseph listed as additional insured must be provided one month before the event. Additional Insureds include the following: The City of St. Joseph, all elected and appointed officials, all employees and volunteers, agents, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of St. Joseph as additional insured, coverage afforded is considered to be primary and any other insurance the City of St. Joseph may have in effect shall be considered secondary and/or excess. Please email a copy to cogonowski@sjcity.com, attach below or mail to 700 Broad St, St Joseph, MI 49085.

Attachment: Run, Walk, Rock Application (10478 : Special Event - Lory's Place Run, Walk, Rock)

The City of St. Joseph PROHIBITS any and all painting of any city property, including sidewalks and streets. Events of those persons violating this policy will be canceled and no future event will be allowed.

Applicant Signature

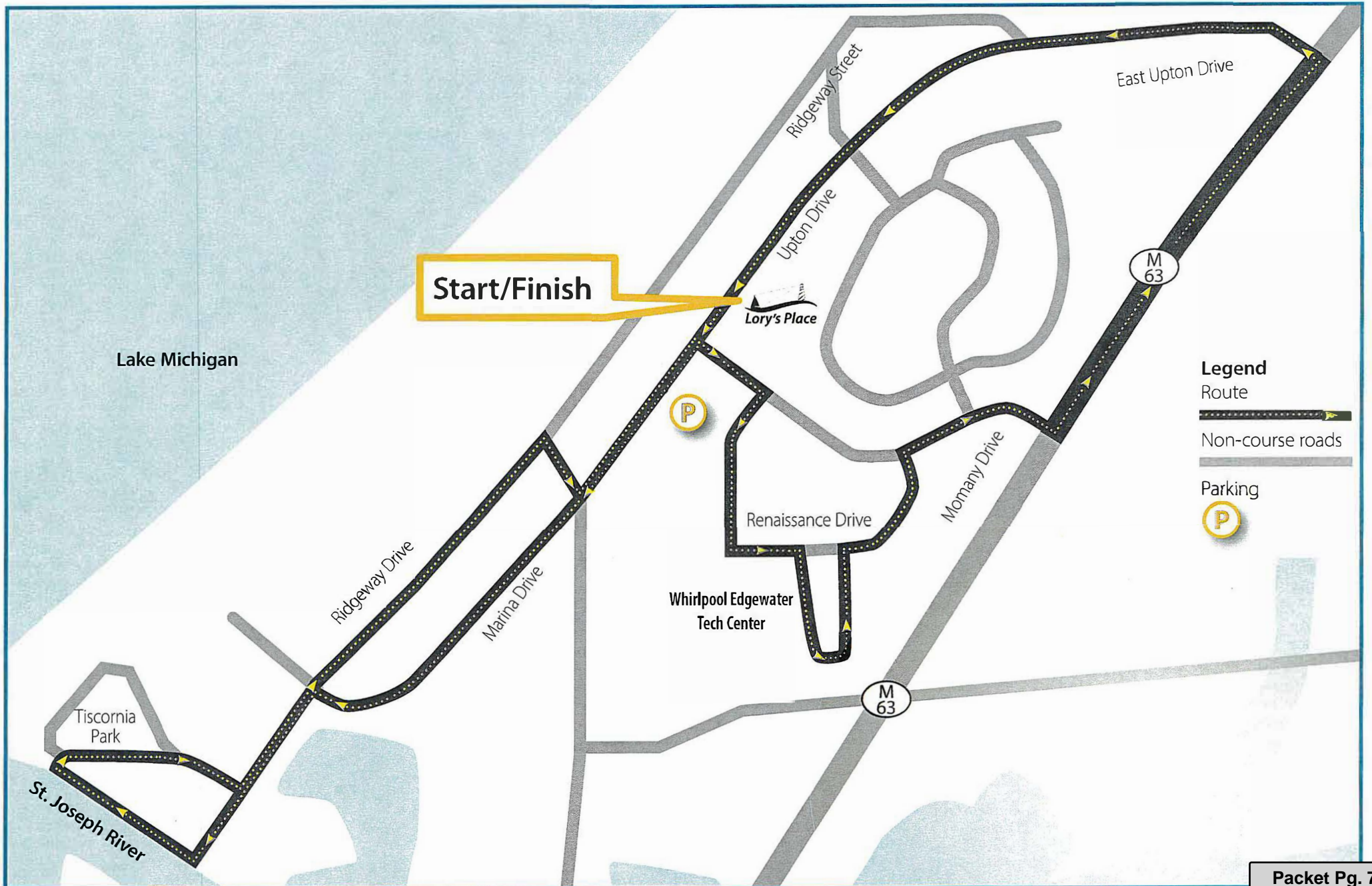
I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules and regulations of the City of St. Joseph, and that the event takes place in accordance with the application as approved by the St. Joseph City Commission, including any conditions placed thereon.

Applicant signature: 

Applicant printed name: Stephanie Kohler-Pagan Date: 01/09/2025



Course map



Attachment: Run, Walk, Rock Map (10478 : Special Event - Lory's Place Run, Walk, Rock)

Staff Review and Comments

Special Event: Lory's Place Run, Walk, Rock

Date: May 17th, 2025

Department	Recommendation	Comments
Public Works	Approve	
Public Safety	Approve	
Community Development	Approve	
City Engineer	Approve	Upton Drive may still be under reconstruction, so race route might have to be similar to last year's event.
City Clerk	Approve	
St. Joe Today	Approve	

Additional Comments:

Insurance Policy Received? **Yes** No

If no, date by which Insurance Policy must be Received (minimum of 30 days before event):

Attachment: Staff Review and Comments (10478 : Special Event - Lory's Place Run, Walk, Rock)



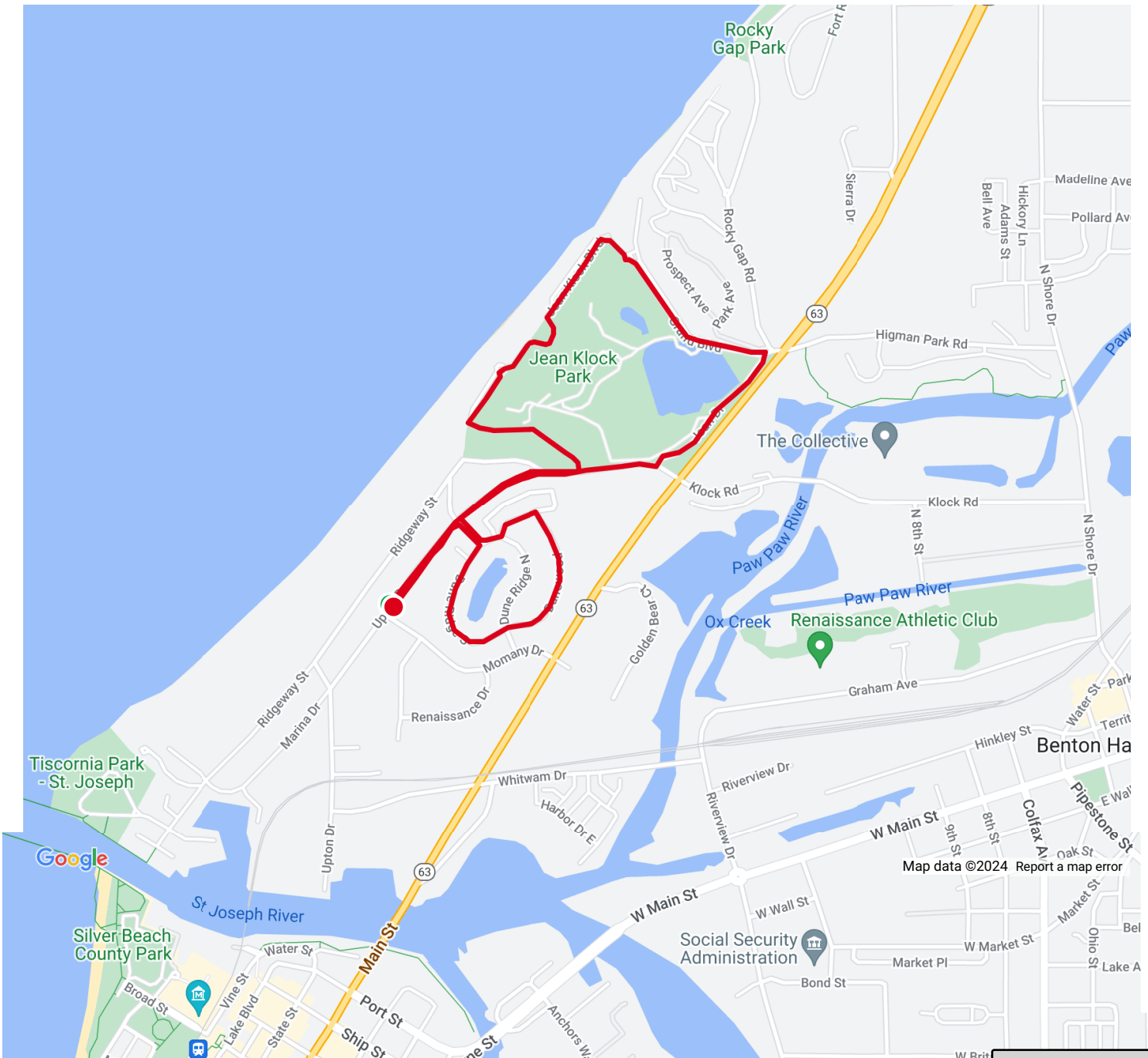
LP ALT. COURSE

3.00 mi
Distance

47 ft
Elevation Gain

Run
Activity Type

Notes



Attachment: LP Alt. Course (10478 : Special Event - Lory's Place Run, Walk, Rock)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Emily Hackworth, City Manager

RE: Krasl Art Fair on the Bluff

MEETING DATE: February 3, 2025

Please find the attached application and event plan for Krasl Art Fair on the Bluff. This annual event features a nationally recognized art fair located along Lake Bluff Park.

If approved, the event will be held Friday, July 11 through Sunday, July 13, 2025 with road closures, as detailed in the following attachments, in place from Friday at 8AM to Sunday at 8PM (or until Public Safety determine it is safe to reopen the roads).

The attached Application and Event Plan includes requests for City support and additional event details. The City has and will continue to work closely with Krasl Art Center on this event.

Due to the terrorist attack in New Orleans, Krasl Art Fair staff and volunteers have already been working with Public Safety to develop and adjust the safety plan for this year's event.

The event plan also details Krasl's approach to admission this year which, following a conversation with the Commission at previous City Commission meetings, is based on Suggested Donations.

Action Requested: Requested action: Motion to approve, as part of the consent agenda, the Krasl Art Fair on the Bluff special event application as presented.

ATTACHMENTS:

- 2025 Art Fair Application (PDF)
- 2025 Art Fair Event Plan (PDF)
- Staff Review and Comments (PDF)



700 Broad Street
St. Joseph, MI 49085
tel (269) 983-5541
fax (269) 985-0346

Special Event Application Form

Important: Please fill out each item as completely as possible, to allow your application to be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to the City Manager's Office, at the address shown at the left.

Special Events must be approved by the City Commission, which typically meets twice per month. We recommend submitting your application at least two months before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Commission may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: Krasl Art Fair on the Bluff

Sponsoring Organization (if applicable): Krasl Art Center

Mailing/billing Address: 707 Lake Blvd.

City/State/ZIP Code: St. Joseph, MI 49085

Contact person(s): Jamie Balkin

Business phone: 269-983-0271 Cell phone: 269-757-1586 Fax: _____

E-Mail Address(es): jamie@krasl.org

Event Information

**A separate event schedule and/or description may be attached in response to questions 1 through 4.*

***For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.*

1. What is the requested day(s), date(s), and time(s) of the Special Event: Friday, July 11th through Sunday, July 13th
2. Is there a requested alternative date(s)? [YES] [NO]
 - If yes, please provide the alternative date(s): No
3. Please describe the event(s): The Krasl Art Fair on the Bluff is a nationally recognized Art Fair. The event brought over 22,000 to the community in 2024.
4. What is the requested location(s) of the event(s): Lake Bluff Park

Revised 06/14/2022

(continue to page 2)

5. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
6. **An Event Map**—If your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.
7. **Does the applicant wish to prohibit vending within the event area?** Vendors with current permits to operate within the event area are allowed to continue vending at their normal location even within the event area, unless alternate arrangements are agreed to by the vendor and by the City Commission as part of this application. Please note these arrangements, if requested. However, if the application is approved, the City Commission would not approve additional vendors.
8. **If vending is not prohibited, does the applicant wish to have control of vending within the festival area?** In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies. If vending is not prohibited but the applicant does not wish to have the responsibility of controlling vendors, please direct any potential vendors to contact the City Clerk's Office to apply for the appropriate vending permit.
9. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
10. **Is the applicant requesting special parking arrangements—such as limiting parking areas to certain groups of users?** If yes, you must coordinate with the Police Chief.
11. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area, and provide a description or map showing the utilities requested.
12. **Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal of picnic tables or other fixtures, or cessation of lawn sprinkling?** If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available, and provide a description of the services Public Services has indicated it could provide. The applicant may be charged for these services.
13. **Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Department of Public Safety in addressing these concerns?** If yes, you must contact the Director of Public Safety to determine what assistance from Public Safety is appropriate and available, and provide a description of the services Public Safety has indicated it could provide. The applicant may be charged for these services.

Revised 06/14/2022

14. **Is the applicant requesting assistance from an outside agency or contractor in addressing these concerns?**

If yes, you must please attach information indicating all of these contractors on this application.

15. **Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.?**

If yes, you must please attach information indicating all of these on this application..

16. **Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?**

If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.

17. **Are alcoholic beverages proposed to be served as part of the event?**

If yes, you must advise the Department of Public Safety of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process.

You must have any and all necessary liquor licenses been obtained at the time of this application.

18. Please **attach a separate sheet detailing** any aspects of the event that are not specifically addressed in this form but of which the City Commission should be aware to make a fully informed decision with regard to approval of the proposed event.

19. The applicant is required to provide a minimum of \$1,000,000 of general liability insurance coverage with respect to the event. The City may require additional insurance coverage based on the potential risk and nature of the event. A Certificate of Insurance with the City of St Joseph listed as additional insured must be provided one month before the event. Additional Insureds include the following: The City of St. Joseph, all elected and appointed officials, all employees and volunteers, agents, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of St. Joseph as additional insured, coverage afforded is considered to be primary and any other insurance the City of St. Joseph may have in effect shall be considered secondary and/or excess. Please email a copy to cogonowski@sjcity.com, attach below or mail to 700 Broad St, St Joseph, MI 49085.

The City of St. Joseph PROHIBITS any and all painting of any city property, including sidewalks and streets. Events of those persons violating this policy will be canceled and no future event will be allowed.

Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules and regulations of the City of St. Joseph, and that the event takes place in accordance with the application as approved by the St. Joseph City Commission, including any conditions placed thereon.

Applicant signature: 

Applicant printed name: Jamie Balkin

Date: 1/9/2025

KRASL art fair ON THE BLUFF

707 Lake Boulevard, Saint Joseph, Michigan 49085 | 269.983.0271 | krasl.org | jamie@krasl.org

Event Plan

Event Date: July 12-13, 2025

Block Party: July 11, 2025

Submitted: January 27, 2025

Submitted by: Jamie Balkin, Director of Events, jamie@krasl.org, C: 269.757.1586

The first Art Fair was held in Lake Bluff Park in 1962. Excluding 2020, the fair has been held each summer and has grown to become a nationally ranked, respected event attracting artists from around the country. A 2025 Krasl Art Fair on the Bluff will model the successful 2024 event.

The Krasl Art Center is FREE and open to the public throughout the event, this includes access to the galleries as well as restrooms. Additionally, it offers guests a place to enjoy public space that is air conditioned. In addition to normal operations the following is available on Krasl Art Center grounds during the Art Fair: FREE Community family activity; emerging artist tents to allow them to sell their work; and opportunity for partner organizations (Water Street Glassworks) to display and sell work. As in past year's, a Block Party event will be hosted on KAC grounds from 5:00 p.m. to 9:00 p.m. on Friday, July 11, 2025.

For use of Lake Bluff Park during the event, the City of St. Joseph will be acknowledged as a sponsor of the Krasl Art Fair on the Bluff.

EVENT PLAN OVERVIEW

Event Experience

- Juried, authorized artists from around the country will display and sell their artwork in individual booths set up within Lake Bluff Park.
- Artwork pick up service.
- Sponsors on Lake Blvd.
- No pets within Lake Bluff Park per City Ordinance (City Streets is ok)
- AF merchandise sales & beverage sales
- SJ Today Farmer's Market vendors providing concession needs along Broad Street.
- Additional food truck vendors will be recruited to support concession needs in 2025. They will be required to comply with City Food Truck guidelines. They will be located on Elm Street.
- Children can purchase artwork for a special low price as part of the CAPP program with participating artists.

Operational Plan

- Barricade Lake Bluff Park
- Leave Broad Street to the stairwell open. There will be a North Side of the Event (north of Broad) & South Side of the Event (south of Broad)
- Minimum of 4 entrance/exit points
 - South Event: at Park Street & at Broad Street

- North Event: at Port Street & at Broad Street
- Bottled water & soda sales within North & South Events as well as merchandise
- Lake Blvd closed Friday morning through Sunday evening for artist load in/out, guest foot traffic, porta potties, & sponsors
- Signs for wayfinding
- Onsite emergency response resources along Broad Street

Guest Experience

- Suggested donation model.
- Designated entrances & exits
- Early VIP/KAC member shopping on Saturday
- Artist registration offsite with setup on Friday afternoon as in years past. (This is pending approval of use of the 211 Hilltop location.)

Media Credentials and Plans for 2025

- Media will be clearly credentialed with a visible media tag.
- All media will be required to check in at the main Krasl Art Center building located at 707 Lake Blvd.
- It is our intention that all media would be escorted by a KAC staff member or trained volunteer.
- The photography policy will be listed on the Krasl website at www.krasl.org
- There will be simple signs at the entrances stating the photography policy.
- The photography and media policy will be communicated with volunteers during training.

CITY REQUEST

Lake Bluff Park

- Use of Lake Bluff Park (including sidewalks & tree lawn) north of Broad Street and south of Broad Street. Public access from Broad Street to the stairs & ramp leading to Silver Beach County Park will be maintained.
- Close Broad Street at State Street to Lake Blvd to host the Farmer's Market as part of the event. We will keep the alleyway open with this set up. (Requested by St. Joseph Today)
- No pets, bikes, skateboards, scooters, cigarettes etc. within Lake Bluff Park with the exception of the space leading from Broad Street to the stairs & ramp. (City ordinance)
- When possible, remove swings in Lake Bluff Park, etc. prior to the art fair.
- We welcome permitted food vendors to operate during the event. However, we would like to request that vendors be located outside of the gated event space.
- Keep Lake Bluff Park closed during evening hours/outside of event hours.
- Lake Bluff closed while the artists are tearing down from the event on Sunday evening. (Barricaded across the sidewalk at the entrances) Additionally, we would like to barricade the sidewalks before we open each morning and after the event closes each day for safety and security purposes.

Public Safety Needs/Requests

Please note: Krasl Art Center staff and volunteers have already been meeting and working with Chief Steve Neubecker regarding the safety plan for 2025. It will be adjusted due to the terrorist attack in New Orleans.

- We request that Public Safety Officers patrol Lake Bluff Park during the event on Friday, Saturday and Sunday. Provide public safety officers within the art fair during

- public hours.
- Provide public safety officers at Broad & Lake, Park & Lake, and Ship & Lake during take down on Sunday, 5 pm - 8 pm. (Public Safety team to determine when it is safe to reopen the street.)
- City Public Safety escort of artists from offsite (tentatively Hilltop Drive) location to Park Street & Lake Blvd beginning Friday, 1 pm

Street Closure, Parking and Traffic

- The following city streets closed to vehicular traffic from Friday, 8 am until Sunday, 8 pm
 - Lake Boulevard from Park Street to Port Street including east tree lawn.
 - Pearl, Elm, Broad & Pleasant Streets at Lake Blvd.
 - *An emergency vehicle route along Broad Street (min. 15' lane) & Lake Blvd will be maintained.
 - The alley between State Street & Lake Blvd at the 700 Block.
- Closure of the north lane of Park Street from State Street to Lake Blvd from noon-10 pm Friday, July 11, 2025.
- Lake Blvd will support one way (south to north) traffic for Art Fair artists only from setup on Friday and through take down on Sunday.
- Restrict parking for Event Only (handicapped, artists & vendors) in lots 1, 3, 5, and 6 from Friday, July 11 - Sunday, July 13.
 - We will open the lots in the evenings:
 - Friday, July 11th-8:00 p.m. until 5:00 a.m. on Saturday, July 12th
 - Saturday, July 12th-7:00 p.m. until 5:00 a.m. on Sunday, July 14th
 - Sunday, July 13th-Lots would open at 2:00 p.m.
- For safety purposes, we would like to request keeping Lake Blvd closed until 8:00 p.m. on Sunday, July 13th. (Public Safety team to determine when it is safe to reopen the street.)

Utilities

- Use of electrical outlets throughout Lake Bluff Park, near restrooms at the top of the stairs, and on lamp posts along Broad Street.
- Remove trash along the alley from Park Street to Pearl Street between Saturday evening and Sunday, 9 am

Signage

- A variety of signs will be located in and along Lake Bluff Park and Lake Boulevard. These include wayfinding, admission, sponsor recognition, etc. These signs will be placed by KAC staff and volunteers. We will work with the City staff on placement of the signs.

Staff Review and Comments

Special Event: Krasl Art Fair on the Bluff

Date: July 11th thru July 13th

Department	Recommendation	Comments
Public Works	Approve	
Public Safety	Approve	Will meet with Krasl before event to discuss parking and traffic flow patterns. Will also discuss beach congestion and the impacts that may have on the staging/traffic flow for this event.
Community Development	Approve	
City Engineer	Approve	
City Clerk	Approve	
St. Joe Today	Approve	For the farmers market, SJT is requesting use of the parking lot on the north side of Curious Kids Museum and the south parking spots of the lot directly behind Jimmy Johns for vendor parking.

Additional Comments:

Insurance Policy Received? **Yes** No

If no, date by which Insurance Policy must be Received (minimum of 30 days before event):

Attachment: Staff Review and Comments (10361 : Krasl Art Fair on the Bluff)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Kristen Gundersen, Community Development Director

RE: Zoning Ordinance Amendment - Sections 4.6.3, 4.6.4 and 11.12.22 - Allow Medium/Heavy Social Institutions as a permitted use in the CO Districts on the street level/first floor - Curious Kids' Museum - Second/Final Reading

MEETING DATE: February 3, 2025

Background Information/Request

Curious Kids' Museum is requesting approval of amendments to Sections 4.6.3 – Table 4-1, 4.6.4 – Table 4-2 and Section 11.12.22 of the zoning ordinance as it relates to “medium/heavy” Social Institutions in the CO Commercial Office Districts. At the present time, “medium/heavy” Social Institutions are considered a conditional use in the CO and D Districts when not located on the street level/first floor. The proposed amendment would allow “medium/heavy” Social Institutions as a permitted use similar to the C Commercial Business and I-1 Light Industrial Districts on the street level/first floor.

Curious Kids' Museum ("CKM") is looking at expanding into the vacant building at 601 Main Street which previously housed the Heritage Museum and Cultural Center, located in the CO-A Commercial Office District.

City staff reviewed the property file for 601 Main Street. No special land use approvals were found and staff concluded the proposed new use could not fall under Article XXI Nonconforming Uses as the nonconformity shall not be enlarged, expanded or extended, including extension of hours of operation, unless the change is in compliance with all requirements of the ordinance.

Planning Commission Recommendation

On January 2, 2025, the Planning Commission conducted a public hearing where the applicant explained the requested text amendment. The Commission deliberated about the request, discussed the location of other CO Commercial Office Districts which could now have “medium/heavy” Social Institutions on the street level/first floor of a building, the rationale behind not allowing Social Institution use on the street level/first floor in the Commercial Office District, and examples of potential Social Institutions. In addition, the Planning Commission discussed whether there were options that did not require a text amendment, such as rezoning the property to a Commercial district, whether it could be a planned unit development, and whether the applicant's use was considered a Public Building use requiring a special use permit.

No audience members spoke and the Planning Commission unanimously recommended approval of the proposed changes to the zoning ordinances as presented by a vote of 7-0.

Code Provisions for Amendments

Article XXII Amendments provides the purpose, process and review factors to be reviewed when either a map (rezoning) or text amendment is proposed.

Below is Section 22.3 Factors to Consider on Rezoning. In reviewing any application for an amendment, the Planning Commission shall evaluate all factors relevant to the application. The Planning Commission may solicit information from public agencies or from individuals or firms with relevant experience. The factors to be considered shall include, but are not limited to, the following:

- . What conditions related to the application have changed since the Zoning Ordinance was adopted which justify the proposed amendment?
- . What are the possible precedential effects which might result from the approval or denial of the application?
- . What is the potential impact of the proposal on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?
- . Does the proposed amendment adversely affect environmental conditions, the character of, or the likely value of property?
- . Does the proposed District change comply with the adopted City Comprehensive Plan? (If not, and if the proposed amendment is reasonable in light of all other relevant factors, then the Comprehensive Plan should be amended before the proposed zoning amendment is approved.)
- . If a specific property is involved, can the property in question be put to a reasonable economic Use in the zoning District in which it is presently located?
- . Is another procedure, such as a Variance, Special Use, Planned Unit Development, or hardship Planned Unit Development a more appropriate alternative than the proposed amendment?

ACTION.

Attached is the draft adopting ordinance along with the redline version showing the changes as reviewed and approved by the City Commission during the January 13th meeting. Please refer back to the January 13th agenda packet for an excerpt of the January 2nd Planning Commission meeting and draft meeting minutes.

The City Commission is not required to conduct a public hearing on the proposed changes. Please consider the request as presented and review the criteria found in Section 22.3 Factors to Consider on Rezoning (the 7 factors are listed above). If approved, the Ordinance would become effective ten days later.

If the City Commission concurs with the Planning Commission's recommendation, the following motion can be used:

To approve the second/final reading of an Ordinance to amend Article IV, Sections 4.6.3 Table 4-1 and 4.6.4 Table 4-2 and Article XI, Section 11.12.22 as they relate to "medium/heavy" Social Institutions in the CO Commercial Office District in the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance.

ATTACHMENTS:

- Redline Draft Language CO District (PDF)
- Ordinance to Amend Social Institutions CO District (PDF)

**ZONING ORDINANCE AMENDMENT - SECTIONS 4.6.3, 4.6.4 AND 11.12.22 -
ALLOW MEDIUM/HEAVY SOCIAL INSTITUTIONS AS A PERMITTED USE IN
THE CO DISTRICTS ON THE STREET LEVEL/FIRST FLOOR - CURIOUS KIDS'
MUSEUM - SECOND/FINAL READING**

Sec. 4.6. Definitions of use classes and authorized uses.

4.6.3. *Use Classes, Definitions, and Examples of Uses Permitted.* Table 4-1 presents land use classes, definitions and examples of uses permitted.

Table 4-1

Classes, Definitions and Examples of Uses Permitted

USE CLASSES AND DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Social Institutions</p> <p>A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge. Social institutions may have offices, meeting, instruction, food preparation or serving areas, and athletic facilities as Accessory Uses.</p>	<p><u>Light/Office:</u> Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army that primarily use space for office operations.</p> <p><u>Medium/Heavy:</u> Centers for social activities such as neighborhood, community or senior centers. Military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly; soup kitchens.</p>	<p><u>Light/Office:</u> "P" in C, CO, I-1 "C" in D (not on street level/first floor) "PUD" in R1, R2, R3 (when use is not an office use)</p> <p><u>Medium/Heavy:</u> "P" in C, CO, I-1 "C" in CO, D (not on street level/first floor) "PUD" in R1, R2, R3 (when the use is not an office use)</p>

Attachment: Redline Draft Language CO District (10446 : Zoning Ordinance Amendment - Sections 4.6.3, 4.6.4 and 11.12.22)

4.6.4. Authorized Uses Table. Table 4-2 presents land uses and use classes permitted by district and the type of approval required.

Table 4-2

City of St. Joseph Authorized Uses

Land Uses: Principal by Use Category	R1	R2	R3	CO	D	C	I1	I2	OS	W
PUBLIC/SEMI-PUBLIC USES										
Public Buildings, City-Owned	P	P	P	P	P	P	P	P	P	P
Public Buildings, Owned by other than the City of St. Joseph	S	S	S	S	S	S	S	S	S	PUD
Educational Institutions	C	C	C							
Essential Services	P	P	P	P	P	P	P	P	P	P
Facilities for the Dead	C	C	C			C	C	C		
Medical Service Establishments, Small				C	C	P				
Medical Service Establishments, Large	PUD	PUD	PUD			S				
Parking Facilities				P	C	P	P	P		PUD
Religious Institutions	C	C	C	C	C	C	C	C		C
Social Institutions, Light/Office	PUD ⁹	PUD ⁹	PUD ⁹	P	C	P	P			
Social Institutions, Medium/Heavy	PUD ⁹	PUD ⁹	PUD ⁹	C	C	P	P			
Social Institutions				C	C	P	P			
Utility and Public Service Installations, Heavy							P			
Utility and Public Service Installations, Light	S	S	S	S	S	S	P	S	S	S

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2. PUD = Planned Unit Development, see Article XIII.

Reference Notes:

- 1—Garages and sheds must be located off the alley.
- 2—Permitted only in the rear yard.
- 3—Not permitted in any front yard or secondary front yard.
- 4—Not permitted in side yard facing a residential district, even if across the street.
- 5—Must be screened from adjacent residential properties.
- 6—Off-street parking in the D Downtown District not owned or operated by the city is a conditional use, under the same requirements as parking facilities (see 11.12.15).
- 7—The residential dwelling unit must be authorized under this ordinance, or a nonconformity; the special use allows the short-term rental use of that dwelling unit.
- 8—The residential dwelling unit must be authorized under this ordinance, or a nonconformity; the conditional use allows the short-term rental use of that dwelling unit.
- 9—When the use is not an office use.

(Ord. of 9-12-16(1), §§ 1—5; Ord. of 11-14-16(1), §§ 1, 2; Ord. of 1-22-18(1), §§ 1—4; Ord. No. 2022-5, §§ 6, 7, 3-28-22; Ord. No. 2024-1, § 1, 1-8-24)

(Supp. No. 13)

Sec. 11.12. - Standards for special and conditional uses.

The following standards apply to special and conditional uses permitted in this ordinance, in addition to any other applicable standard or regulation:

11.12.22. *Social Institutions.* Social institutions, light/office, are permitted as a conditional use in the D Downtown District so long as such uses are not located at street level or on the first floor of a building. Social institutions, medium/heavy, are permitted as a conditional use in the ~~CO Commercial Office and~~ D Downtown districts so long as such uses are not located at street level or on the first floor of a building.

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
THE CITY OF ST. JOSEPH, MICHIGAN**

THE CITY OF ST. JOSEPH ORDAINS that the City of St. Joseph Zoning Ordinance adopted by Chapter 33 of the City of St. Joseph Code of Ordinances and codified as Appendix A is hereby amended as follows:

1. **Article IV. “Official Zoning Map, Zoning Districts and Authorized Uses” Sec. 4.6.3 “Use Classes, Definitions, and Examples of Uses Permitted,” Table 4-1, Use Classes and Definitions “Social Institutions,” is amended to allow Social Institutions, Medium/Heavy, as a Permitted Use in the CO District, and shall now read as follows:**

USE CLASSES AND DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p>Social Institutions A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge. Social institutions may have offices, meeting, instruction, food preparation or serving areas, and athletic facilities as Accessory Uses.</p>	<p><u>Light/Office:</u> Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army that primarily use space for office operations. <u>Medium/Heavy:</u> Centers for social activities such as neighborhood, community or senior centers. Military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly; soup kitchens.</p>	<p><u>Light/Office:</u> "P" in C, CO, I-1 "C" in D (not on street level/first floor) "PUD" in R1, R2, R3 (when use is not an office use) <u>Medium/Heavy:</u> "P" in C, CO, I-1 "C" in D (not on street level/first floor) "PUD" in R1, R2, R3 (when the use is not an office use)</p>

Attachment: Ordinance to Amend Social Institutions CO District (10446 : Zoning Ordinance Amendment - Sections 4.6.3, 4.6.4 and 11.12.22)

2. Article IV. “Official Zoning Map, Zoning Districts and Authorized Uses” Sec. 4.6.4 “Authorized Uses Table, Table 4-2” is amended to allow Social Institutions, Medium/Heavy, as a Permitted Use in the CO District, and shall now read as follows:

Land Uses: Principal by Use Category	R1	R2	R3	CO	D	C	I1	I2	OS	W
PUBLIC/SEMI-PUBLIC USES										
Public Buildings, City-Owned	P	P	P	P	P	P	P	P	P	P
Public Buildings, Owned by other than the City of St. Joseph	S	S	S	S	S	S	S	S	S	PUD
Educational Institutions	C	C	C							
Essential Services	P	P	P	P	P	P	P	P	P	P
Facilities for the Dead	C	C	C			C	C	C		
Medical Service Establishments, Small				C	C	P				
Medical Service Establishments, Large	PUD	PUD	PUD			S				
Parking Facilities				P	C	P	P	P		PUD
Religious Institutions	C	C	C	C	C	C	C	C		C
Social Institutions, Light/Office	PUD ⁹	PUD ⁹	PUD ⁹	P	C	P	P			
Social Institutions, Medium/Heavy	PUD ⁹	PUD ⁹	PUD ⁹	P	C	P	P			
Social Institutions				C	C	P	P			
Utility and Public Service Installations, Heavy							P			
Utility and Public Service Installations, Light	S	S	S	S	S	S	P	S	S	S

C= Conditional Use; P = Permitted Use; and S = Special Use; see Section 4.4.2. PUD = Planned Unit Development, see Article XIII.

Reference Notes:

- 1—Garages and sheds must be located off the alley.
- 2—Permitted only in the rear yard.
- 3—Not permitted in any front yard or secondary front yard.
- 4—Not permitted in side yard facing a residential district, even if across the street.
- 5—Must be screened from adjacent residential properties.
- 6—Off-street parking in the D Downtown District not owned or operated by the city is a conditional use, under the same requirements as parking facilities (see 11.12.15).
- 7—The residential dwelling unit must be authorized under this ordinance, or a nonconformity; the special use allows the short-term rental use of that dwelling unit.
- 8—The residential dwelling unit must be authorized under this ordinance, or a nonconformity; the conditional use allows the short-term rental use of that dwelling unit.
- 9—When the use is not an office use.

3. Article XI. “Special and Conditional Use Regulations” Sec. 11.12.22 “Social Institutions” is amended to allow Social Institutions, Medium/Heavy, as a Permitted Use in the CO District, and shall now read as follows:

11.12.22. *Social Institutions.* Social institutions, light/office, are permitted as a conditional use in the D Downtown District so long as such uses are not located at street level or on the first floor of a building. Social institutions, medium/heavy, are permitted as a conditional use in the D Downtown District so long as such uses are not located at street level or on the first floor of a building.

All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect.

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

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Kristen Gundersen, Community Development Director

RE: Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage, Landscaping, Planter boxes and Retaining walls - Final Reading

MEETING DATE: February 3, 2025

On November 18, 2024, the City Commission approved the first reading of an ordinance to amend the zoning ordinance by a vote of 4-1 as it relates to Landscaping, Planter boxes, Retaining walls, Lot coverage and addressing use of the terms “yard”, “setback”, “area” and “lot coverage”. The City Commission heard comments from a resident expressing concern that changing the definition of Lot coverage to include items such as decks and stairs that are 6” or more above grade would make it difficult for property owners to improve their properties and the Zoning Board of Appeals reviews many Lot coverage requests.

Upon further review of the draft ordinance from the November meeting, the language found in the draft adopting ordinance under #3. - 3.9.3.E.1 regarding placement of major planter boxes was unclear. As such, staff has made changes to 3.9.3.E.1 clarifying that major planter boxes can be located in the front or second front yard when located outside of the required setback. An example would be a home located in the R1-A Single-Family Residence District and being 40' from the front lot line could have a 4' tall planter box behind the required 30' front building setback line.

Staff explained there are conflicts in the existing zoning ordinance with references to decks and steps 6” above grade counting toward Lot coverage but this language was not included in the definition of Lot coverage. The previous zoning administrator had made the interpretation that Lot coverage included items such as decks and steps that are 6” or more above grade. The Planning Commission received information in June 2015 that an amendment should be made to the zoning ordinance to address the language conflicts and the Commission agreed. Attached is an excerpt from the October 3, 2024 Planning Commission packet where Lot coverage information was provided.

During the November 18th City Commission meeting, staff was asked to research the number of lot coverage variance requests that have been made over the years. Attached is information regarding variation requests associated with Lot coverage along with photographs of planter boxes and retaining walls that were included in the May 2024 Planning Commission packet to show the differences.

History

In May 2024, the Planning Commission received a request from the Zoning Board of Appeals (ZBA) to review and discuss options available to address landscaping items such as planter boxes and retaining walls following an appeals/interpretation regarding a 51” tall structure placed on the front lot line that was

not considered a fence and was not an expansion of the dwelling. The ZBA concluded the 51” tall structure could remain as it was landscaping and the zoning ordinance has no definitions or regulations pertaining to landscaping items such as planter beds or retaining walls.

After reviewing research completed by staff, direction was provided regarding draft language to amend the zoning ordinance. The Planning Commission concluded that definitions were needed to reference Landscaping, two types of Planter boxes and two types of Retaining walls. Planter boxes have increased in popularity in the past few years and are now found in the front yards, a maximum height of 2’ was determined appropriate. Planter boxes being 2’ to 4’ can be located in the side and rear yards. Retaining walls are necessary in many places to hold back natural grade, they are allowed to be constructed on the lot lines, however, the Michigan Building Code requires a permit to be issued for walls greater than 4’, thus the reason behind major and minor retaining walls.

As review of draft language took place, staff was also directed to correct: 1) definition of Lot coverage to be in keeping with long standing interpretation that includes decks and stairs 6” or more above grade (other sections within the zoning ordinance included this reference); 2) Section 3.9.3.B, C, D to properly reference “yard” and “setback” which were used interchangeably and not in keeping with defined terms; 3) Section 3.9.7.A and B corrected term “area” with defined term of “lot coverage”; and 4) Section 3.10.A, B and C properly reference yard and setback which were used interchangeably and not in keeping with defined terms and changed “handicap and infirm” to “persons with disabilities”.

On November 7, 2024, the Planning Commission conducted a public hearing and heard no audience comments, they recommended approval of the request by a vote of 5-1. Within Table 3.1 of the 2016 Master Plan and under “Community and Place” under the objective of “Define the unique elements of each neighborhood” there is an action item stating “ensure definitions in the zoning ordinance are consistent with conditions in neighborhoods and are appropriate to the desired characteristics of the community.” The proposed changes will help to clarify established regulations and to help eliminate confusion regarding the use of landscaping items such as garden boxes and retaining walls.

EXISTING AND PROPOSED REGULATIONS AND CONDITIONS

Attached is redline version of the proposed amendment to the Zoning Ordinance along with a final version in an ordinance format for the City Commission.

Ordinance Regulations.

Article XXII Amendments provides the purpose, process and review factors to be reviewed when either a map (rezoning) or text amendment is proposed.

Below is Section 22.3 Factors to Consider on Rezoning: In reviewing any application for an amendment, the Planning Commission shall evaluate all factors relevant to the application. The Planning Commission may solicit information from public agencies or from individuals or firms with relevant experience. The factors to be considered shall include, but are not limited to, the following:

- . What conditions related to the application have changed since the Zoning Ordinance was adopted which justify the proposed amendment?
- . What are the possible precedential effects which might result from the approval or denial of the application?
- . What is the potential impact of the proposal on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?
- . Does the proposed amendment adversely affect environmental conditions, the character of, or the likely value of property?

- . Does the proposed District change comply with the adopted City Comprehensive Plan? (If not, and if the proposed amendment is reasonable in light of all other relevant factors, then the Comprehensive Plan should be amended before the proposed zoning amendment is approved.)
- . If a specific property is involved, can the property in question be put to a reasonable economic Use in the zoning District in which it is presently located?
- . Is another procedure, such as a Variance, Special Use, Planned Unit Development, or hardship Planned Unit Development a more appropriate alternative than the proposed amendment?

ACTION.

No public hearing is required. Consider the request as presented and review the criteria found in Section 22.3 Factors to Consider on Rezoning's (the 7 factors are listed above can also be used to review text amendments). If needed the November 18th City Commission agenda packet can be reviewed as it includes Planning Commission meeting minutes from May 2nd, June 6th, July 2nd, September 5th, October 3rd and an excerpt from the November 7th agenda packet with staff memorandum, application, supplemental information and draft minutes. The full agenda packets are available on the city's website. If approved the ordinance becomes effective ten days later.

If the City Commission concurs with the Planning Commission the following motion is appropriate.

To approve the second and final reading of an Ordinance to amend Article II, Section 2.3 Definitions", Article III, Sections 3.9 Accessory uses and structures 3.9.3 Location in Required Setbacks and 3.9.7 Porches and Decks and Section 3.10 Projections in yards as it relates to Lot coverage, Landscaping, Planter boxes and Retaining walls while correcting the use of the terms Yards and Setbacks in the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance.

ATTACHMENTS:

- Ordinance to Amend Landscaping Definitions-Retaining Wall 12092024 FINAL. margin fix (PDF)
- Ordinance to Amend Landscaping Definitions-Retaining Wall 12092024 REDLINE (PDF)
- Excerpt - 10032024 - October 3 PC Packet - Lot coverage discussion (PDF)
- ZBA Summary 2008- 2024 Lot Coverage and Rear Yard Coverage Requests (PDF)
- Planter Box Examples (PDF)
- Retaining Wall Examples (PDF)
- Ordinance to Amend Landscaping Definitions-Retaining Wall 12092024 FINAL. (PDF)

**ZONING ORDINANCE TEXT AMENDMENT - SECTIONS 2.3, 3.9.3, 3.9.7 AND
3.10 - LOT COVERAGE, LANDSCAPING, PLANTER BOXES AND RETAINING
WALLS - FINAL READING**

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**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF ST. JOSEPH, MICHIGAN**

THE CITY OF ST. JOSEPH ORDAINS that the City of St. Joseph Zoning Ordinance adopted by Chapter 33 of the City of St. Joseph Code of Ordinances and codified as Appendix A is hereby amended as follows:

1. Article II. “Definitions” Sec. 2.3 is amended to revise the definitions of fence, living fence, protective measures fence, and lot coverage, which shall now read as follows:

Fence means a free-standing unroofed structure erected in such a manner and in such a location as to a enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a lot, and including any gates appurtenant to that fence. A fence may be of open or solid construction, and includes free-standing walls. A living fence, planter box, or retaining wall is not a fence.

Living fence means a grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.

Protective measures fence means a fence meeting the requirements of a protective measures fence as described in Chapter 12 of the Code of Ordinances.

Lot coverage means the amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall include all buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) structures such as porches, arbors, and breezeways, and open, unenclosed, and uncovered porches or decks six inches or more above finished grade. Lot coverage shall not include fences, walls, planter boxes, retaining walls, or swimming pools, or uncovered parking lots. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

2. Article II. “Definitions” Sec. 2.3 is amended to add the following definitions:

Landscaping means the improvements made to a lot outside of the principal building(s) typically of landscape materials consisting of either hardscape or softscape elements. It does not include a driveway or parking area.

Hardscape elements means the improvements to a lot with landscape materials such as paved patio areas, planter boxes, retaining walls, stairs not required for egress, walkways, and any other landscaping made up of hard wearing materials such as wood, stone, and concrete.

Softscape elements means the improvements to a lot with horticultural elements such as flowering plants, grass, shrubs, trees, and other vegetation. Softscape elements may include earthen berms, and other natural objects.

Planter box means a landscaping feature that is a free-standing uncovered structure constructed of hardscape elements rising above existing ground level to form a border or container for softscape elements. A planter box is either a major or a minor planter

box. A planter box may also be referred to as a garden wall or garden bed.

Major planter box means a planter box more than two feet in height up to a maximum of four feet in height when measured from existing grade to the highest point.

Minor planter box means a planter box two feet or less in height when measured from existing grade to the highest point.

Retaining wall means a structure designed to restrain the existing natural grade of land or changes to grade associated with the mass grading of a parcel where the soil slope would not naturally keep due to a steep, near-vertical or vertical slope. A retaining wall is either a major or a minor retaining wall.

Major retaining wall means a retaining wall more than four feet in height when measured from existing grade to the highest point and requires a building permit.

Minor retaining wall means a retaining wall four feet or less in height when measured from existing grade to the highest point.

3. Article III. “General Provisions” Sec. 3.9.3 “Accessory uses and structures” “Locations in Required Setbacks” is amended to read as follows:

3.9.3. Location in Yards and Required Setbacks

- A. Accessory structures, except for fences, trellises not more than eight feet in height, and arbors not more than ten feet in height, may not be located in the front yard or secondary front yard. The total width of trellises and arbors exempt under this section may not total more than 25 percent of the width of the principal structure on the lot.
- B. Accessory structures not more than 14 feet in height may be located in the rear yard and required setback if they do not occupy more than 33 percent of the actual rear yard and are located at least five feet from any lot line. Except, in those instances where the rear lot line is coterminous with an alley right-of-way, the accessory structure may be as close as one foot to such rear lot line.
- C. Mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps may only be located in rear or side yards if they are located at least three feet from rear and side lot lines.
- D. Fences as permitted by Chapter 12 of the Code of Ordinances, may be located in any yard and within a required setback.
- E. Planter boxes
 1. Major planter boxes may be located in the side and rear yards and within required side and rear setbacks, they may be located in the front or secondary front yards when located outside of the required setbacks.
 2. Minor planter boxes may be located in any yard and within a required setback.
- F. Retaining walls, both major and minor, may be located in any yard and within a required setback.

4. Article III. “General Provisions” Sec. 3.9.7 “Accessory uses and structures” “Porches and Decks” subsections A. and B. are amended to read as follows:

- A. All enclosed porches proposed to be constructed and all existing open porches, decks or patios that are proposed to be enclosed shall meet the setback and lot coverage requirements of this ordinance.
- B. An open, unenclosed and uncovered porch or deck six inches or more above finished grade shall meet the setback and lot coverage requirements of the district for a principal building if connected to, touching, or adjacent to and accessed from the principal building; see Section 3.10 for exceptions. Otherwise, the porch or deck shall meet the yard and lot coverage requirements for an accessory structure.

5. Article III. “General Provisions” Sec. 3.10 “Projections in yards” is amended to read as follows:

Sec. 3.10. – Projections in required setbacks.

- A. For existing structures, ramps to accommodate wheelchairs and/or related devices to assist persons with disabilities may project into a required setback of any district, provided an application for a zoning permit is filed with the zoning administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered within any setback. For new structures, ramps must meet all setback requirements. In either case, ramps must meet the requirements imposed by all applicable federal, state and local regulations.
- B. Self-supporting awnings in residential districts may project into a required setback no more than three feet and in commercial or industrial districts no more than five feet. Awnings shall be at least eight feet above grade at every point.
- C. In R-1 Single Family and R-2 Two Family Residential Districts, an exterior open, unenclosed and uncovered stairway, which may include a covered or uncovered stair landing, that extends from an exterior wall of a principal structure or from the exterior floor edge of an unenclosed porch that is attached to a principal structure, may project into a front setback or secondary front setback subject to the following conditions:
 - a. The stairway and landing may project to the minimum extent required by the Residential Building Code but in no case more than six feet in length nor more than eight feet in width, including handrails or guardrails and support structures.
 - b. In R1-A and R1-B Single Family Residential Zoning Districts, the stairway may be no closer than 15 feet from the front or secondary front lot line.
 - c. In R1-C, R1-D, and R1-E Single Family and R-2 Two Family Residential Districts, the stairway may be no closer than one foot from the front or secondary front lot line.

All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect.

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

Ordinance to Amend ZO_Landscaping12092024Final

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
THE CITY OF ST. JOSEPH, MICHIGAN**

THE CITY OF ST. JOSEPH ORDAINS that the City of St. Joseph Zoning Ordinance adopted by Chapter 33 of the City of St. Joseph Code of Ordinances and codified as Appendix A is hereby amended as follows:

1. Article II. “Definitions” Sec. 2.3 is amended to revise the definitions of fence, living fence, protective measures fence, and lot coverage, which shall now read as follows:

Fence means a free-standing unroofed structure erected in such a manner and in such a location as to a enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a lot, and including any gates appurtenant to that fence. A fence may be of open or solid construction, and includes free-standing walls. A living fence, planter box, or retaining wall is not a fence.

Living fence means a grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.

Protective measures fence means a fence meeting the requirements of a protective measures fence as described in Chapter 12 of the Code of Ordinances.

Lot coverage means the amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall include all buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) structures such as porches, arbors, and breezeways, and open, unenclosed, and uncovered porches or decks six inches or more above finished grade. Lot coverage shall not include fences, walls, planter boxes, retaining walls, or swimming pools, or uncovered parking lots. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

2. Article II. “Definitions” Sec. 2.3 is amended to add the following definitions:

Landscaping means the improvements made to a lot outside of the principal building(s) typically of landscape materials consisting of either hardscape or softscape elements. It does not include a driveway or parking area.

Hardscape elements means the improvements to a lot with landscape materials such as paved patio areas, planter boxes, retaining walls, stairs not required for egress, walkways, and any other landscaping made up of hard wearing materials such as wood, stone, and concrete.

Softscape elements means the improvements to a lot with horticultural elements such as flowering plants, grass, shrubs, trees, and other vegetation. Softscape elements may include earthen berms, and other natural objects.

Planter box means a landscaping feature that is a free-standing uncovered structure constructed of hardscape elements rising above existing ground level to form a border or

container for softscape elements. A planter box is either a major or a minor planter box. A planter box may also be referred to as a garden wall or garden bed.

Major planter box means a planter box more than two feet in height up to a maximum of four feet in height when measured from existing grade to the highest point.

Minor planter box means a planter box two feet or less in height when measured from existing grade to the highest point.

Retaining wall means a structure designed to restrain the existing natural grade of land or changes to grade associated with the mass grading of a parcel where the soil slope would not naturally keep due to a steep, near-vertical or vertical slope. A retaining wall is either a major or a minor retaining wall.

Major retaining wall means a retaining wall more than four feet in height when measured from existing grade to the highest point and requires a building permit.

Minor retaining wall means a retaining wall four feet or less in height when measured from existing grade to the highest point.

3. Article III. “General Provisions” Sec. 3.9.3 “Accessory uses and structures” “Locations in Required Setbacks” is amended to read as follows:

3.9.3. Location in Yards and Required Setbacks

- A. Accessory structures, except for fences, trellises not more than eight feet in height, and arbors not more than ten feet in height, may not be located in the front yard or secondary front yard. The total width of trellises and arbors exempt under this section may not total more than 25 percent of the width of the principal structure on the lot.
- B. Accessory structures not more than 14 feet in height may be located in the rear yard and required setback if they do not occupy more than 33 percent of the actual rear yard and are located at least five feet from any lot line. Except, in those instances where the rear lot line is coterminous with an alley right-of-way, the accessory structure may be as close as one foot to such rear lot line.
- C. Mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps may only be located in rear or side yards if they are located at least three feet from rear and side lot lines.
- D. Fences as permitted by Chapter 12 of the Code of Ordinances, may be located in any yard and within a required setback.
- E. Planter boxes
 1. Major planter boxes may be located in the side and rear yards and within required side and rear setbacks; ~~they are not allowed they may be located~~ in the front or secondary front yards ~~and must when located outside of the required comply with the required front and secondary front~~ setbacks.
 2. Minor planter boxes may be located in any yard and within a required setback.
- F. Retaining walls, both major and minor, may be located in any yard and within a required setback.

4. Article III. “General Provisions” Sec. 3.9.7 “Accessory uses and structures” “Porches and Decks” subsections A. and B. are amended to read as follows:

- A. All enclosed porches proposed to be constructed and all existing open porches, decks or patios that are proposed to be enclosed shall meet the setback and lot coverage requirements of this ordinance.
- B. An open, unenclosed and uncovered porch or deck six inches or more above finished grade shall meet the setback and lot coverage requirements of the district for a principal building if connected to, touching, or adjacent to and accessed from the principal building; see Section 3.10 for exceptions. Otherwise, the porch or deck shall meet the yard and lot coverage requirements for an accessory structure.

5. Article III. “General Provisions” Sec. 3.10 “Projections in yards” is amended to read as follows:

Sec. 3.10. – Projections in required setbacks.

- A. For existing structures, ramps to accommodate wheelchairs and/or related devices to assist persons with disabilities may project into a required setback of any district, provided an application for a zoning permit is filed with the zoning administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered within any setback. For new structures, ramps must meet all setback requirements. In either case, ramps must meet the requirements imposed by all applicable federal, state and local regulations.
- B. Self-supporting awnings in residential districts may project into a required setback no more than three feet and in commercial or industrial districts no more than five feet. Awnings shall be at least eight feet above grade at every point.
- C. In R-1 Single Family and R-2 Two Family Residential Districts, an exterior open, unenclosed and uncovered stairway, which may include a covered or uncovered stair landing, that extends from an exterior wall of a principal structure or from the exterior floor edge of an unenclosed porch that is attached to a principal structure, may project into a front setback or secondary front setback subject to the following conditions:
 - a. The stairway and landing may project to the minimum extent required by the Residential Building Code but in no case more than six feet in length nor more than eight feet in width, including handrails or guardrails and support structures.
 - b. In R1-A and R1-B Single Family Residential Zoning Districts, the stairway may be no closer than 15 feet from the front or secondary front lot line.
 - c. In R1-C, R1-D, and R1-E Single Family and R-2 Two Family Residential Districts, the stairway may be no closer than one foot from the front or secondary front lot line.

All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect.

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



St. Joseph Planning Commission
Commission Chambers
700 Broad Street, St Joseph, MI 49085

AGENDA
October 3, 2024
4:30 PM

Call to Order

Approval of September 5, 2024 Meeting Minutes

1. Regular Minutes of Thursday, September 05, 2024

Old Business

2. Continued Discussion #6 - Landscaping, Lot Coverage, Planter Boxes and Retaining Walls

New Business

3. Mechanical Equipment - Section 3.9.3.C of Zoning Ordinance - Discussion 1
4. Discussion - Future Zoning Ordinance Changes
5. Joint Meeting Rescheduled to October 28, 2024

Public Comments

Adjournment



Agenda Item

TO: Planning Commission

FROM: Kristen Gundersen, Community Development Director

RE: Continued Discussion #6 - Landscaping, Lot Coverage, Planter Boxes and Retaining Walls

MEETING DATE: October 3, 2024

History/Request

During the May 2nd meeting, staff introduced a request from the Zoning Board of Appeals regarding garden and retaining walls. Within the May Planning Commission packet examples of garden and retaining walls were provided along with examples of fence materials, please refer back to the supplemental information. The Commission had some discussion on the material provided and staff stated they would work on drafting language.

In addition, Mr. Ebbert requested that the April 11th ZBA packet with adopted meeting minutes be included in the June 6th PC packet along with the February 8th ZBA meeting minutes. Those three items were included as supplemental information.

No new information was available for the July 2nd meeting, however, the Planning Commission did discuss the topic and staff worked on revised draft language for the August 1st meeting. Due to case load, there was no discussion during the August 1st meeting.

Discussion

During the September 5th meeting, the Commission reviewed the draft language and concern was expressed regarding language related to landscaping, planter boxes and retaining walls. Below is a summary of the concerns with follow up on changes made. Attached is "Draft Text Amendment - Landscaping - planter box and retaining wall":

1. The use of two feet within the definitions associated with Planter box. *Staff modified and deleted language regarding the 2' reference. Consistency was added to the wording also found under Retaining wall;*
2. New language associated with planter boxes and retaining walls was added to Section 3.9.3. *Comments were made that the title of section references setbacks and the wording goes back and forth between setbacks and yards. Staff modified the title to include yards and standardized the language where appropriate to read "may be located in any and within a required setback" to clarify and maintain consistency.*
3. Section 3.10 referenced projections into yards. *To create consistency with the changes made to Section 3.9.3, Section 3.10 was modified with the term "yard" deleted and replaced with "required setbacks".*

As part of the proposed changes associated with planter boxes and retaining walls, the term “Lot coverage” needed to be modified. In addition, staff included clean up language associated with a long-standing interpretation regarding lot coverage which was brought to the Planning Commissions attention in June 2015. The June 4, 2015 Planning Commission meeting minutes include direction to staff to prepare an ordinance amendment to correct the conflict.

1. The September draft language included changes to the term Lot coverage based on the existing interpretation that stairs, decks and similar items 6” or more above grade count toward lot coverage. The Commission was unsure if stairs, decks and similar items 6” or more above grade should be counted toward lot coverage and directed staff to prepare two options for review and discussion.
 - a. Staff prepared Option 1 which includes draft changes in accordance with the long-standing interpretation that stairs, decks and similar items 6” or more above grade count toward lot coverage.
 - b. Option 2 was also prepared which would not count stairs, decks and similar items without a roof toward lot coverage.

It is staff’s opinion that the definition of Lot coverage needs to be updated in accordance with the long-standing interpretation that stairs, decks and similar items 6” or more above grade are counted toward lot coverage. Following are some reasons why Lot coverage is regulated in the zoning ordinance and 6” or more above grade has been used for stairs, decks and similar unroofed structures:

- a. Section 1.2.1 General Purposes as found in the zoning ordinance includes: 1) promote the public health, safety and general welfare; 2) to provide adequate light and air...; 10) to reduce hazards to life and property due to fire...
- b. Limits the intensity of the use of a property by controlling the amount of mass or bulk on a property and helping to ensure the property does not become overly congested.
- c. Preserves open space for landscaping, recreation and drainage.
- d. Helps to ensure that buildings do not overshadow each other, allowing for adequate sunlight and ventilation.
- e. Help to maintain aesthetic appeal.
- f. Can help protect property values by ensuring a consistent and desirable outcome on a property.
- g. Can preserve views and visual access to the sky, and enhance privacy for residents that are adjacent to new development.
- h. Typically, concrete or paver patios are flush with the ground and contribute to building mass or bulk, thus giving the appearance of an open area.
- i. Review of the definition “Structure means anything fabricated, constructed or erected, the Use of which requires fixation or placement in, on or attachment to something having location of the ground including, but not limited to, all buildings, independently supported decks...” Depending on the type of structure (principal or accessory) there are established setbacks, separation distances and Lot coverage requirements. Typically, structures require a permit to be submitted for review prior to issuance and construction taking place. This allows city staff the opportunity to review and later inspect the structure for safety.

Attached are four examples of initial requests by property owners that had to be modified based on the current interpretation that stairs, decks and similar items 6" or more above grade count toward Lot coverage. Following is a summary of the information provided on the drawings:

1. Example 1 - R1-E zoning. The example depicts a proposed deck being 28'6" x 21' located between the dwelling and detached garage. This request was not approved by city staff.
 - a. 4,356 sq foot parcel
 - b. maximum lot coverage allowed (45%) 1,960 sf
 - i. existing front porch 135 sf
 - ii. existing house 1,176 sf
 - iii. existing detached garage 504 sf
 1. TOTAL Existing lot coverage 1,815 (41.7%)
 - iv. Proposed deck 599 sf
 1. GRAND TOTAL Proposed lot coverage 2,414 sf (55.4%)

2. Example 2 - R1-E zoning. The property was recently demolished, the photograph shows the placement of a raised deck and how it increases lot coverage.
 - a. 4,356 sq foot parcel
 - b. maximum lot coverage allowed (45%) 1,960 sf
 - i. existing house 1,375 sf
 - ii. existing detached garage 504 sf
 - iii. raised deck 348 sf
 1. GRAND TOTAL Existing lot coverage 2,363 sf (54.2%)

3. Example 3 - R1-E zoning. While example complies with lot coverage requirements, the photograph depicts a raised deck that is adjacent to the dwelling with an overall height of 14'. The original request was to have the raised deck be attached to the accessory garage.
 - a. 8,784 sq foot parcel
 - b. maximum lot coverage allowed (45%) 3,952 sf
 - i. existing house 1,562 sf
 - ii. existing detached garage 672 sf
 - iii. raised deck (overall height 14') 176 sf
 1. GRAND TOTAL Existing lot coverage 2,410 sf (27.4%)

4. Example 4 - R1-A/PUD zoning. Example includes a pergola which is counted toward lot coverage however the picture can help show how a raised deck with no pergola would change the area (paver brick removed).
 - a. 9,811 sq foot parcel
 - b. maximum lot coverage allowed (35%) 3,433 sf
 - i. existing house 3,740 sf
 - ii. pergola 302 sf
 - GRAND TOTAL Existing lot coverage 4,042 sf (41.2%)

Staff also quickly reviewed just under 100 properties that requested action before the Zoning Board of Appeals since January 2008. The actual number of individual requests were not tabulated. There have been approximately 4 properties that requested variances to increase lot coverage associated with a deck. In some cases, the property also needed building setback variances to be granted to allow the deck to be allowed, requests for setbacks were not counted.

Other requests made were associated with stairs, decks and similar items 6" above grade. Please remember that the zoning ordinance was amended to allow stairs and landings to encroach into the

required front and secondary front setbacks in early 2022, there were no changes to Lot coverage calculations. To date 28 properties have been able to utilize the 2022 amendment for encroachment while complying with the maximum Lot coverage requirements.

Discussion

Attached are the draft amendments as discussed above. Review and discuss the draft language associated with planter boxes and retaining walls and direct staff to make changes. Review and discuss the two options provided associated with the definition of Lot coverage and direct staff to make necessary changes.

The Commission should direct staff on any proposed changes necessary so the discussion can continue or a public hearing can be scheduled for the November 7th meeting.

ATTACHMENTS:

- Draft Text Amendment -Landscaping - planter box retaining wall - 10032024 PC meeting (PDF)
- Lot Coverage Issue - Hodgson Memo to PC - 06032015 with meeting minutes (PDF)
- Draft Text Amendment -Lot coverage - 2 options - 10032024 PC meeting (PDF)
- 4 Examples Lot Coverage - Inspection Department (PDF)



Memorandum

To: St. Joseph Planning Commission

CC: Zoning and Inspection Staff
Laurie Schmidt, City Attorney

From: John Hodgson, Assistant City Manager

Date: June 3, 2015

Subject: Ordinance Inconsistency – Uncovered Decks

An applicant for a zoning variance brought to staff's attention an apparent inconsistency in the ordinance, regarding open, uncovered decks.

The applicant pointed to the following definitions in particular:

Deck: An unroofed Structure used for outdoor living purposes which may or may not be attached to a Building and which is more than six (6) inches above the Finished Grade.

Lot Coverage: The amount of a Lot, stated in terms of percentage, that is covered by all Buildings and/or Structures located thereon. This shall include all Buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) Structures such as Porches, arbors, breezeways, but shall not include Fences, walls, or hedges used as Fences, unroofed Structures such as Decks, patios, Swimming Pools, or uncovered parking lots. Lot Coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

The applicant indicated that based on these two definitions, an open, unroofed deck should not have to be counted toward lot coverage.

However, see the following:

3.9.7 Porches and Decks:

- A. All enclosed Porches proposed to be constructed and all existing open Porches, Decks or patios that are proposed to be enclosed shall meet the Setback and area requirements of this Ordinance.
- B. An open, unenclosed and uncovered Porch or Deck six (6) inches or more above Finished Grade shall meet the Setback and area requirements of the District for a Principal Building if connected to, touching or adjacent to and accessed from the Principal Building; see Section 3.10 for exceptions. Otherwise the Porch or Deck shall meet the Yard and area requirements for an Accessory Structure.
- C. Paved terraces, patios and unenclosed, uncovered Porches and Decks shall not be subject to Yard requirements, provided that all of the following conditions are met:
 - 1. It is less than six (6) inches above the Finished Grade.
 - 2. The paved or Decked area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure that so link the paved or Decked area to the principal Building that an enclosed area is formed which appears functionally a part of the principal Building.
 - 3. No portion of any paved or Decked area is closer than three (3) feet from any Side or Rear Lot Line, except that if the Yard proposed to be encroached abuts a public street or approved Private Road, the Setback shall be observed.

The above section 3.9.7.B has consistently been enforced by staff and has been the subject of a number of variance requests. The applicant was directed to prepare the variance request as if 3.9.7.B is controlling but was free to point out the inconsistency to the ZBA.

The ZBA considered the situation and concluded that under the rules of construction, cited in part below, 3.9.7.B is more specific and therefore should be the controlling clause.

SECTION 2.2 RULES OF CONSTRUCTION

The following rules of construction apply to the text, tables and illustrations of this Ordinance:

- A. The particular shall control the general.

Nonetheless the ZBA wished this to be brought to the attention of the Planning Commission in the event the Planning Commission wishes to propose an ordinance amendment to clarify the situation.

I note for the sake of completeness that two additional sections of the ordinance refer to porches or decks; these may or may not be relevant to any future amendments.

Building Area or Building Footprint: The total horizontal area of the largest Story of the principal Building and all accessory Buildings, exclusive of uncovered Porches, terraces, patios and steps.

3.9.2 Building Coverage: The combined Footprint of all detached covered Accessory Structures, and all Porches or Decks six (6) inches or more above Finished Grade, may not exceed the Building Footprint of the Principal Building.

If the Planning Commission believes clarification is appropriate, it could direct staff to begin work on an ordinance amendment and to set a date for a public hearing. If the clarification is not time-sensitive, the ordinance amendment could be deferred until there is another ordinance amendment to be considered at the same time.

CITY OF ST. JOSEPH, MI
PLANNING COMMISSION
MINUTES

COMMISSION CHAMBERS

June 4, 2015
4:30 P.M.

MEMBERS PRESENT

K. Burczak
S. Ebbert
P. Hartzell, Chair
P. Maki
A. Miller
C. O'Malley-Septoski
J. Sanderson

MEMBERS ABSENT

B. Rice
(vacant)

STAFF PRESENT

C. Derringer, Chief
Building Official
J. Hodgson, Community
Development Director
L. Schmidt, City Attorney

The June 4, 2015 meeting of the St. Joseph City Planning Commission was called to order at 4:30 p.m. by Chair Hartzell, who introduced the sitting members of the Planning Commission.

MINUTES

Chair Hartzell stated that draft minutes of the May 7, 2015 meeting had been provided to members and asked if there were any additions, clarifications or corrections to the draft minutes. There being none, the minutes were unanimously approved as submitted by voice vote.

Chair Hartzell stated that draft minutes of the May 28, 2015 special meeting had been provided to members and asked if there were any additions, clarifications or corrections to the draft minutes. There being none, the minutes were unanimously approved as submitted by voice vote.

SIGN SPECIAL APPROVAL – 800 WHITWAM DRIVE

Chair Hartzell said the next order of business is consideration of special approval for a sign at 800 Whitwam Drive.

Mike Wood, Edgewater Resources, noted that he had in November 2014 been before the Planning Commission requesting special approval of the same sign for The Inn at Harbor Shores. The sign has not been installed. Upon further reflection and observation of the building, he would ask for a new approval of the same sign, 10' higher on the building. The previously requested height would not be visible from parts of M-63.

Mr. Wood showed several photographs of the structure and the proposed sign. He noted that the sign is backlit at night and would be very low illumination.

Mrs. Burczak said she had also taken photos of the property and was not certain the

Attorney Schmidt noted that although the discussion of R3 zoning stemmed for review of a particular development, the focus of the ordinance review should be on appropriate regulation of all R3 parcels, not on a single development.

OTHER BUSINESS

Chair Hartzell said there is one more item on the agenda, a discussion of an ordinance inconsistency.

Mr. Hodgson explained that during a recent variance request brought before the Zoning Board of Appeals, the applicant had noted that two sections of the ordinance appeared to be inconsistent. The definition of Lot Coverage indicated that "unroofed Structures such as Decks" are not included in the computation of Lot Coverage. However, Section 3.9.7.B indicates that an open Deck six inches or more above finished grade counts as a structure for setback and area purposes. He said this inconsistency had not previously been noted.

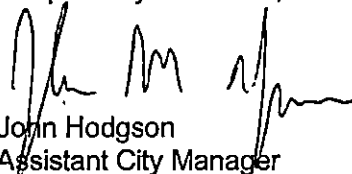
Staff has consistently relied on the 3.9.7.B language and considered elevated decks to be structures.

Mr. Hodgson said the Zoning Board of Appeals had asked that this inconsistency be brought to the attention of the Planning Commission. He said if the Planning Commission wished to address the issue he would propose fitting it in to a future zoning ordinance amendment. It did not appear to be an emergency that warranted the expense of public hearings and publication to address the issue immediately. Mr. Ebbert said he believes it is appropriate to amend the ordinance.

Following discussion, Chair Hartzell directed staff to prepare an ordinance amendment and schedule a public hearing at a future meeting.

There being no further business to bring before the Planning Commission, the meeting was adjourned at 6:44 p.m.

Respectfully submitted,



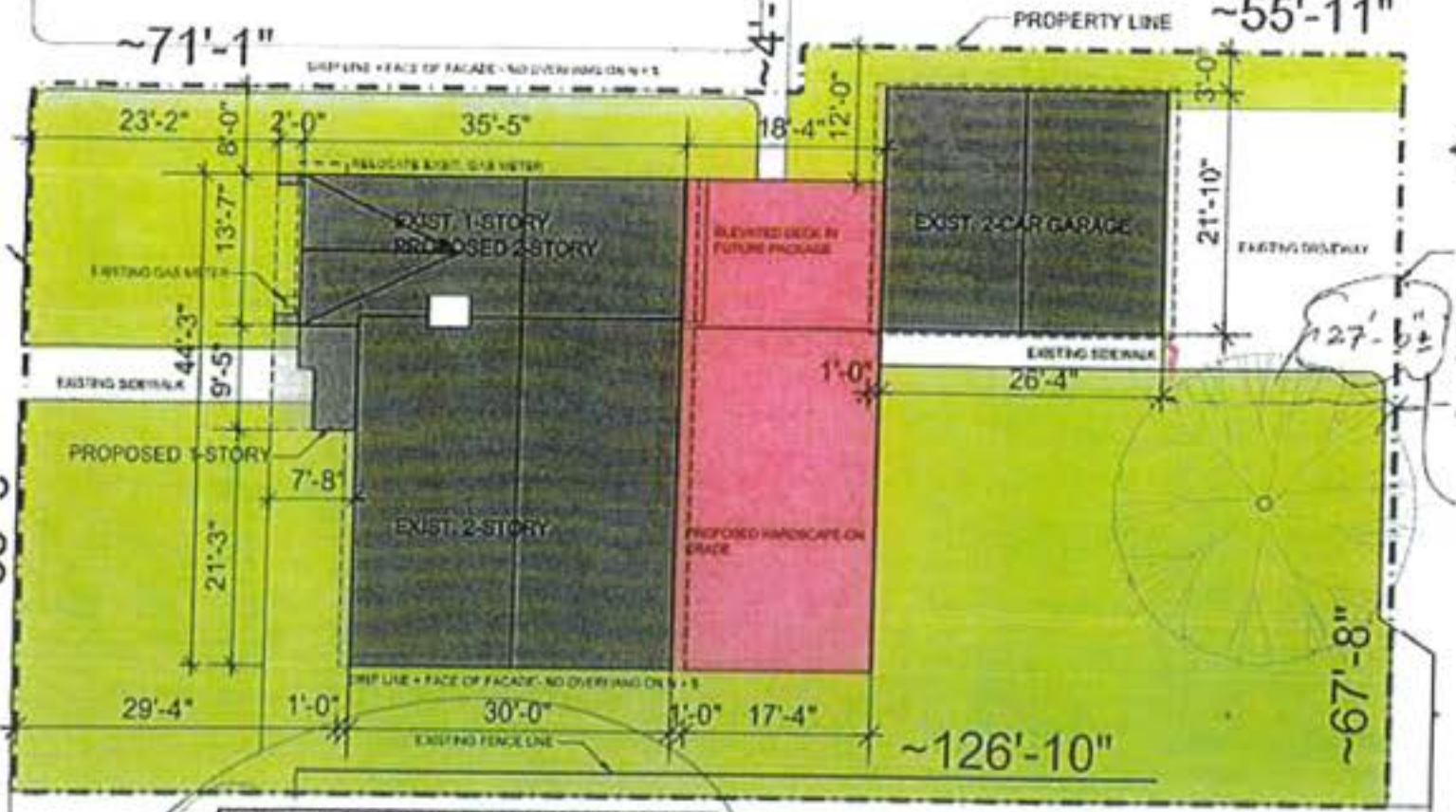
John Hodgson
Assistant City Manager



R1-E 45% $33' \times 132' = 4356 \text{ sq}'$ - Example of what would happen if not counted to lot coverage. A deck is a structure.
 The deck/balcony was not permitted and date of install not known, sometime after 4-21-1988.
 This property had 2 existing variances - to build to the South property line and remove the existing front porch and enlarge the structure.
 - Recorded variance was "some 2 1/2 Ft. From South, expanding first floor toward the street....
 This lot is now under construction for a new build as the existing non-conforming ^{would line up} with First Floors of adjacent homes"
 house was demo'd.

Example 2

Example 3

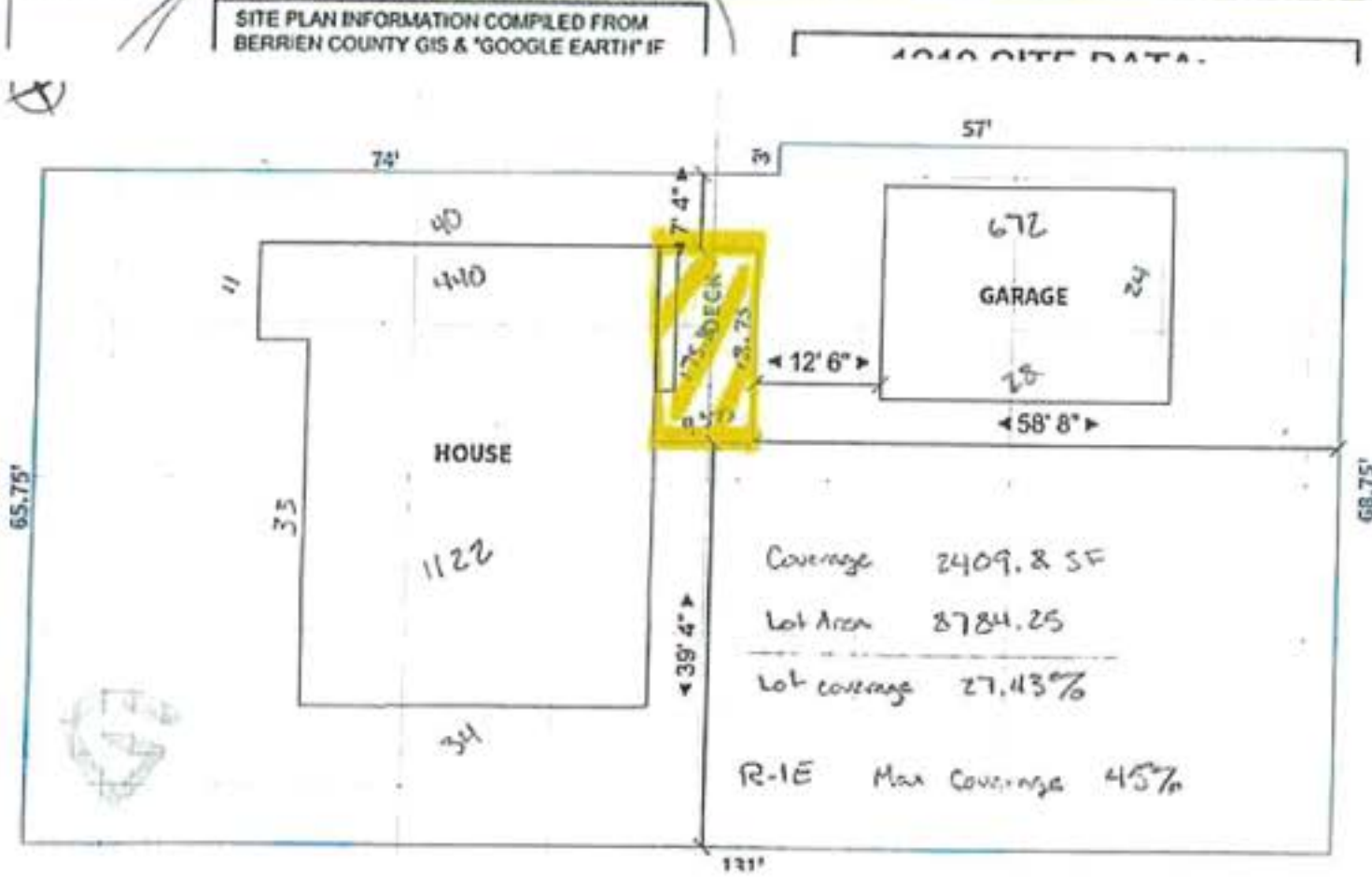


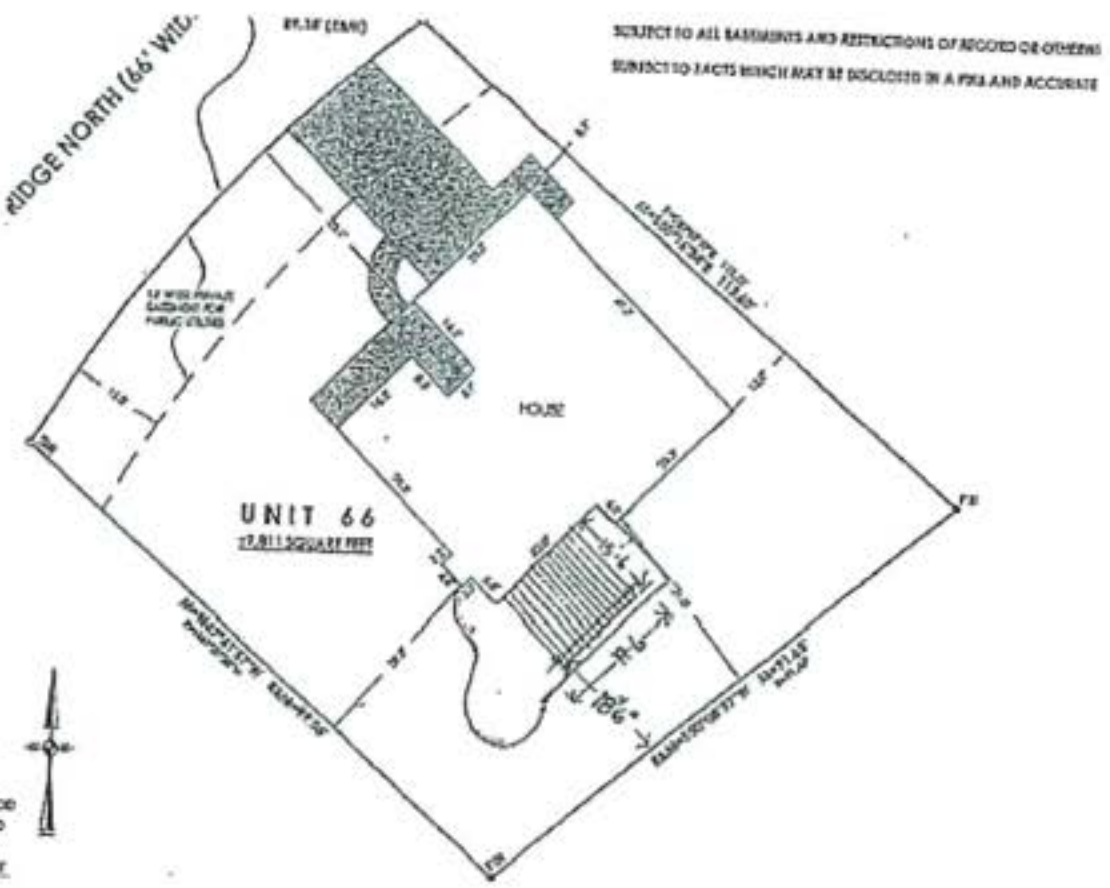
R1-E

← This was site plan for remodel. The elevated deck was denied and the Architect deleted it from the project. Project closed without a deck and upper door was blocked off.

Lower site plan and photo shows an elevated deck AFTER remodel project finished. Height is ~14 ft. This is definitely a structure, but it is free-standing. Materials available on the market could provide a

water barrier underneath to create a "dry" outdoor experience. This deck does not serve as an egress.





This project received a variance - pergola is a structure attached to the house with frost-protected depth posts. Pavers create a patio space that is not included in lot coverage - only the pergola is counted.

Example 4

Zoning Board of Appeals Lot Coverage or Rear Yard Coverage Requests 2008 - 2024

<u>2024</u>						
Number of properties appearing before ZBA	Total number of individual variance requests	Property address	Lot coverage variance request with square footages (sf)	Zoning District	Lot size	Lot coverage variance granted
13	21					
		904 Lions Park Dr	45% (981.14 sf) to 58.1% (1,267sf)	R1-E	2,178 sf (33 x 66)	Yes
		915 Lions Park Dr	45% (1,960sf) to 53% (2,310 sf)	R1-E	4,356 sf (33 x 132)	Yes
		1105 Lions Park Dr	45% (1,960 sf) to 55.8% (2,451 sf)	R1-E	4,356 sf (33 x 132)	No Action - appeal filed
<u>2023</u>						
8	13					
		621 Lions Park Dr	45% (1,960 sf) to 55% (2,395 sf)	R1-E	4,356 sf (66 x 66)	Yes
<u>2022</u>						
5	11					
<u>2021</u>						
7	8					
		1234 Riverwood Terrace	35% (2,310 sf) to 40.3% (2,660 sf)	R1-A	6,600 sf (60 x 110)	
<u>2020</u>						
2	2					
<u>2019</u>						
12	22					
		1016 Market St	45% (1,855 sf) to 51.4% (2,118 sf)	R1-E	4,125 sf (33 x 125)	Yes
		508 Court St	45% (1,960 sf) to 51% (2,231 sf)	R2	4,356 sf (33 x 132)	No
		510 Jones St	45% (1,088 sf) to 77.6% (1,876 sf)	R1-E	2,376 sf (36 x 66)	Yes
<u>2018</u>						
11	23					
		855 Kingsley Ave	Rear Yard Lot Coverage - 33% (439.18 sf) to 37% (466.14 sf)	R1-A	5,400 sf (54 x 100)	Yes
		803 State St	45% (1,656 sf) to 65% (2,398 sf)	R1-E	3,680 sf (40 x 92)	Yes
<u>2017</u>						
2	4					

Attachment: ZBA Summary 2008- 2024 Lot Coverage and Rear Yard Coverage Requests (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and

2016						
3	6					
2015						
4	9					
		500 Jones	45% (1,055 sf) to unknown	R1-E	2,345 sf (35 x 67)	Yes
2014						
4	7					
		1402 Niles Ave	40% (2,000 sf) to 41.32% (2,250 sf)	R1-C	5,000 sf (50 x 100)	Yes
		1452 Main St	40% (2,160 sf) to 45.51% (2,457.5 sf)	R1-D	5,400 sf (60 x 90)	Yes
2013						
7	15					
		141 1319 South State St	Rear Yard Lot Coverage - 33% to 55% - sf unknown	R1-C	4,770 sf (53 x 90)	Yes
		805 State St	45% (1,408 sf) to 59.41% (1,858.4 sf)	R1-E	3,128 sf (34 x 92)	Yes
2012						
7	17					
		1319 Forres	40% (1,908 sf) to 60% (2,862 sf)	R1-C	4,770 sf (53 x 90)	No
2011						
3	3					
2010						
5	16					
		1010 State St	45% (2,138.4 sf) to 55.69% (2,646.4 sf)	R1-E	4,752 sf (36 x 132)	Yes
			Rear Yard Lot Coverage - 33% to 35.8% - sf unknown			Yes
2009						
1	1					
2008						
8	15					
		1918 South State St	35% (2,100 sf) to 42.38% (2,542.8 sf)	R1-A	6,000 sf (50 x 120)	Yes
		525 N Upton Drive	Rear Yard Lot Coverage - 33% to 39.2% sf unknown	R1-E	5,000 sf (50 x 100)	Yes

Key:

Parcel does not meet minum lot area requirement for zoning district - 7 of the 19 requests made were are nonconforming parcels.
 Review of general information suggests variance request would allow a deck to be installed on the property.
 In many cases additional variances were needed.

11/20/2024

Conclusions based on information from 2008 - 2024		
Total number of properties appearing before ZBA: 102		Average Annual Number of Properties Appearing before ZBA: 6
Total number of individual variance requests: 193		Average Annual Number of Individual request: 11.4
Total number of Lot Coverage or Rear Yard Coverage requests: 19		Average Annual Number of Lot Coverage or Rear Yard Lot Coverage requests: 1.2 annually
In 2009, 2011, 2016, 2017, 2020 and 2022 no requests for Lot coverage or Rear Yard coverage variances were received.		

**Residential zoning district minimum requirements for lot size and square footage
and bulk regulations for principal building - Table 5-1 of zoning ordinance**

District:	R1-A	R1-B	R1-C	R1-D	R1-E	R2 Two Family
Min. Lot Size	6,000 sf	5,000 sf	5,000 sf	5,000 sf	4,000 sf	4,000 sf
Min. Lot Width	60'	44'	44'	44'	33'	33'
Max. Building Height - mean roof line	35'	35'	35'	35'	35'	35'
Min. Front/ Secondary Front Building Setback*	30'	25'	20'	15'	10'	10'
Min. Side Building Setback	7' or not less than 5' if wall is fire rated	7' or not less than 5' if wall is fire rated	7' or not less than 5' if wall is fire rated	7' or not less than 5' if wall is fire rated	7' or not less than 5' if wall is fire rated	7' or not less than 5' if wall is fire rated
Min. Rear Building Setback	30'	30'	30'	30'	30'	30'
Max. Lot Coverage	35%	10%	40%	40%	45%	45%

* The zoning ordinance allows front building location to be averaged to allow a decreased front building setback. In addition, an exception was adopted in March 2022 to allow stairs and landings to extend into the required front building setback.

Accessory structure requirements - Section 3.9 of the zoning ordinance

Max. Rear Yard Lot Coverage (Total Lot coverage is also calculated):	33% of actual rear yard area
Min. Separation from Principal Building (with exceptions):	10'
Min. Side Building Setback in Rear Yard:	5'
Min. Rear Building Setback:	5' or 1' if accessed via alley
Max. Bulding Height:	14' mean roof line

Garden Wall (proposed term) examples



Garden wall in front yard with fencing



Garden wall in front yard and public ROW



Garden wall in front yard with metal fencing



Garden wall with fencing at entrance



Garden wall adjacent to building



Brick garden wall with white structure behind

Attachment: Planter Box Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)

Garden Wall (proposed term) examples



51" tall Garden wall same level as front porch



Garden wall with fencing and metal fencing



Garden wall adjacent to dwelling



Garden wall at front lot line – no grade issue



Garden wall at front lot line – no grade issue



Garden wall adjacent to front porch

Attachment: Planter Box Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)

Garden Wall (proposed term) examples



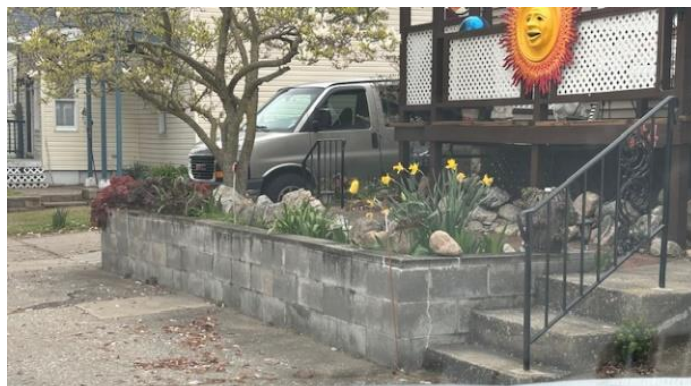
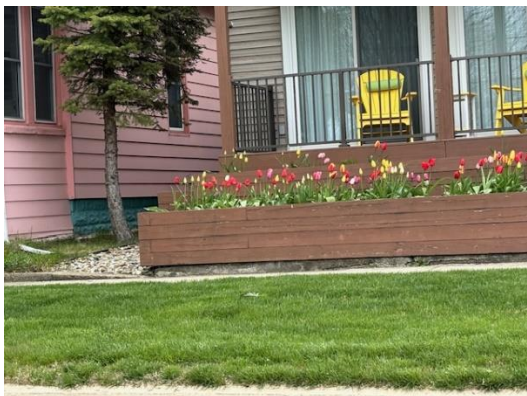
Garden wall

Garden wall (wood boxes)



Garden wall at front porch

Garden wall at front porch



Garden wall at front porch

Garden wall at front porch

Attachment: Planter Box Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)



Corrugated metal tub raised



Garden wall with fencing and door



Recycled shed



Raised garden bed



Garden wall – cinder bloc



Corrugated metal garden wall with wood raised



Recycle pallet – garden wall

Attachment: Planter Box Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)

Retaining Wall Examples – holding back natural grade or mass grading changes



Landscape block retaining wall



Concrete retaining wall



Landscape block retaining wall



Landscape block and concrete retaining walls



Concrete retaining wall



Landscape block two-tiered retaining wall

Attachment: Retaining Wall Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)

Retaining wall examples – holding back natural grade or mass grading changes



Concrete retaining wall



Limestone retaining wall



Rock and concrete retaining wall



Landscape block retaining wall



Landscape block retaining wall – grade changes



Concrete retaining wall

Attachment: Retaining Wall Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)

Retaining wall examples – holding back natural grade or mass grading changes



Landscape block retaining wall with fence



Wood timber retaining wall



Wood timber retaining wall



Concrete and possibly brick retaining wall



Brick retaining wall with fencing



Rock retaining wall

Attachment: Retaining Wall Examples (10316 : Zoning Ordinance Text Amendment - Sections 2.3, 3.9.3, 3.9.7 and 3.10 - Lot coverage)

Retaining wall examples – holding back natural grade or mass grading changes



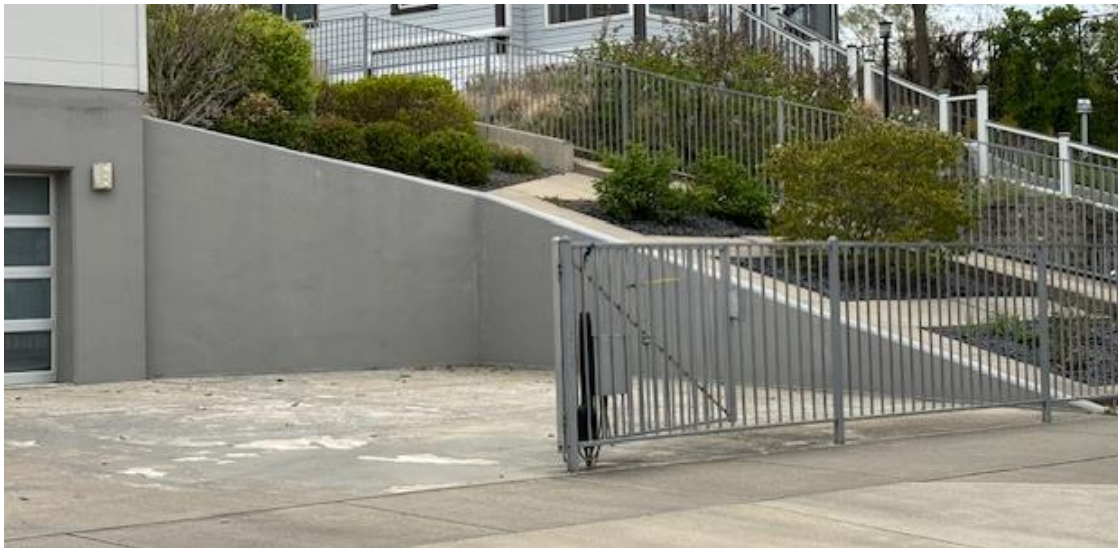
Wood timber retaining wall with fence



Limestone retaining wall



Landscape block retaining wall



Concrete retaining wall with front yard fence

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF ST. JOSEPH, MICHIGAN**

THE CITY OF ST. JOSEPH ORDAINS that the City of St. Joseph Zoning Ordinance adopted by Chapter 33 of the City of St. Joseph Code of Ordinances and codified as Appendix A is hereby amended as follows:

1. Article II. “Definitions” Sec. 2.3 is amended to revise the definitions of fence, living fence, protective measures fence, and lot coverage, which shall now read as follows:

Fence means a free-standing unroofed structure erected in such a manner and in such a location as to a enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a lot, and including any gates appurtenant to that fence. A fence may be of open or solid construction, and includes free-standing walls. A living fence, planter box, or retaining wall is not a fence.

Living fence means a grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.

Protective measures fence means a fence meeting the requirements of a protective measures fence as described in Chapter 12 of the Code of Ordinances.

Lot coverage means the amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall include all buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) structures such as porches, arbors, and breezeways, and open, unenclosed, and uncovered porches or decks six inches or more above finished grade. Lot coverage shall not include fences, walls, planter boxes, retaining walls, or swimming pools, or uncovered parking lots. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

2. Article II. “Definitions” Sec. 2.3 is amended to add the following definitions:

Landscaping means the improvements made to a lot outside of the principal building(s) typically of landscape materials consisting of either hardscape or softscape elements. It does not include a driveway or parking area.

Hardscape elements means the improvements to a lot with landscape materials such as paved patio areas, planter boxes, retaining walls, stairs not required for egress, walkways, and any other landscaping made up of hard wearing materials such as wood, stone, and concrete.

Softscape elements means the improvements to a lot with horticultural elements such as flowering plants, grass, shrubs, trees, and other vegetation. Softscape elements may include earthen berms, and other natural objects.

Planter box means a landscaping feature that is a free-standing uncovered structure constructed of hardscape elements rising above existing ground level to form a border or container for softscape elements. A planter box is either a major or a minor planter

box. A planter box may also be referred to as a garden wall or garden bed.

Major planter box means a planter box more than two feet in height up to a maximum of four feet in height when measured from existing grade to the highest point.

Minor planter box means a planter box two feet or less in height when measured from existing grade to the highest point.

Retaining wall means a structure designed to restrain the existing natural grade of land or changes to grade associated with the mass grading of a parcel where the soil slope would not naturally keep due to a steep, near-vertical or vertical slope. A retaining wall is either a major or a minor retaining wall.

Major retaining wall means a retaining wall more than four feet in height when measured from existing grade to the highest point and requires a building permit.

Minor retaining wall means a retaining wall four feet or less in height when measured from existing grade to the highest point.

3. Article III. “General Provisions” Sec. 3.9.3 “Accessory uses and structures” “Locations in Required Setbacks” is amended to read as follows:

3.9.3. Location in Yards and Required Setbacks

- A. Accessory structures, except for fences, trellises not more than eight feet in height, and arbors not more than ten feet in height, may not be located in the front yard or secondary front yard. The total width of trellises and arbors exempt under this section may not total more than 25 percent of the width of the principal structure on the lot.
- B. Accessory structures not more than 14 feet in height may be located in the rear yard and required setback if they do not occupy more than 33 percent of the actual rear yard and are located at least five feet from any lot line. Except, in those instances where the rear lot line is coterminous with an alley right-of-way, the accessory structure may be as close as one foot to such rear lot line.
- C. Mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps may only be located in rear or side yards if they are located at least three feet from rear and side lot lines.
- D. Fences as permitted by Chapter 12 of the Code of Ordinances, may be located in any yard and within a required setback.
- E. Planter boxes
 1. Major planter boxes may be located in the side and rear yards and within required side and rear setbacks, they may be located in the front or secondary front yards when located outside of the required setbacks.
 2. Minor planter boxes may be located in any yard and within a required setback.
- F. Retaining walls, both major and minor, may be located in any yard and within a required setback.

4. Article III. “General Provisions” Sec. 3.9.7 “Accessory uses and structures” “Porches and Decks” subsections A. and B. are amended to read as follows:

- A. All enclosed porches proposed to be constructed and all existing open porches, decks or patios that are proposed to be enclosed shall meet the setback and lot coverage requirements of this ordinance.
- B. An open, unenclosed and uncovered porch or deck six inches or more above finished grade shall meet the setback and lot coverage requirements of the district for a principal building if connected to, touching, or adjacent to and accessed from the principal building; see Section 3.10 for exceptions. Otherwise, the porch or deck shall meet the yard and lot coverage requirements for an accessory structure.

5. Article III. “General Provisions” Sec. 3.10 “Projections in yards” is amended to read as follows:

Sec. 3.10. – Projections in required setbacks.

- A. For existing structures, ramps to accommodate wheelchairs and/or related devices to assist persons with disabilities may project into a required setback of any district, provided an application for a zoning permit is filed with the zoning administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered within any setback. For new structures, ramps must meet all setback requirements. In either case, ramps must meet the requirements imposed by all applicable federal, state and local regulations.
- B. Self-supporting awnings in residential districts may project into a required setback no more than three feet and in commercial or industrial districts no more than five feet. Awnings shall be at least eight feet above grade at every point.
- C. In R-1 Single Family and R-2 Two Family Residential Districts, an exterior open, unenclosed and uncovered stairway, which may include a covered or uncovered stair landing, that extends from an exterior wall of a principal structure or from the exterior floor edge of an unenclosed porch that is attached to a principal structure, may project into a front setback or secondary front setback subject to the following conditions:
 - a. The stairway and landing may project to the minimum extent required by the Residential Building Code but in no case more than six feet in length nor more than eight feet in width, including handrails or guardrails and support structures.
 - b. In R1-A and R1-B Single Family Residential Zoning Districts, the stairway may be no closer than 15 feet from the front or secondary front lot line.
 - c. In R1-C, R1-D, and R1-E Single Family and R-2 Two Family Residential Districts, the stairway may be no closer than one foot from the front or secondary front lot line.

All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect.

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

Ordinance to Amend ZO_Landscaping12092024Final

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Cameron Welch,

RE: Special Event - 50th Anniversary of Vietnam War

MEETING DATE: February 3, 2025

Berrien County Veteran Services is requesting to hold an event on March 29 along Lake Bluff Park in front of the Vietnam Memorial Monument to recognize and celebrate Vietnam Veterans on the 50th Anniversary of the Vietnam War. This event will include musicians, singers, and amplified announcers and will take place from 10-11:00am.

ATTACHMENTS:

- Vietnam Anniversary Application (PDF)
- Staff Review and Comments (PDF)



700 Broad Street
 St. Joseph, MI 49085
 tel (269) 983-5541
 fax (269) 985-0346

Special Event Application Form

Important: Please fill out each item as completely as possible, to allow your application to be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, with any necessary attachments, to City Hall, at the address shown at the left.

Special Events must be approved by the City Commission, which typically meets twice per month. We recommend submitting your application at least two months before your organization wishes to receive approval, to allow time to work through issues with the staff, and to allow for the possibility that the City Commission may still see issues that should be addressed before approval.

Applicant Information

Name of Special Event: _____
 Sponsoring Organization (if applicable): _____
 Mailing/billing Address: _____
 City/State/ZIP Code: _____
 Contact person(s): _____
 Business phone: _____ Cell phone: _____ Fax: _____
 E-Mail Address(es): _____

Event Information

**A separate event schedule and/or description may be attached in response to questions 1 through 4.*

***For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.*

1. What is the requested day(s), date(s), and time(s) of the Special Event: _____

2. Is there a requested alternative date(s)? [YES] [NO]

- If yes, please provide the alternative date(s): _____

3. Please describe the event(s): _____

4. What is the requested location(s) of the event(s): _____

Revised 06/14/2022

(continue to p

Please complete the following check list regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

- | | |
|---|----------------|
| 5. Is this event expected to occur again in a future calendar year?
Normal Annual Date? _____ | Yes ___ No ___ |
| 6. Have you included a map indicating the location of your event?* | Yes ___ No ___ |
| 7. Does the applicant wish to prohibit vending within the event area? | Yes ___ No ___ |
| 8. Does the applicant plan to include vending as part of this event? * | Yes ___ No ___ |
| 9. Will this event include the use of signs? | Yes ___ No ___ |
| 10. Is the applicant special parking arrangements, such as reserved parking? * | Yes ___ No ___ |
| 11. Is the applicant requiring utility connections, such as electric or water services? | Yes ___ No ___ |
| 12. Does the applicant require other public services? | Yes ___ No ___ |
| • Barricades | Yes ___ No ___ |
| • Fencing | Yes ___ No ___ |
| • Street Sweeping | Yes ___ No ___ |
| • Mowing | Yes ___ No ___ |
| • Rubbish Containers | Yes ___ No ___ |
| • Rubbish Removal | Yes ___ No ___ |
| • Picnic Tables | Yes ___ No ___ |
| • Cessation of Lawn Sprinkling | Yes ___ No ___ |
| • Other _____ | Yes ___ No ___ |
| • Map included indicating locations of these services?* | Yes ___ No ___ |
| 13. Does the applicant have any special security or safety concerns? | Yes ___ No ___ |
| 14. Are you requesting assistance from the Public Safety? | Yes ___ No ___ |
| 15. Are you requesting security/safety assistance from an outside agency? | Yes ___ No ___ |
| 16. Will the event include loud or unusual sounds? | Yes ___ No ___ |
| • Musicians | Yes ___ No ___ |
| • Singers | Yes ___ No ___ |
| • Amplified Announcers | Yes ___ No ___ |
| • Carnival Rides | Yes ___ No ___ |
| • Motor Vehicle Noises | Yes ___ No ___ |
| • Other _____ | Yes ___ No ___ |
| 18. Will the event include unusual lighting beyond what is normal at that location? | Yes ___ No ___ |
| 19. Are alcoholic beverages proposed to be served as part of the event?
Have all necessary liquor licenses been obtained at the time of this application? | Yes ___ No ___ |
| 20. Does the applicant have any other requests that are not listed in this form? | Yes ___ No ___ |
| 21. The applicant is required to provide \$1,000,000 of liability insurance coverage with respect to the event; have you attached a Certificate of Insurance listing the City of St. Joseph as an additional named insured? | Yes ___ No ___ |

* *Indicates attachments required*

5. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. **Note:** Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
6. **An Event Map**—If your event will use streets or sidewalks or will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request.
7. **Does the applicant wish to prohibit vending within the event area?** Vendors with current permits to operate within the event area are allowed to continue vending at their normal location even within the event area, unless alternate arrangements are agreed to by the vendor and by the City Commission as part of this application. Please note these arrangements, if requested. However, if the application is approved, the City Commission would not approve additional vendors.
8. **If vending is not prohibited, does the applicant wish to have control of vending within the festival area?** In some instances, the applicant may be granted control of vending, the applicant is solely responsible for ensuring that all vendors are properly licensed with any appropriate agencies. If vending is not prohibited but the applicant does not wish to have the responsibility of controlling vendors, please direct any potential vendors to contact the City Clerk's Office to apply for the appropriate vending permit.
9. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
10. **Is the applicant requesting special parking arrangements—such as limiting parking areas to certain groups of users?** If yes, you must coordinate with the Police Chief.
11. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Director of Public Services to review what utilities are available in the requested area, and provide a description or map showing the utilities requested.
12. **Does the applicant have any other requests for public services, such as street sweeping, mowing, rubbish containers or removal, placement or removal or picnic tables or other fixtures, or cessation of lawn sprinkling?** If yes, you must coordinate with the Director of Public Services to determine if assistance from Public Services is appropriate and available, and provide a description of the services Public Services has indicated it could provide. The applicant may be charged for these services.
13. **Does the applicant have any special security or safety concerns? Is the applicant requesting assistance from the Department of Public Safety in addressing these concerns?** If yes, you must contact the Director of Public Safety to determine what assistance from Public Safety is appropriate and available, and provide a description of the services Public Safety has indicated it could provide. The applicant may be charged for these services.

Revised 06/14/2022

14. **Is the applicant requesting assistance from an outside agency or contractor in addressing these concerns?**

If yes, you must please attach information indicating all of these contractors on this application.

15. **Will the event include loud or unusual sounds, such as a musicians, singers, amplified announcers, carnival rides, motor vehicle noises beyond those regularly present in the location, etc.?**

If yes, you must please attach information indicating all of these on this application..

16. **Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?**

If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, and whether the lighting is constant or intermittent during those times.

17. **Are alcoholic beverages proposed to be served as part of the event?**

If yes, you must advise the Department of Public Safety of your intention to serve alcoholic beverages. Approval of the special event does not constitute final approval of service of alcoholic beverages; any necessary approval of a liquor license is a separate process.

You must have any and all necessary liquor licenses been obtained at the time of this application.

18. Please **attach a separate sheet detailing** any aspects of the event that are not specifically addressed in this form but of which the City Commission should be aware to make a fully informed decision with regard to approval of the proposed event.

19. The applicant is required to provide a minimum of \$1,000,000 of general liability insurance coverage with respect to the event. The City may require additional insurance coverage based on the potential risk and nature of the event. A Certificate of Insurance with the City of St Joseph listed as additional insured must be provided one month before the event. Additional Insureds include the following: The City of St. Joseph, all elected and appointed officials, all employees and volunteers, agents, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of St. Joseph as additional insured, coverage afforded is considered to be primary and any other insurance the City of St. Joseph may have in effect shall be considered secondary and/or excess. Please email a copy to cwelch@sjcity.com, attach below or mail to 700 Broad St, St Joseph, MI 49085.

The City of St. Joseph **PROHIBITS** any and all painting of any city property, including sidewalks and streets. Events of those persons violating this policy will be canceled and no future event will be allowed.

Applicant Signature

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules and regulations of the City of St. Joseph, and that the event takes place in accordance with the application as approved by the St. Joseph City Commission, including any conditions placed thereon.

Applicant signature: _____

Applicant printed name: _____ Date: _____

CITY OF ST. JOSEPH

SPECIAL EVENT POLICY

May 2008

In General

1. The City of St. Joseph, believing there is a benefit to the community in allowing and encouraging community-oriented special events that may make use of public rights-of-ways, parks, or other properties, may allow the use of such properties for special events under the terms of this policy.
2. Any Special Event making use of City-controlled public rights-of-ways, parks, or other properties, shall be approved in advance by the City Commission. Typically a Special Event involves significant potential inconvenience to nearby residents and properties, through traffic, activity, noise, light, altered traffic routes, or other potentially deleterious factors that are not normally present in the area.
3. Block parties shall not be considered to be Special Events under this policy, but instead shall be considered and approved under the City's Block Party policy.
4. The normal use of City facilities, such as playing baseball on a baseball field, renting a pavilion at Riverview Park, etc., shall not be considered a Special Event under this policy.
5. The determination of whether a Special Event qualifies for in-kind assistance from the City shall continue to be made under the City of St. Joseph Festival Policy of January 1, 1998, or a successor policy.

Procedures

6. An applicant desiring to hold a special event requiring the use of City-controlled property shall submit a Special Event Application Form to the City Manager's Office, describing the particulars of the request. All requested information must be provided. There is no specific minimum time before the event that an application must be submitted, but it is to the applicant's benefit to make application well before the event deadline to allow for staff review, correction of any defects, and time for the request to be placed on a City Commission agenda. The City Commission may consider whether a late approval date would provide inadequate notice to affected residents, property owners, and business owners.
7. Relevant City staff members will review the application and recommend changes if appropriate. The applicant may amend the application to address these concerns. Before the application may be taken before the City Commission, relevant staff members will indicate whether they have concerns with the application in its current form. City staff members will also indicate whether they believe their department will incur significant expenses, if in-kind support is not being requested through the Festival policy.
8. The City Commission will consider the application during an open meeting, and by resolution will approve, approve with conditions, or reject the application. In the case of applicants not

Adopted May 5, 2008.

granted in-kind support under the Festival policy, the Commission may waive charges if the anticipated support is not substantial or burdensome.

Applications may be rejected if, in the sole judgment of the City, granting the application would not be in the best interest of the public health, safety, or welfare, through causing parking congestion, excessive disruption of traffic, blocking access to other properties, or reducing access for emergency vehicles; or if the public health, safety or welfare was negatively affected by previous similar special events or special events sponsored by the applicant; or if the applicant has previously failed to live up to his or her responsibilities as sponsor of a special event; or if the applicant has supplied false information on the Special Event Application Form. The decision of the City Commission is final.

Staff Review and Comments

Special Event: 50th Anniversary of Vietnam War

Date: March 29th, 2025

Department	Recommendation	Comments
Public Works	Approve	
Public Safety	Approve	
Community Development	Approve	
City Engineer	Approve	
City Clerk	Approve	
St. Joe Today	Approve	

Additional Comments:

Insurance Policy Received? **Yes** No

If no, date by which Insurance Policy must be Received (minimum of 30 days before event):

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Steve Neubecker, Public Safety Director

RE: Whitcomb Towers Class C Liquor License

MEETING DATE: February 3, 2025

Prabhjot Singh from the Whitcomb Towers at 509 Ship Street in St. Joseph is applying for a Class C liquor license from the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission. Mr. Singh must obtain approval from the City Commission for a new on premises license as part of the application process for a Class C liquor license and Banquet Facility permit from the MLCC.

Mr. Singh will be at the commission meeting to answer any questions. They are requesting the liquor license for guests and residents to enjoy wine and beer on the first floor.

Action Requested: To recommend the application of Whitcomb Towers for a Class C liquor license at 509 Ship Street in St. Joseph, Michigan, be considered for approval by the Michigan Liquor Control Commission,

Or, alternatively, if the City Commission does not wish to recommend the application for approval:

To not recommend the application of Whitcomb Towers at 509 Ship Street, St. Joseph, Michigan, be considered for approval by the Michigan Liquor Control Commission, for the following reasons: (provide reasons).

ATTACHMENTS:

- Liquor License (PDF)



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of township, city, village)
called to order by _____ on _____ at _____
the following resolution was offered: (date) (time)

Moved by _____ and supported by _____
that the application from Whitcomb Senior Living Tower
(name of applicant - if a corporation or limited liability company, please state the company name)
for the following license(s): 509 Ship St, St. Joseph, Mi, 49085
(list specific licenses requested)

to be located at: _____
and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____
Nays: _____
Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the
council/board at a _____ meeting held on _____ (name of township, city, village)
(regular or special) (date)

Print Name of Clerk Signature of Clerk Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Overnight packages: 2407 N. Grand River, Lansing, MI 48906
Fax to: 517-763-0059

Attachment: Liquor License (10482 : Whitcomb Towers Class C Liquor License)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Kristen Gundersen, Community Development Director

RE: Public Hearing - 101 Broad Street - Amendment to Planned Unit Development - Anne Reitz - Wally and Gertz

MEETING DATE: February 3, 2025

Public Hearing

The Mayor will open the Public Hearing and hear comments from the applicant and public prior to the Commission considering the request to amend the 1997 Planned Unit Development located at 101 Broad Street and known as Silver Beach County Park.

The applicant operates the concession stand, which has a small paved area on the east and south sides of the building, with space for three tables. The applicant wishes to expand services with the installation of two retail cargo containers, one food truck, photograph chair and outdoor seating in the area adjacent to the existing concession building.

The public hearing notice appeared in the Herald Palladium newspaper on January 17, 2025 and the 300' notices were sent to property owners on January 16, 2025.

Public Hearing Procedure:

1. Open Public Hearing
2. Staff Introduction of Application
3. Applicant Presentation
4. City Commission questions
5. Public Comments
 - a. Public Comments – Speaker to state name and address for the record and comments should be directed to Mayor
6. Applicant Response
7. Close Public Hearing

Upon the conclusion of the public comments, the Mayor will entertain a motion to close the Public Hearing and then continue to the next agenda item: Amendment to 101 Broad Street Planned Unit Development - Anne Reitz - Wally and Gertz.

Background Information/Request.

Anne Reitz, owner of Wally and Gertz, a tenant of the property owner Berrien County, has filed a request to amend the 1997 Planned Unit Development (PUD) for the property located at 101 Broad Street and known as Silver Beach County Park. The property is located in the W Water Recreation District and is in the LB-OD Lake Bluff Scenic View Protection Overlay District.

Staff is unable to approve the proposed changes to the site plan per Section 12.8.D of the Zoning Ordinance, which allows staff to approve minor adjustments if it "...is in keeping with the basic concept of the approved site plan; and does not violate any specific conditions included as part of the original approval..." The applicant is proposing structures not previously depicted on the PUD site plan. In addition, the property is located within the LB-OD Lake Bluff Scenic View Protection Overlay District which has established height limits.

According to the applicant, additional retail space is needed for the Wally and Gertz concession business to allow for additional food and merchandise sales. The applicant is proposing an approximate 2,800 square foot (56'6" x 49'6") paved area on the east side of the existing concession building. Following is a summary of the proposed changes as shown on pages 4 – 7 of the supplemental informational document:

Oversized Michigan Adirondack Chair – photo chair

This 9'3" tall chair will be 6' wide with a depth of 7'. It will be located on the south side of the concession building in the sand. The oversized chair will provide a photo opportunity to guests at the beach.

Cargo Containers

Two cargo containers are proposed - one to the south of the concession building and a second to the east of the concession building. The containers will be used sell food and merchandise to beach guests. No food will be prepared in either unit. Each cargo container is 20' long, 8' wide and has an overall height of 8'6". Electric services will be run to each unit. Page 4 of the supplemental information document shows the areas where customers will be waited on under the window that pops up. According to the applicant, the cargo containers will be located a minimum of 11 feet from the existing concession building and when the windows are open the covered awning is a minimum of 7 feet from the concession building. The containers will likely remain on the property year-round.

Food Truck

According to the applicant, one food truck is proposed in the area. The truck will be approximately 20' long, 8' wide with an overall height of 10' with an exhaust system attached to the roof increasing the overall height to 12'. It is likely the food truck will remain on the property during the summer months and relocated during the off-season.

Tables, Chairs and Sun Shades

The applicant is proposing 12 round tables with chairs to be placed to the south and east of the proposed cargo container and food truck on the new paved area. Two triangular sun shades are proposed which will be attached to 10' support poles.

Planning Commission Recommendation.

On January 2, 2025, the Planning Commission conducted a public hearing, heard a presentation from the applicant and comments from audience members. A motion to recommend approval of the request to amend the 1997 Planned Unit Development as submitted with the necessary waivers to increase the allowable height of structures not in compliance with Map 9-1 found in Section 9.5 Lake Bluff Scenic View Protection Overlay District was approved by a vote of 7-0.

The Planning Commission concurred based on the information provided that the request complies with the standards for approval as found in the zoning ordinance. In addition, the requested waivers for height in the Lake Bluff Scenic View Protection Overlay District were appropriate because they did not block the view of the lake and were adjacent to the existing concession stand. The improvements would also improve accessibility to those visiting the park. An excerpt from the January 2nd Planning Commission packet along with the draft meeting minutes are attached for review.

Character of the Area and History.

The entire park is located in the W Water Recreation District which requires a planned unit development. The property to the east is located in the W Water Recreation District and improved with Whirlpool Centennial Park and single-family dwellings and multiple-family buildings in addition to dwelling units in the R1-E Single-Family Residence District. To the south is land and water in the OS Open Space District. To the west is Lake Michigan and to the north is the St. Joseph River.

On February 3, 1997, the City Commission approved a Special Land Use Permit to allow the construction of Phase II Improvements of Silver Beach County Park which included a new pavilion. The 1987 Zoning Ordinance required a Special Land Use be granted for a Planned Unit Development. On January 27, 2014, the City Commission approved new restrooms and additional picnic pavilions along with sidewalk. In April 2023, City staff approved a minor amendment to the site plan to allow existing sidewalk to be relocated. On March 25, 2024, an amendment was approved by the City Commission for the replacement of playground equipment and modification to the parking lot along with waivers for increasing allowable height. This improvement is taking place now.

The 2016 Master Plan future land use map designates the area as Parks and Open Space.

Site Information and Zoning Regulations

According to Table 4-1: Classes, Definitions & Examples of Uses Permitted Outdoor Recreation and Entertainment Establishments are allowed in the Water Recreation District as a Planned Unit Development. In addition, the property is located within the Lake Bluff Scenic View Protection Overlay District and Section 9.5 of the Zoning Ordinance provides the intent of the regulations along with Map 9-1 which includes the area bounded by Lake Boulevard to the east, Elm Street to the south, Lake Michigan to the west and the St. Joseph River to the north. The map created 851 blocks (37 x 23) each having a maximum elevation allowed.

Below is a summary of the W Water Recreation District regulations per Table 5-1.

	<i>W District</i>	<i>Proposed Playground Improvements</i>
Min. Lot area	N/A	22.2-acres or 967,032 square feet
Min. Lot Depth	N/A	irregular 132' at south end 512' near park +1,200' along river
Min. Lot Width	N/A	apx 1,700'
Min. Living Area	N/A	N/A
Min. Front Yard	15'	existing – detached garage/storage – no change
Min. Side Yard	7'	existing – no change to buildings
Min. Rear Yard	5'	existing – no change to buildings
Max. Lot Coverage	50% (483,516)	1.24% (apx 12,000 sf) existing 1.40% (apx 13,500 sf) - proposed
Max. Building Height ¹	50' (483,516)	existing – no change to buildings 2024 Approved playground – 8' to 19'7" Proposed photo chair, cargo containers, food truck and sun shade posts – 8'6" 12' ¹
Min. Required Parking	previously established	600 spaces existing

Max. Building Height

¹While the cargo containers, photo chair, food truck and sunshades all comply with the underlying maximum building height of 50', this property is located within the Lake Bluff Scenic View Protection

Overlay District. Section 9.5 and Map 9-1 of the Zoning Ordinance provides maximum heights of structures.

Section 9.5.2.C states that all measurements are to the highest point of a structure, including all peaks, gables, hips, spires, chimneys. This is different than how height is measured per the Zoning Ordinance Definitions and exceptions found in 3.11.

The existing permanent structures were installed prior to the property receiving a special use permit for a planned unit development in 1997 and prior to the Lake Bluff Scenic View Protection Overlay District being created in August 2003. In March 2024, the City Commission approved waivers to increase the restricted elevation for the playground equipment and sun shades between 1 and 20.05 feet for eight different grids.

Page 9 of the applicant's supplemental information document includes the applicable grids per Map 9-1 overlaid on the proposed improvements. A key has been provided for each grid which includes existing grade; proposed grade; restricted elevation per Map 9-1, elevation of existing equipment (not shown on grid); elevation of highest proposed feature and description of equipment. The actual height of the different items is found on page 4 of the supplemental information.

A review of the key on Page 9 of the supplemental information document finds all equipment exceeds the maximum height per Map 9-1 of the Zoning Ordinance and in some cases the existing grade is at the maximum restrictive elevation height. The increase in height ranges from 1' to 20.05', depending on the grid and the proposed equipment. Below is a summary of the actual height over the restrictive elevation per grid based on the key from Page 9 of supplemental information document.

Grid #	Restrictive Elevation	Proposed Highest Elevation	Amount Over
1	593.4	604	10.6' – top of food truck (12') Includes sunshade (10' – pole)
2	592.9	602	9.1' – sunshade support pole (10' pole)
3	592.2	601.3	9.1' – photo chair (9'3")
4	591.3	602	10.7' – food truck roof (12')
5	590.3	602	11.7' – cargo container (8'6")

As part of the planned unit development regulations, Section 13.6.3 allows for waivers of regulations in the Zoning Ordinance after review and documenting the decision based on Section 13.6.3A-C. Based on this language, the regulations found in Section 9.2 and Map 9-1 can be waived as part of the planned unit development, if appropriate, which would allow for the height increase from Table 9-1.

In keeping with information requested in the January 2024 review of the playground equipment, the applicant has provided photographs from the bluff looking toward the lake where the equipment is proposed. Within the “zoomed” photo, red lines indicate the height of proposed items to be placed in the area.

Ordinance Regulations.

13.3.1 Minimum Requirements: Please note that Sections 13.3.1.D and F do not apply to the W Water Recreation District have been shown as ~~stricken~~.

A. *PUDs are permitted in all Districts.*

- B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as "PUD" for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and "PUD" Uses.
- C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.
- ~~D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).~~
- E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use, a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.
- ~~F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights of way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:

 1. Contiguous and uninterrupted by Structures, Driveways and other features.
 2. Significant in size when considered in relation to the PUD area.
 3. Used only for landscaping, lawn, playfield, natural area or other similar uses.~~
- G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

13.3.2 Eligibility Requirements:

a. Water Recreation District. No PUD located in the Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

13.6.1 General Standards: The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.
- C. The PUD shall be consistent with the intent of the Comprehensive Plan.
- D. The PUD shall not change the essential character of the surrounding area.

- E. *The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.*
- F. *The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.*
- G. *The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.*
- H. *The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.*
- I. *The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.*
- J. *The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.*
- K. *The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.*
- L. *The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.*
- M. *The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.*
- N. *The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.*

13.6.2 Conditions: The Planning Commission may recommend, and the City Commission may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval.

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

- A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.
- B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.
- C. No Nuisance will be created.

Based on the comments above, the waivers are required to allow the proposed equipment to be installed as it exceeds the elevations provided in Map 9-1 as stated above based supplemental information prepared by Pantelleria Construction Services and included in the January 2, 2025 Planning Commission packet.

ATTACHMENTS:

- 01022025 - Jan 2 PC excerpt - 101 Broad St (PDF)
- Excerpt Draft Planning Commission Meeting Minutes - 01022025 - 101 Broad Street (PDF)

St. Joseph Planning Commission
 Commission Chambers
 700 Broad Street, St Joseph, MI 49085

AGENDA
January 2, 2025
4:30 PM

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Call to Order

Approval of Meeting Minutes

1. Regular Minutes of Thursday, November 07, 2024
2. Special Meeting Minutes of Monday, November 18, 2024

New Business

3. 425 State Street - US Signcrafters - Ziker Cleaners - Special Approval Sign Greater than 32 square feet - 2 signs (actual size 67 square feet each)
4. 420 Anchors Way - LDS Properties LLC - Special Approval of Sign Greater than 32 square feet (actual size 80 square feet)
5. Public Hearing - Curious Kids' Museum - Text Amendment to Sections 4.6.3 - Table 4-1 and 4.6.4 - Table 4-2 and Section 11.12.22 to allow Medium/Heavy Social Institutions as a permitted use in the CO Districts
6. Public Hearing - 101 Broad Street - Anne Reitz - Wally and Gertz - Amendment to Planned Unit Development with Waivers - Expansion of Concession Area

Old Business

7. Mechanical Equipment - Sections 2.3, 3.9.3. and 21.7 of Zoning Ordinance - Discussion 3
8. Parking Standards - Section 18.2.7.C - Table 18-1 - Discussion

Public Comments

Adjournment

Agenda Item

TO: Planning Commission

FROM: Kristen Gundersen, Community Development Director

RE: Public Hearing - 101 Broad Street - Anne Reitz -Wally and Gertz - Amendment to Planned Unit Development with Waivers - Expansion of Concession Area

MEETING DATE: January 2, 2025

Background Information/Request.

Anne Reitz owner of Wally and Gertz a tenant of the property owner Berrien County has filed a request to amend the 1997 Planned Unit Development (PUD) for the property located at 101 Broad Street and known as Silver Beach County Park. The property is located in the W Water Recreation District and is in the LB-OD Lake Bluff Scenic View Protection Overlay District. The applicant operates the concession stand which has a small paved area on the east and south sides of the building with space for three tables. The applicant is wishing to expand services with the installation of two retail cargo containers, one food truck, photograph chair and outdoor seating along in the area adjacent to the existing concession building.

Staff is unable to approve the proposed changes to the site plan per Section 12.8.D of the Zoning Ordinance, which allows staff to approve minor adjustments if it "...is in keeping with the basic concept of the approved site plan; and does not violate any specific conditions included as part of the original approval..." The applicant is proposing structures not previously depicted on the PUD site plan. In addition, the property is located within the LB-OD Lake Bluff Scenic View Protection Overlay District which has established height limits.

According to the applicant additional retail space is needed for the Wally and Gertz concession business to allow for additional food and merchandise sales. The applicant is proposing an approximate 2,800 square foot (56'6" x 49'6") paved area on the east side of the existing concession building that will continue to be used. Following is a summary of the proposed changes as shown on pages 4 – 7 of the supplemental informational document:

Oversized Michigan Adirondack Chair – photo chair

This 9'3" tall chair will be 6' wide with a depth of 7'. It will be located on south side of the concession building in the sand. The oversized chair will provide a photo opportunity to guests at the beach.

Cargo Containers

Two cargo containers are proposed one to the south of the concession building and second one to the east of the concession building. The containers will be used sell food and merchandise to beach guests. No food will be prepared in either unit. Each cargo container is 20' long, 8' wide and has an overall height of 8'6". Electric services will be run to each unit. Review of page 4 of the supplemental information document shows the areas where customers will be waited on under the window that pops up. According to the applicant, the cargo containers will be located a minimum of 11 feet from the existing concession

building and when the windows are open the covered awning is a minimum of 7 feet from the concession building. The containers will likely remain on the property year-round.

Food Truck

According to the applicant one food truck is proposed in the area. The truck will be approximately 20’ long, 8’ wide with an overall height of 10’ with an exhaust system attached to the roof increasing the overall height to 12’. It is likely the food truck will remain on the property during the summer months and relocated during the off-season.

Tables, Chairs and Sun Shades

The applicant is proposing 12 round tables with chairs to be placed to the south and east of the proposed cargo container and food truck on the new paved area. Two triangular sun shades are proposed which will be attached to 10’ support poles.

Character of the Area and History.

The entire park is located in the W Water Recreation District which requires a planned unit development. The property to the east is located in the W Water Recreation District and improved with Whirlpool Centennial Park and single-family dwellings and multiple-family buildings in addition to dwelling units in the R1-E Single-Family Residence District. To the south is land and water in the OS Open Space District. To the west is Lake Michigan and to the north is the St. Joseph River.

On February 3, 1997, the City Commission approved a Special Land Use Permit to allow the construction of Phase II Improvements of Silver Beach County Park which included a new pavilion. The 1987 Zoning Ordinance required a Special Land Use be granted for a Planned Unit Development. On January 27, 2014, the City Commission approved new restrooms and additional picnic pavilions along with sidewalk. In April 2023 city staff approved a minor amendment to the site plan to allow existing sidewalk to be relocated.

On March 25, 2024, the City Commission approved the second amendment to the planned unit development to allow: 1) replacement of the existing playground equipment; 2) add accessibility features; and 3) obtain height waivers for eight grids from Map 9-1 of the Lake Bluff Scenic View Protection District ranging from 1’ to 20.05’ specifically listed in the staff memorandum for the January 4 and February 1, 2024 Planning Commission agenda packets and based on the eleven page document prepared by DLZ and dated December 6, 2023 in addition to the new supplemental information included in the February 1, 2024 packet. This work is now under construction.

The 2016 Master Plan future land use map designates the area as Parks and Open Space.

Site Information and Zoning Regulations

According to Table 4-1: Classes, Definitions & Examples of Uses Permitted Outdoor Recreation and Entertainment Establishments are allowed in the Water Recreation District as a Planned Unit Development. In addition, the property is located within the Lake Bluff Scenic View Protection Overlay District and Section 9.5 of the Zoning Ordinance provides the intent of the regulations along with Map 9-1 which includes the area bounded by Lake Boulevard to the east, Elm Street to the south, Lake Michigan to the west and the St. Joseph River to the north. The map created 851 blocks (37 x 23) each having a maximum elevation allowed.

Below is a summary of the W Water Recreation District regulations per Table 5-1.

	<u>W District</u>	<u>Proposed Playground Improvements</u>
Min. Lot area	N/A	22.2-acres or 967,032 square feet

Min. Lot Depth	N/A	irregular 132' at south end 512' near park +1,200' along river
Min. Lot Width	N/A	apx 1,700'
Min. Living Area	N/A	N/A
Min. Front Yard	15'	existing – detached garage/storage – no change
Min. Side Yard	7'	existing – no change to buildings
Min. Rear Yard	5'	existing – no change to buildings
Max. Lot Coverage	50% (483,516)	1.24% (apx 12,000 sf) existing 1.40% (apx 13,500 sf) - proposed
Max. Building Height ¹	50' (483,516)	existing – no change to buildings 2024 Approved playground – 8' to 19'7" Proposed photo chair, cargo containers, food truck and sun shade posts – 8'6" 12' ¹
Min. Required Parking	previously established	600 spaces existing

Max. Building Height

¹While the cargo containers, photo chair, food truck and sunshades all comply with the underlying maximum building height of 50' this property is located within the Lake Bluff Scenic View Protection Overlay District – Section 9.5 and Map 9-1 of the Zoning Ordinance provides maximum heights of structures based on a 37 x 23 grid map.

Section 9.5.2.C states that all measurements are to the highest point of a structure, including all peaks, gables, hips, spires, chimneys. This is different than how height is measured per the Zoning Ordinance Definitions and exceptions found in 3.11.

The existing permanent structures were installed prior to the property receiving a special use permit for a planned unit development in 1997 and prior to the Lake Bluff Scenic View Protection Overlay District being created in August 2003. In March 2024, the City Commission approved waivers to increase the restricted elevation for the playground equipment and sun shades between 1 and 20.05 feet for eight different grids.

Page 9 of the applicant's supplemental information document includes the applicable grids per Map 9-1 overlaid on the proposed improvements. A key has been provided for each grid which includes existing grade; proposed grade; restricted elevation per Map 9-1, elevation of existing equipment (not shown on grid); elevation of highest proposed feature and description of equipment. The actual height of the different items is found on page 4 of the supplemental information.

A review of the key on Page 9 of the supplemental information document finds all equipment exceeds the maximum height per Map 9-1 of the Zoning Ordinance and in some cases the existing grade is at the maximum restrictive elevation height. The increase in height ranges from 1' to 20.05' depending on the grid and the proposed equipment. Below is a summary of the actual height over the restrictive elevation per grid based on the key from Page 9 of supplemental information document.

Grid #	Restrictive Elevation	Proposed Highest Elevation	Amount Over
1	593.4	604	10.6' – top of food truck (12') Includes sunshade (10' – pole)
2	592.9	602	9.1' – sunshade support pole (10' pole)
3	592.2	601.3	9.1' – photo chair (9'3")
4	591.3	602	10.7' – food truck roof (12')

5

590.3

602

11.7' – cargo container (8'6")

As part of the planned unit development regulations, Section 13.6.3 allows for waivers of regulations in the Zoning Ordinance after review and documenting the decision based on Section 13.6.3A-C. Based on this language, the regulations found in Section 9.2 and Map 9-1 can be waived as part of the planned unit development if appropriate which would allow for the height increase from Table 9-1.

In keeping with information requested in the January 2024 review of the playground equipment, the applicant has provided photographs from the bluff look toward the lake where the equipment is proposed. Within the “zoomed” photo red lines indicate the height of proposed items to be placed in the area.

City Department Comments.

Inspection Department – has reviewed the request and has no comments.

Public Safety Department – has reviewed the request and has no comments.

Engineering Department – has reviewed the request and has no comments.

Public Works Department – has reviewed the request and has no comments.

Ordinance Regulations.

Article XIII Planned Unit Development Regulations provides the purpose, general minimum requirements (Section 13.3.1), and general standards (Section 13.6.1) to be reviewed when a planned unit development is being proposed or amended. Also included below is Section 13.6.1 General Standards and Section 13.6.3 Waiver of Planned Unit Development Standards for additional clarification. Below are the objectives and the two sets of standards used for reviewing planned unit developments.

SECTION 13.3 GENERAL

13.3.1 Minimum Requirements: Please note that Sections 13.3.1.D and F do not apply to the W Water Recreation District have been shown as ~~stricken~~.

- A. PUDs are permitted in all Districts.
- B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as “PUD” for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and “PUD” Uses.
- C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.
- ~~D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).~~
- E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use, a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.

- ~~F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights of way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:~~
- ~~1. Contiguous and uninterrupted by Structures, Driveways and other features.~~
 - ~~2. Significant in size when considered in relation to the PUD area.~~
 - ~~3. Used only for landscaping, lawn, playfield, natural area or other similar uses.~~
- G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

13.3.2 Eligibility Requirements:

a. Water Recreation District. No PUD located in the Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

13.6.1 General Standards: The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.
- C. The PUD shall be consistent with the intent of the Comprehensive Plan.
- D. The PUD shall not change the essential character of the surrounding area.
- E. The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.
- F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.
- G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
- H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.
- I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
- J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.
- K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and

Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

- L. *The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.*
- M. *The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.*
- N. *The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.*

13.6.2 Conditions: The Planning Commission may recommend, and the City Commission may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval.

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

- A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.
- B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.
- C. No Nuisance will be created.

Based on the comments above, the waivers are required to allow the proposed equipment to be installed as it exceeds the elevations provided in Map 9-1 as stated above based on page 9 of the supplemental information document prepared by Pantelleria Construction Services and included in the January 2, 2025 Planning Commission packet.

Action.

Conduct a public hearing. The public hearing notice appeared in the Herald Palladium on December 14, 2024 and the 300' notices were sent to property owners and tenants on December 17, 2024.

No written comments were received prior to Friday morning, December 20, 2024.

Consider the request as presented and review the criteria found in Article XIII: Planned Unit Regulations - Section 13.3.1. Minimum Requirements; Section 13.3.2 Eligibility Requirements and Section 13.6.1 General Standards (listed above). The Planning Commission has the following options:

- Recommend approval of the amendment to the Planned Unit Development request at 185 Anchors Way as submitted or add additional conditions to the motion.

“...move to recommend approval of a third amendment to the 1997 Planned Unit Development located at 101 Broad Street in the W Water Recreation District, requested by the Anne Reitz owner of Wally and Gertz on behalf of Berrien County the property owner to

allow 1) expand the concession area with seating, two cargo containers, one food truck, photograph chair, and 2) obtain height waivers for five grids from Map 9-1 ranging from 1' to 20.05' and specifically listed in the staff memorandum for the January 2, 2025 Planning Commission packet and based on the twelve page document prepared by Pantelleria Construction Services and found in the January 2, 2025 Planning Commission packet as it meets the required standards under Sections 13.3.1, 13.6.1 and 13.6.3 of the Zoning Ordinance.”

- Recommend denial of the Planned Unit Development request.

“...move to recommend denial of the third amendment to the 1997 Planned Unit Development located at 101 Broad Street in the W Water Recreation District, requested by the Anne Reitz owner of Wally and Gertz on behalf of Berrien County the property owner to allow 1) expand the concession area with seating, two cargo containers, one food truck, photograph chair, and 2) obtain height waivers for five grids from Map 9-1 ranging from 1' to 20.05' and specifically listed in the staff memorandum for the January 2, 2025 Planning Commission packet and based on the twelve page document prepared by Pantelleria Construction Services and found in the January 2, 2025 Planning Commission packet as it does not meet the required standards under Sections 13.3.1, 13.6.1 and 13.6.3 of the Zoning Ordinance for the following reasons...”

- Continue the discussion to the next meeting to obtain additional information.

“...to postpone further discussion until February 6, 2024 to obtain additional information.”

ATTACHMENTS:

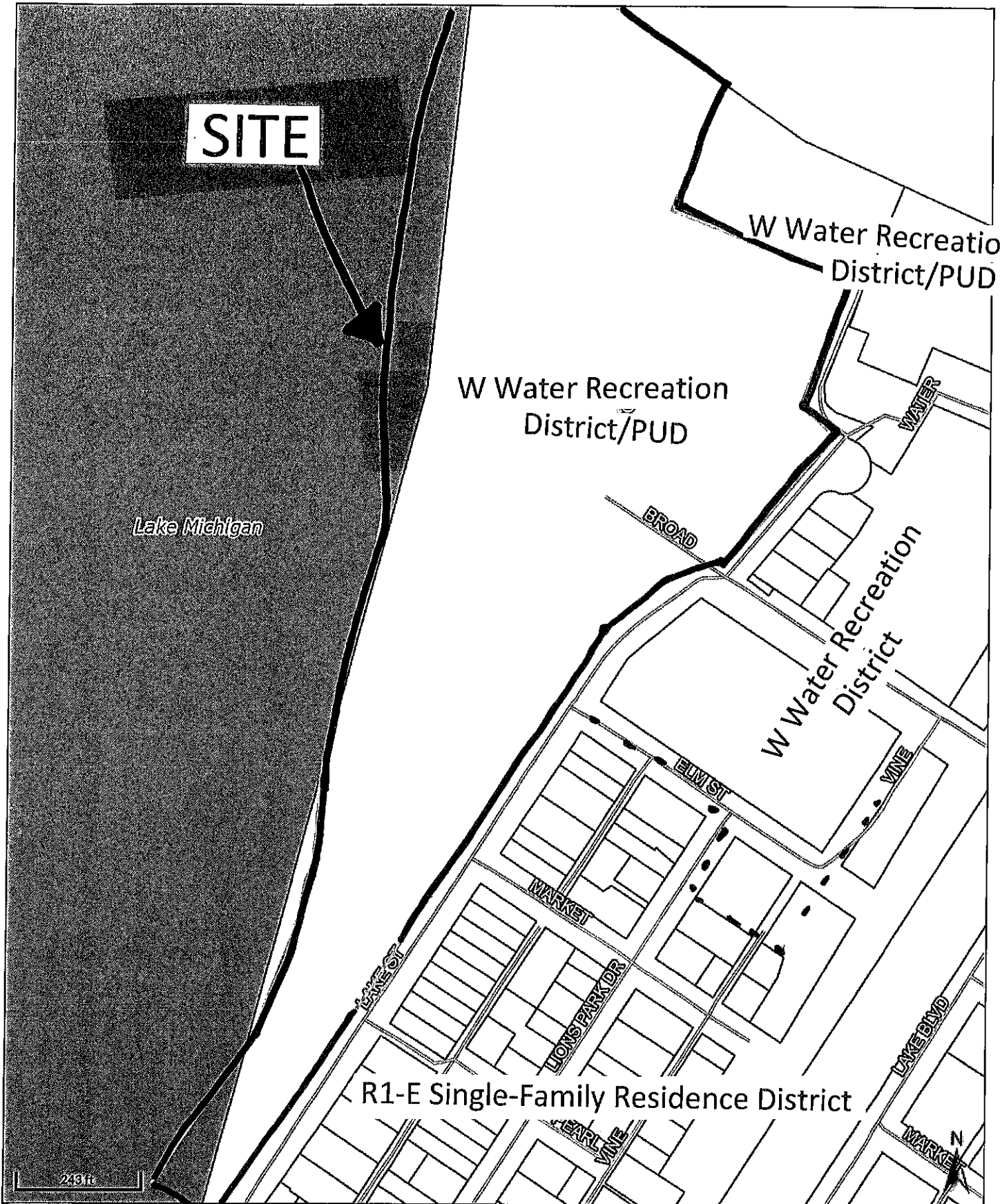
- Location Map - 101 Broad Street (PDF)
- Zoning Map - 101 Broad Street (PDF)
- Photographs - 101 Broad Street (PDF)
- Application - 101 Broad Street(PDF)
- Supplemental Information - 101 Broad Street (PDF)

Location Map - 101 Broad Street



Attachment: 01022025 - Jan 2 PC excerpt - 101 Broad St (10453 : Public Hearing - 101 Broad Street - Amendment to Planned Unit Development)

Zoning Map - 101 Broad Street



Attachment: 01022025 - Jan 2 PC excerpt - 101 Broad St (10453 : Public Hearing - 101 Broad Street - Amendment to Planned Unit Development)



101 Broad Street

View looking west from Broad and Lake Street intersection.



View looking west from pay booth in park.



View looking northwest from pay booth in park



View of concession building



CITY OF ST. JOSEPH
 PLANNING & ZONING DEPARTMENT
 700 Broad Street
 St. Joseph, MI 49085
 Phone (269)983-1212
 Fax (269) 985-0347
 www.sjcity.com

PLANNED UNIT DEVELOPMENT APPLICATION

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Planning Commission meeting. If additional space is needed, please use additional sheets of paper.

Property Information

Property Address: 101 Broad Street Saint Joseph, MI 49085

Project Name: Silver Beach Concessions

Property Code Number (Tax Number): 11-76-0023-0006-12-0

Briefly Explain Request: #1: Add Fence to hide trash and Electrical Panels

#2: (5) Support Poles for Sun Shades & Exterior String Lighting and waiver's

#3: (3) Containers Re- Purposed into snacks & merchandise units

#4: New Heavy Duty Metal Table and Chairs #5: Planters with Beach Grasses

Applicable Section of Zoning Code for Request: Water Recreation District -36

Previous Approvals Granted to Property: NA 1997 P4D 4/2024 Second Amendment

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: Anne Reitz

Relationship to Property Owner: Tenant/ Landlord

Mailing Address: 1408 South State Street

City: Saint Joseph State: MI Zip Code: 49085

Telephone Number: 269-252-7100 Emergency Number: NA

E-mail Address: caffetosi@gmail.com

Name of Property Owner: Berrien County - Jill Adams

Mailing Address: 811 Port Street

City: Saint Joseph State: MI Zip Code: 49085

Telephone Number: 269-921-2928 Emergency Number: NA

E-mail Address: jadams@berriencounty.org

Attorney: NA

Mailing Address: NA

City: NA State: NA Zip Code: NA

Telephone Number: NA E-mail Address: NA

Engineer and/or Architect: Pantelleria Construction Services

Mailing Address: 1220 M-139 Unit #4

City: Benton Harbor State: MI Zip Code: 49022

Telephone Number: 1-231-881-5868 (Sara Beth Timmer) E-mail Address: sarahbeth@pantelleriaservices.com

Site Information 269-876-1381 - Mike Pantelleria mike@pantelleriaservices.com

General description or characteristics of the site: Beach

Master Plan Designation: Parks and Open Space

Existing Zoning and Land Use: Water Recreation District -36

Proposed Land Use: Same / Water Recreation District - 36

Existing square footage of property: 958320 SF (22.22 Acres)

Proposed square footage of property: 2800SF (Site Work change)

Existing square footage of all buildings on the property: No Change to Building. Just Site Change

Proposed square footage of all buildings on the property: No Change to Building. Just Site Change

- Is the property located in any of the following overlay districts?
- Downtown Height Overlay District (Section 9.4)? Yes: _____ No: X
 - Lake Bluff Scenic View Protection Overlay District (Section 9.5)? Yes: X No: _____
 - Floodplain Overlay District (Section 9.6)? Yes: _____ No: x
 - Edgewater Beach Overlay District (Section 9.7)? Yes: _____ No: x
 - Main Street Overlay District (Section 9.8)? Yes: _____ No: x

Attachment: 01022025 - Jan 2 PC excerpt - 101 Broad St (10453 : Public Hearing - 101 Broad Street - Amendment to Planned Unit Development)

Existing land use and zoning of adjacent parcels:

North: Water Recreation District -36- IE Existing Silver Beach Bathrooms

South: Water Recreation District -36- IE Existing Playground Equipment

East: Water Recreation District -36 - IE Existing Parking Lot

West: Water Recreation District -36 - IE Open BEACH to Lake

Review objectives, requirements and standards that must be met in order for a Planned Unit Development to be approved. The following questions/statements must be answered.

Planned Unit Development Objectives

Section 13.2: Objectives states: For a proposed PUD located in a District other than the W Water Recreation District, the Applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, in one or more of the following areas:

- A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, river and lake Shorelines, floodplains, hills, and similar natural assets.

All the site changes - are to improve Sliver Beach guest environment.

IE a place to Sit, Eat, shading, and spot to watch playground

- B. To encourage the provision of open space and the development of recreational and other common facilities in a generally central location within reasonable distance of all living units. Developments having water frontage should be so designed to preserve public vistas where possible.

Please see the attached site plan. All new work is too East of existing Concessions Stand

IE: No lakeview will be blocked

- C. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis.

Please see the attached site plan and Photos

D. Reducing to a significant extent the Nonconformity of a Nonconforming Use, Building or Structure, i.e., modification of a Nonconforming Use or Structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning District in which it is situated.

Please see the attached Site plan and Drawings and Photos

E. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.

#1: Add Fence to hide trash and Electrical Panels

#2: (5) Support Poles for Sun Shades and Exterior String Lighting

#3: (3) Containers RE Purposed into Snacks & Merchandise Units

#4: New heavy duty Metal Tables and Chairs

#5: Planters with Beach Grasses

F. To promote the efficient Use of land to facilitate a more economic arrangement of Buildings, circulation systems, land uses, and utilities.

Please see the Attached Site plan and Drawing and Photos

G. To combine and coordinate architectural styles, Building forms, and Building relationships within the PUD.

Please see the attached site plan Drawings and Photos

Planned Unit Development General Minimum Requirements

SECTION 13.3 GENERAL 13.3.1 Minimum Requirements:

A. PUDs are permitted in all Districts.

What Zoning District is the property located in: Water Recreation District -36

Attachment: 01022025 - Jan 2 PC excerpt - 101 Broad St (10453 : Public Hearing - 101 Broad Street - Amendment to Planned Unit Development)

B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as "PUD" for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and "PUD" Uses.

State how the proposed use is permitted in the existing Zoning District:

Sales of Food,drinks and Merchandise to support guest of silver beach

C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.

Is this information stated on the Site Plan? Yes: x _____ No: _____

Is this information included in the Site Plan Application? Yes: _____ No: x _____

D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).

Calculate the number of allowed residential units: _____

NA - We are in Water Recreation District 36

E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use, a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.

Do you understand and agree to this statement? Yes: x _____ No: _____

F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights-of-way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:

1. Contiguous and uninterrupted by Structures, Driveways and other features.
2. Significant in size when considered in relation to the PUD area.
3. Used only for landscaping, lawn, playfield, natural area or other similar uses.

Calculate the amount of open space required: NA - We are in water Recreation District -36

Total SF: 958320SF New Proposed Area: 1600SF

G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

Do you understand and agree to this statement? Yes: No:

Proposed completion date of project: 5-1-2025

Planned Unit Development Eligibility Requirements

13.3.2 Eligibility Requirements:

A. W Water Recreation District. No PUD located in the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal, that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

Owner of the PUD will remain with Berrien County. The use of PUD will support the water recreation District 36 thur

providing additional goods and services to guest of Silver Beach. The additional goods and services trying to provide:

Shading, table and chairs , and food services.

B. Other Districts. No PUD located in a District other than the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development substantially advances objectives described in Section 13.2, and meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that:

1. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the City of St. Joseph. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning District taking into consideration the reasonably foreseeable detriments of the proposed development and use(s).

The use of PUD will support the water recreation District 36 thur providing additional goods and services to guest of Silver Beach.

The additional goods and services trying to provide: Shading (Sun shades and Exterior String Lighting)(for 11 tables and Chairs)

table and chairs (11 tables/ chairs =44 People sitting) ,food service (From Containers) and Merchandise Service (From Contrainers)

2. The PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

Owner of the PUD will remain with Berrien County.

Medical Service Establishments, Large, Social Institutions and Bed and Breakfast Establishments (in the W Water Recreation District) are required to respond to Section 13.3.3 Special Standards for Specific Uses in writing as an attachment to this application.

- A. Additional Requirements for Medical Service Establishments, Large and Social Institutions.
- B. Additional Requirements for Bed and Breakfast Establishments

Planned Unit Development General Standards

13.6.1 General Standards: The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

- A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Yes: Designed to fit into the surrounds area. Constructed to current building codes. It will be Operated by Ann Reitz.

It will be maintained by Berrien county and Ann Reitz.

- B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.

Please see the attached Site plan and Photos

- C. The PUD shall be consistent with the intent of the Comprehensive Plan.

Yes it is: Keeping with the Master Plan of 2016 (Parks and Open Space)

- D. The PUD shall not change the essential character of the surrounding area.

PUD does not change the essential character of the of the surrounding area.

Attachment: 01022025 - Jan 2 PC excerpt - 101 Broad St (10453 : Public Hearing - 101 Broad Street - Amendment to Planned Unit Development)

E. The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.

The PUD is not out of charter of the existing surrounds/ area. The PUD will offer additional Health and safety to guest of silver beach.

The additional health and safety offer to the guest is additional shade and Concessions services.

F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.

No additional demands on public services and facilities is need.

G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

Yes the PUD is designed to preserve public view and existing important natural view.

The PUD to preserve public view by limiting the height of the Proposed structures and Support poles for sunshade.

The PUD to improve the important natural view by hiding trash bins, electrical panels and backside of existing concessions stand.

With planters with Beach Grasses / Fence(for trash bins/ Electrical Panels)

H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.

PLEASE see the attached Site Plan. Their are no changes to non - motorized and automobile circulation.

Pedestrian traffic will have a benefit with additional seating available to them.

I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.

PLEASE see the attached Site Plan. Their are no changes to non - motorized and automobile circulation.

Pedestrian traffic will have a benefit with additional seating available to them.

Their is no changes to the access for Emergency Vehicles and adequate turning around.

J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.

Please see the attached Site Plan and Attached Photos.

The PUD has no change to Site grading / Elevation.

K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

Please see the attached Site Plan and Attached Photos. The use of PUD will support the water recreation District 36 thur

providing additional goods and services to guest of Silver Beach. The additional goods and services trying to provide:

Shading, table and chairs , and food services.

L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.

Please see the attached Site Plan and Attached Photos.

#1 Goal: Add Fence to Hide Trash Bins and Electrical Panels.

M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.

THE PUD will all be done in one Phase .

Attachment: 01022025 - Jan 2 PC excerpt - 101 Broad St (10453 : Public Hearing - 101 Broad Street - Amendment to Planned Unit Development)

N. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

Yes - NA

Planned Unit Development Waivers

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.

B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.

C. No Nuisance will be created.

D. List of Waivers requested. (Example Table 5-1 W District lot coverage 50% to 52%)

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the December, day of 6, 2024, I/We have read the above certification, understand it, and agree to abide by its conditions.

Anne Reitz
Signature of Applicant or Authorized Agent

Anne Reitz
Name of Applicant or Authorized Agent

J Arent

Notary Public, Berrien County, Michigan
My Commission Expires January 16, 2030

SUBSCRIBED AND SWORN
To before me this 6 day of
December, 2024

J Arent
Notary Public

OFFICIAL CITY USE: Date Received: _____ Fee: _____
Completed: PUD Application: _____ Site Plan Review Application: _____ Other: _____

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION
OWNER'S CONSENT FORM

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant,
Anne Reitz

(Company name and contact person) to seek Remodel Concessions Stand Site

(state request that can be made) as required by the City of St. Joseph, Michigan for the property
commonly known as 101 Broad Street Saint Joesph, MI 49085 (street address)

and having the Property Code Number (Tax Number) of 11-76-0023-0006-12-0.

On the December, day of _____, 2024, I/We have read the above certification,
understand it, and agree to abide by its conditions.

Jill M. Adams
Signature of Property Owner

Berrien County - Jill Adams
Name of Property Owner

Anne Reitz
Signature of Property Owner

Anne Reitz
Name of Property Owner

J Arent
Notary Public, Berrien County, Michigan
My Commission Expires January 16, 2030

SUBSCRIBED AND SWORN

To before me this 6 day of
December, 2024

J Arent
Notary Public

SILVER BEACH CONCESSION IMPROVEMENT PLAN - PUD SUBMITTAL November 25, 2424

Proposed extension of concrete for
expanded shaded eating and socializing

area. Area to include (1) food truck, (2) food and merchandise containers, (12) 46" round tables, (6) 10' poles for attachment of (2) sun shades, oversized Adirondack chair for photo moment and painted slat wood fencing to hide garbage and electrical panels.



PANTELLERIA
CONSTRUCTION
SERVICES



**Berrien
County
Parks**

Date: November 6, 2024

To: City of St. Joseph Planning Commission

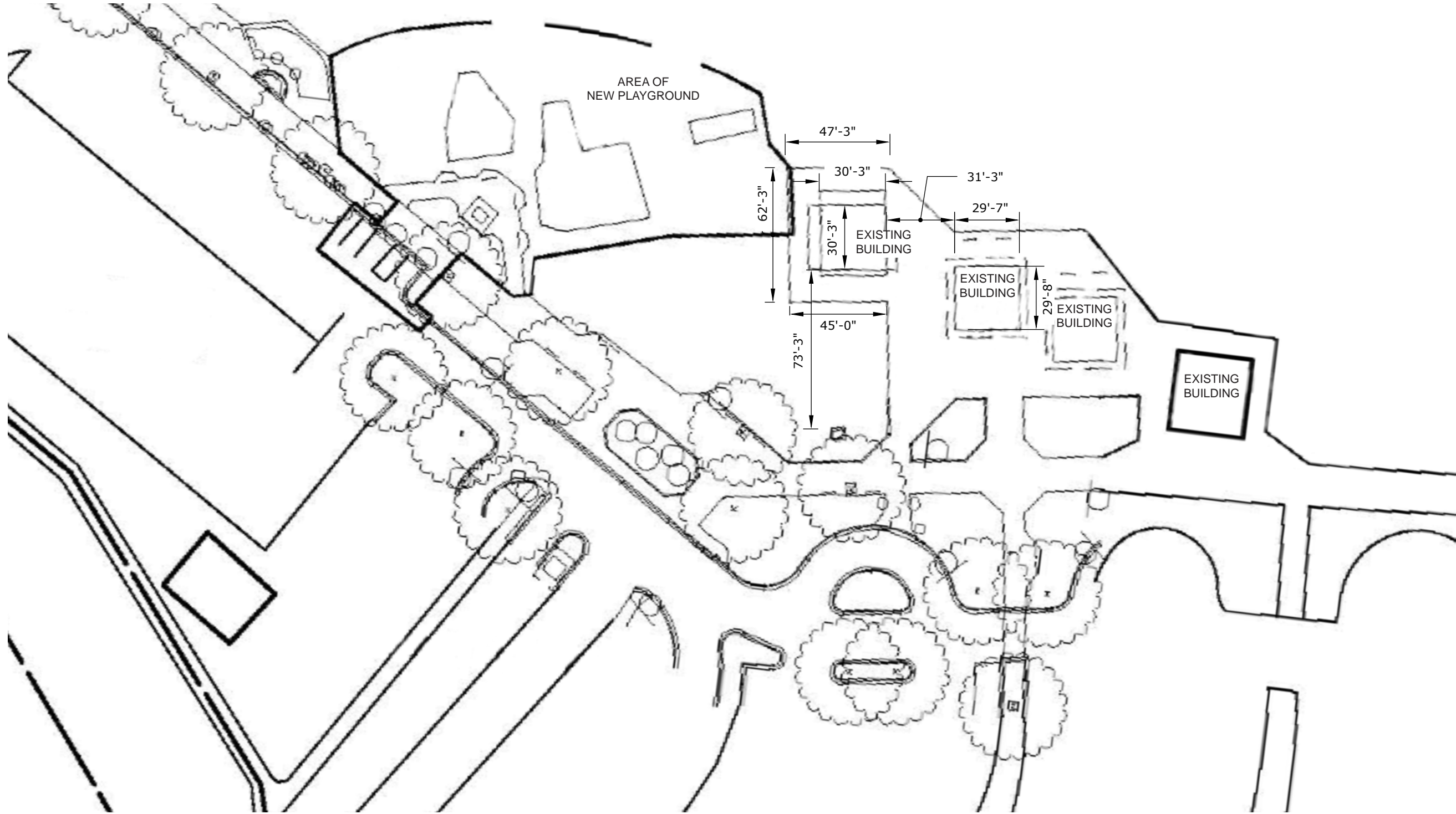
The public-private partnership at Silver Beach County Park between the current Concessionaire and Berrien County has proven to be valuable to park visitors and the Parks Department. The current Lease Agreement states that the lessee is approved to add additional retail/sales spaces at the site. The Agreement is supported by the Berrien County Park Commission and signed by the Berrien County Board of Commission.

The Silver Beach Master Plan includes building a new concession facility. Park Staff has prioritized the Master Plan projects but are uncertain of the concession project timeframe. The temporary changes to the concession area at Silver Beach County Park are designed to enhance the services that are currently being offered to visitors and improve the customer experience. Allowing these temporary improvements at the concession area will be a constructive trial run as Berrien County Parks works toward developing the new concession facilities outlined in the Silver Beach Master Plan.

Sincerely,

Jill Adams, Director
Berrien County Parks Department

701 Main Street
St. Joseph, MI 49085
Phone
269.983.7111 x 8435
Fax
269.982-8661
E-Mail
parks@berriencounty.org
Web
www.berriencounty.org/parks



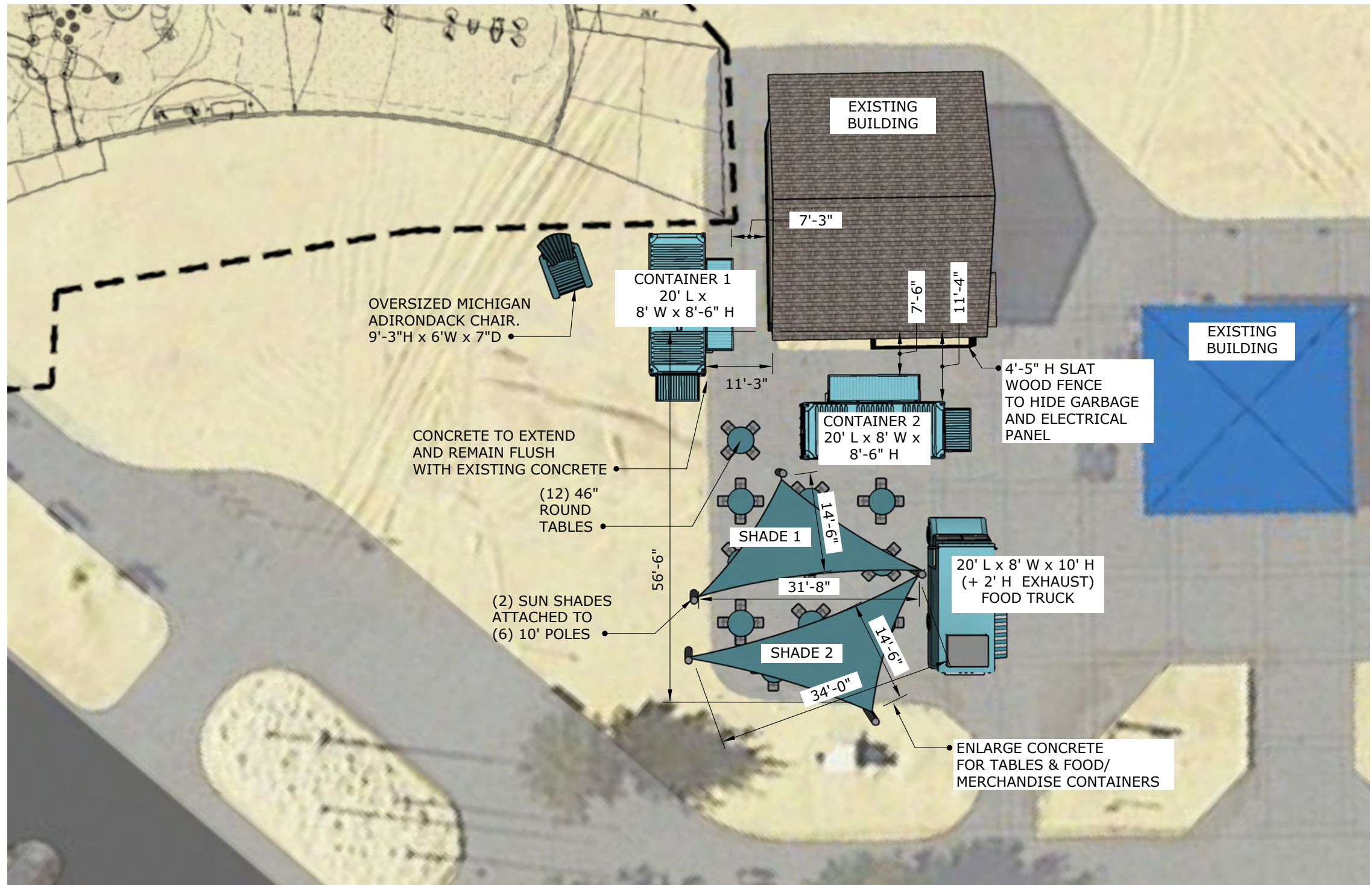
PANTELLERIA
CONSTRUCTION
SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN
EXISTING PLAN



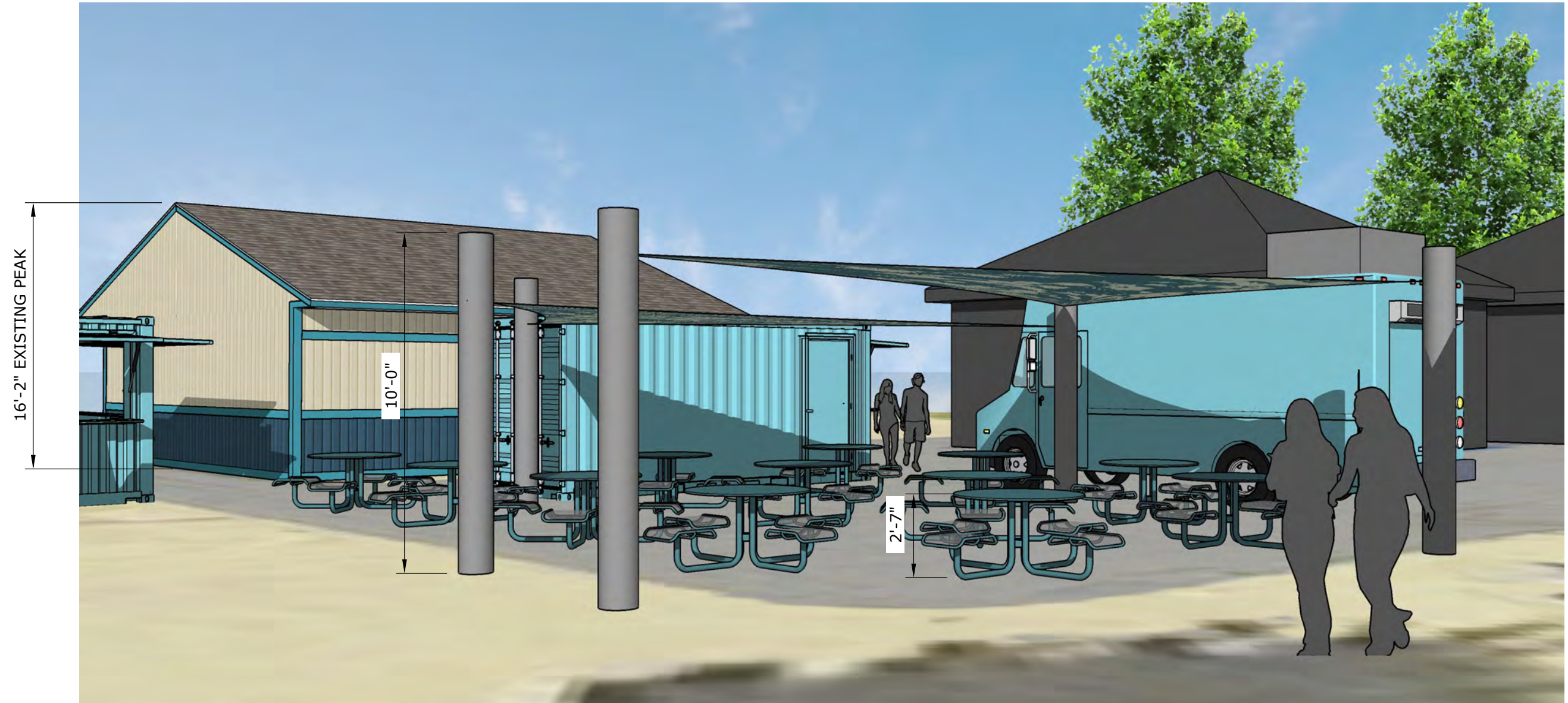
PANTELLERIA
 CONSTRUCTION
 SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN
 PROPOSED AREA OF IMPROVMENT



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SERVICES

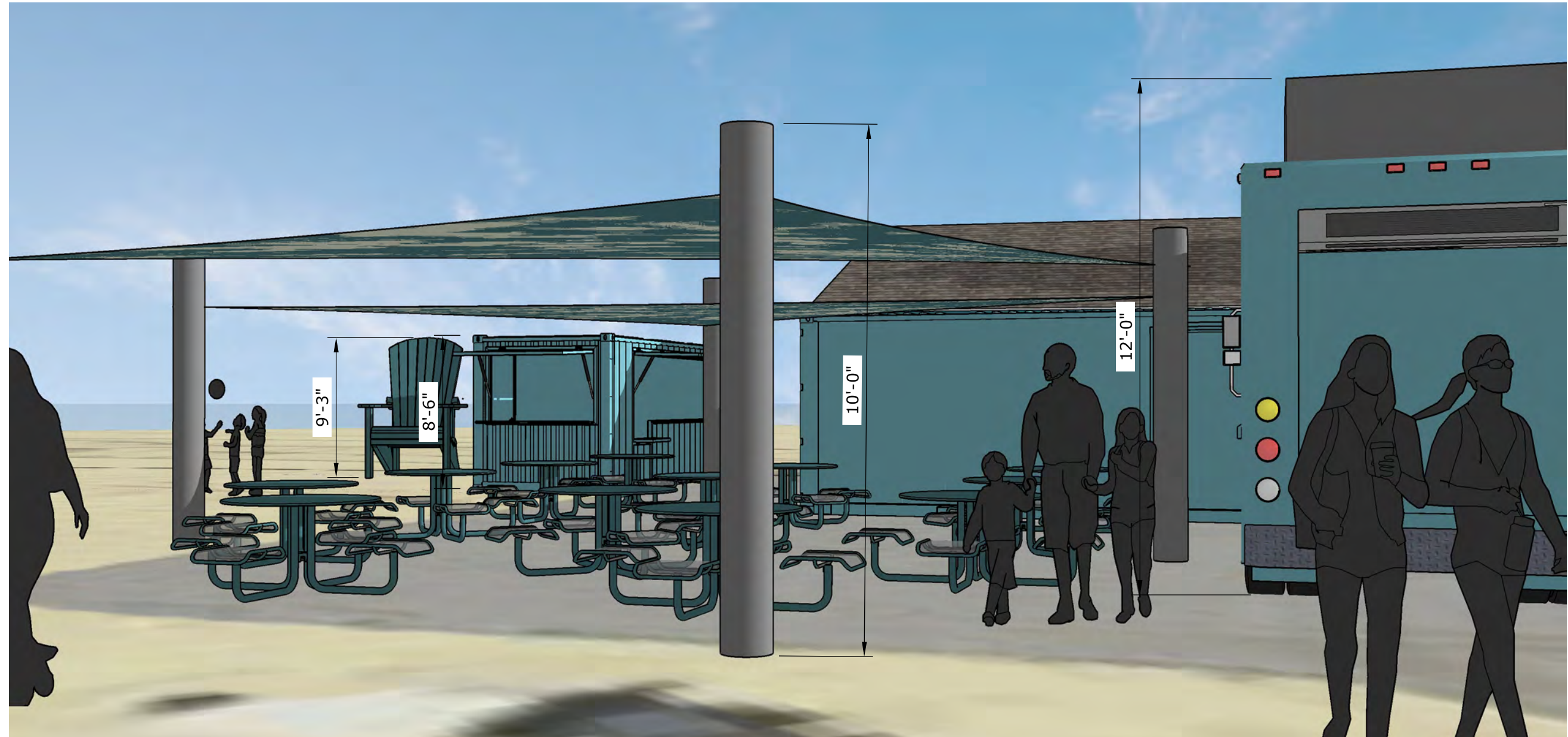
SILVER BEACH CONCESSION IMPROVEMENT PLAN
PROPOSED PLAN



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CONSTRUCTION
SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN
PROPOSED PLAN

PAGE 5



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CONSTRUCTION
SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN
PROPOSED PLAN

PAGE 6



WOOD SLAT FENCE
 PAINTED TO MATCH
 EXISTING TRIM ON
 BUILDING



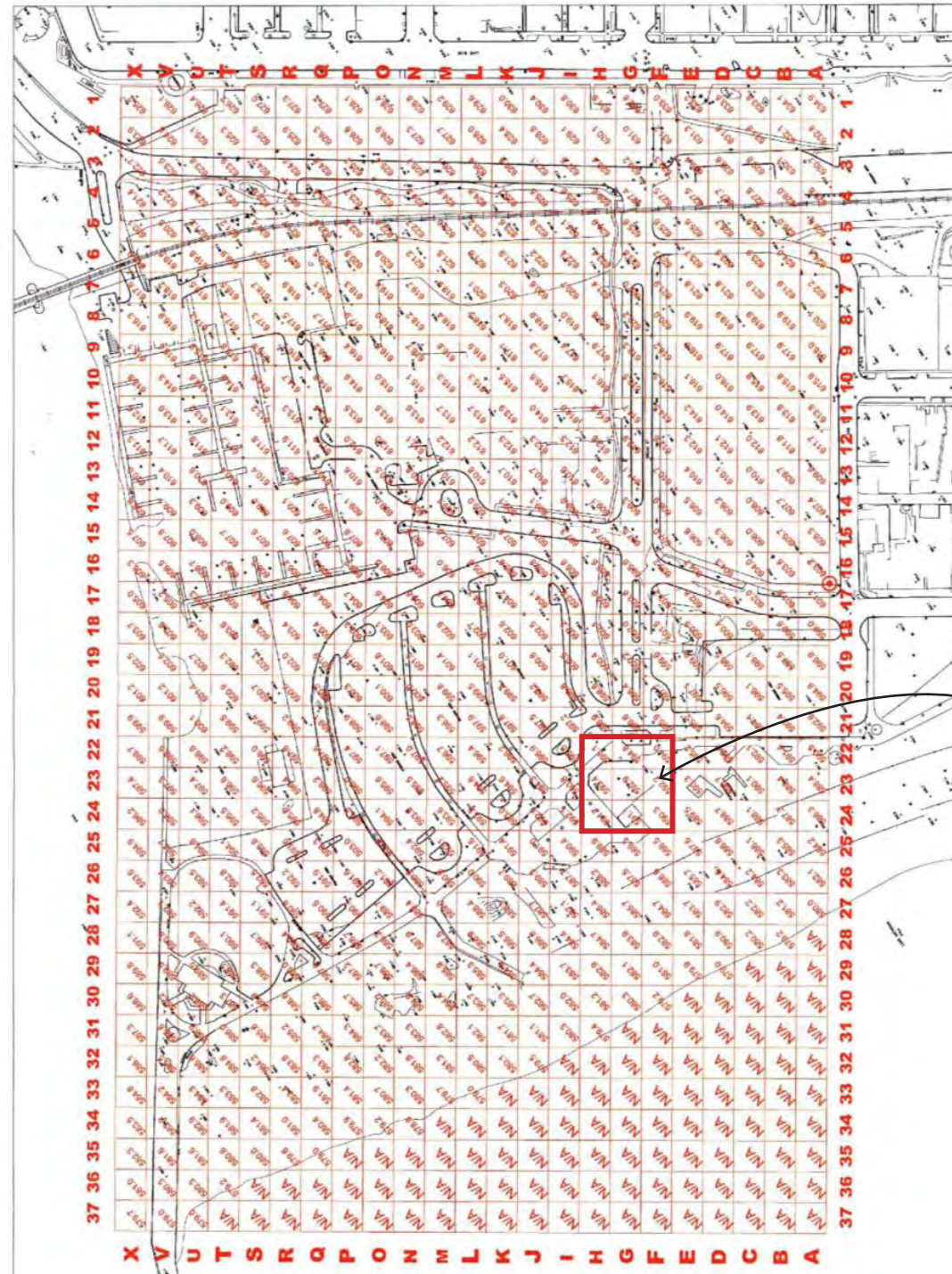
PANTELLERIA
 CONSTRUCTION
 SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN
 PROPOSED PLAN

ARTICLE IX
SPECIAL DISTRICTS

9.5.3 THE OFFICIAL LAKE
BLUFF SCENIC VIEW
PROTECTION OVERLAY
DISTRIC MAP OF THE CITY
OF ST. JOSEPH

Map 9-1



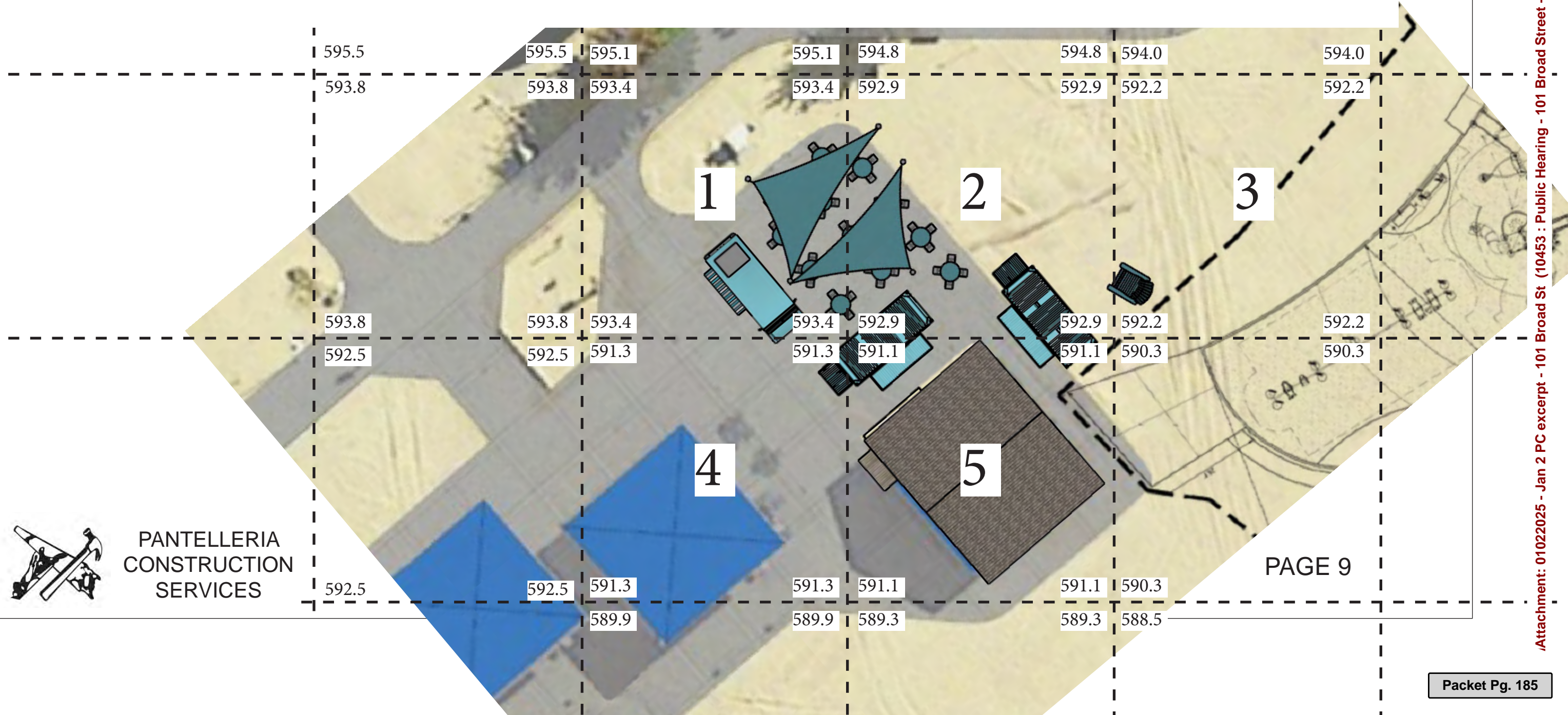
APPROX
PROJECT
AREA



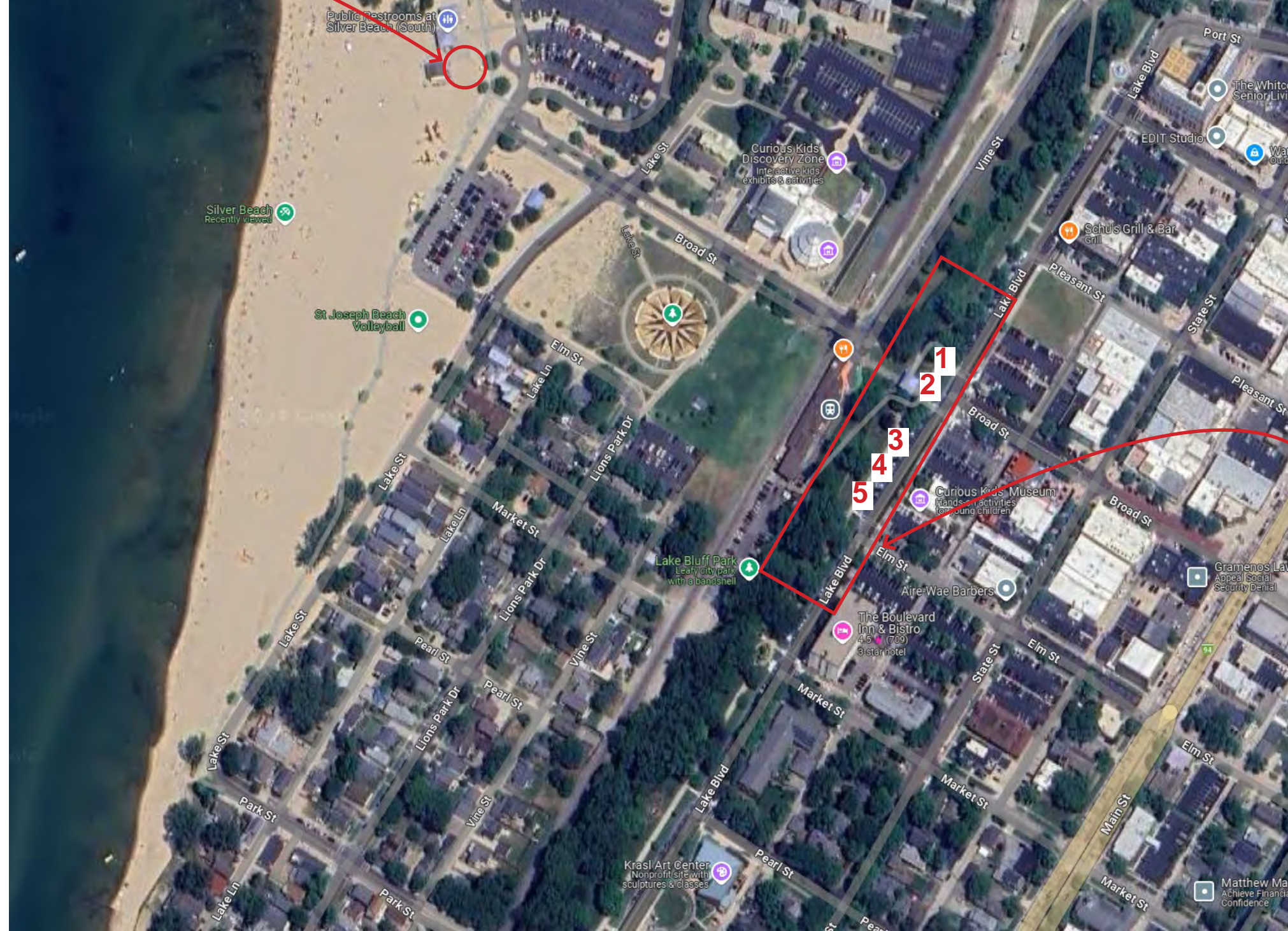
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SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN
SCENIC VIEW PHOTOS

Grid #	Existing Grade (Approx. Range)	Proposed Grade (Range)	Restrictive Elevation (RE)	Elevation of Highest EXISTING Feature	Elevation of Highest PROPOSED Feature	Proposed Improvement Description Exceeding RE
1	592-593	592.5-593	593.4	NA	604	Top of food truck fan/ceiling ventilation
2	592	592.5-593	592.9	NA	602	Top of support posts for sun shades
3	592	No change to grade	592.2	NA	601.3	Top of oversized adirondack chair
4	591.3 - 592.92	No change to grade	591.3	616.6	602	Top of food truck
5	590.3 - 593	No change to grade	590.3	609.2	602	Top of food truck



PROJECT AREA:
SILVER BEACH
COUNTY PARK



AREA PHOTOGRAPHS
WERE TAKEN FROM -
LAKE BLUFF PARK



PANTELLERIA
CONSTRUCTION
SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN SCENIC VIEW PHOTOS

PAGE 10



PHOTO 1

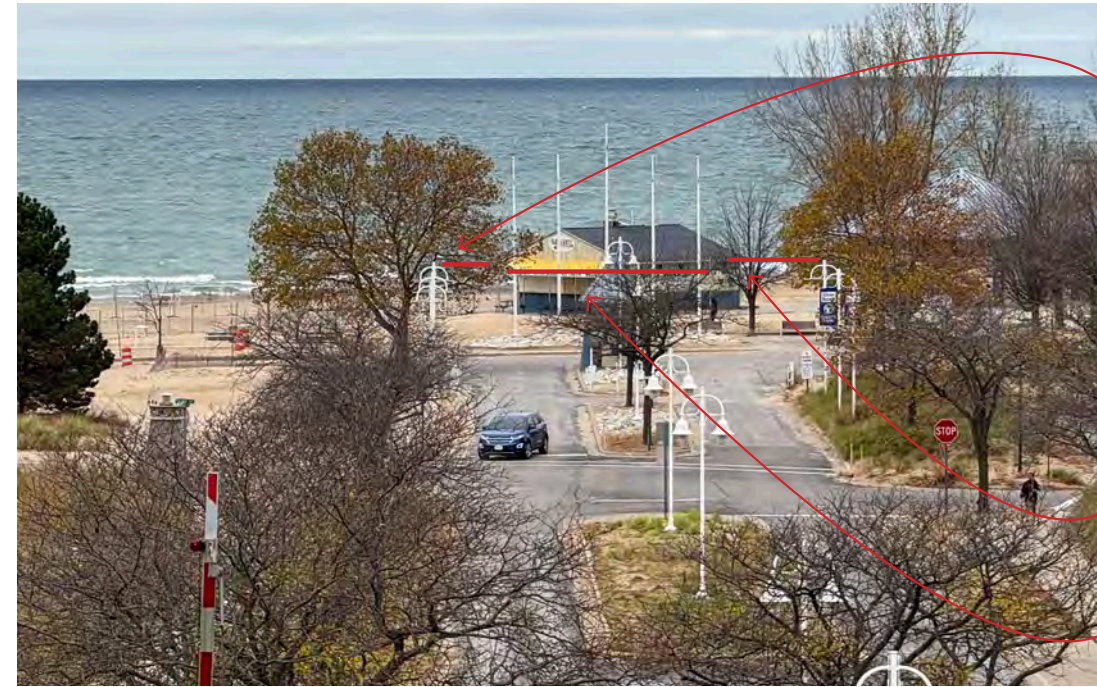


PHOTO 2



PHOTO 3 OVERALL



PHOTO 3 ZOOMED IN



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SILVER BEACH CONCESSION IMPROVEMENT PLAN SCENIC VIEW PHOTOS



PHOTO 4 OVERALL



PHOTO 4 ZOOMED IN

12' H FOOD TRUCK

8'-6" H CONTAINERS

FOOD TRUCK
12'-0 HEIGHT



PHOTO 5



PANTELLERIA
CONSTRUCTION
SERVICES

SILVER BEACH CONCESSION IMPROVEMENT PLAN SCENIC VIEW PHOTOS

Minutes of the St. Joseph Planning Commission Meeting held Commission Chambers, 700 Broad Street, St Joseph, MI 49085 on January 2, 2025.

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Call to Order

The meeting was called to order at 4:30 PM by Chair Patsy Hartzell

Attendee Name	Title	Status	Arrived
Patsy Hartzell	Chair	Present	
Kathy Burczak	Commissioner	Present	
Sean Ebbert	Commissioner	Present	
Aaron Miller	Commissioner	Present	
Becky Rice	Commissioner	Present	
Anthony Uhrick	Commissioner	Present	
Dustin Tefs	Commissioner	Present	
Pam Porter	Commissioner	Absent	
Michael Plichta	Commissioner	Absent	
Kristen Gundersen	Community Development Director	Present	
Laurie Schmidt	City Attorney	Present	
Trudy Wilder	Building Inspector	Present	
Caleb O'Toole	Building Inspector	Present	

Approval of Meeting Minutes

- Regular Minutes of Thursday, November 07, 2024

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Sean Ebbert, Commissioner
SECONDER:	Becky Rice, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
ABSENT:	Commissioner Porter, Commissioner Plichta

- Special Meeting Minutes of Monday, November 18, 2024

RESULT:	TABLED [UNANIMOUS]
MOVER:	Sean Ebbert, Commissioner
SECONDER:	Becky Rice, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
ABSENT:	Commissioner Porter, Commissioner Plichta

New Business

- 425 State Street - US Signcrafters - Ziker Cleaners - Special Approval Sign Greater than 32 square feet - 2 signs (actual size 67 square feet each)

Attachment: Excerpt Draft Planning Commission Meeting Minutes - 01022025 - 101 Broad Street (10453 : Public Hearing - 101 Broad Street -

RESULT:	APPROVED [6 TO 1]
MOVER:	Sean Ebbert, Commissioner
SECONDER:	Dustin Tefs, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
NAYS:	Commissioner Miller
ABSENT:	Commissioner Porter, Commissioner Plichta

4. 420 Anchors Way - LDS Properties LLC - Special Approval of Sign Greater than 32 square feet (actual size 80 square feet)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Aaron Miller, Commissioner
SECONDER:	Anthony Uhrick, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
ABSENT:	Commissioner Porter, Commissioner Plichta

5. Public Hearing - Curious Kids' Museum - Text Amendment to Sections 4.6.3 - Table 4-1 and 4.6.4 - Table 4-2 and Section 11.12.22 to allow Medium/Heavy Social Institutions as a permitted use in the CO Districts

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Uhrick, Commissioner
SECONDER:	Becky Rice, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
ABSENT:	Commissioner Porter, Commissioner Plichta

6. Public Hearing - 101 Broad Street - Anne Reitz - Wally and Gertz - Amendment to Planned Unit Development with Waivers - Expansion of Concession Area

Chair Hartzell opened the public hearing at 5:33 pm for the public hearing for an amendment to the planned unit development at 101 Broad Street.

Anne Reitz, applicant and owner of Wally and Gertz the concession vendor at Silver Beach for the past fourteen years stated they are looking to expand and enhance the customer experience. The existing building was constructed thirty years ago as a temporary building and is very small. To increase space, two cargo containers are proposed to sell merchandise and concessions from in addition to a food truck. A hard surface patio is proposed to allow placement of tables and chairs that will have partial shade from two large sun shades near the concession area will be a large photo chair to increase the visitor experience.

Ms. Reitz stated the existing concession stand window face the lake and many people do not know what is in the building. The proposed cargo containers, food truck and patio/seating area is located between the parking lot and the building and does not take away from the beach.

Mr. Uhrick questioned if the tenant is responsible for the cost, installation and maintenance of the proposed improvements.

Ms. Reitz stated she is responsible for all aspects of the improvements.

Ms. Burczak stated she was glad to see the proposed improvements do not take away from the beach area and that ADA tables are proposed on the patio. If possible, a mobility map from the

paved area to the photo chair would be nice so more people can utilize the photo experience. The application is complete with photographs from the top of the bluff. The proposed improvements do not appear to block the view of the lake.

Mr. Miller stated he liked that the refuse containers adjacent to the building would be screened and questioned what approvals are needed from Berrien County.

Ms. Reitz stated Berrien County has already reviewed the request and has provided written permission for the application to be submitted. The refuse containers will be screened.

Mr. Tefs questioned what would be happening in the cargo containers.

Ms. Reitz stated one container will have merchandise for the beach goers and the second container will sell food.

Mr. Miller asked about the food truck.

Ms. Rietz stated the food truck would remain during the season and it is not anticipated that a different food truck would be on the property.

Chair Hartzell closed the public hearing at 5:46 pm after no other audience members asked to speak on this request.

Mr. Miller asked if the cargo containers would fall into the city's property maintenance program.

Ms. Gundersen stated if they fall into disrepair the property maintenance program would address the issues.

Mr. Ebbert questioned if the cargo containers are temporary structures and staff could approve the request.

Ms. Gundersen stated based on the way the cargo containers will be installed and that they will not be leaving, they were not considered temporary structures. They also exceed the allowable elevation based on the LB-OD Lake Bluff Scenic View Protection District.

Ms. Burczak stated she agrees the cargo containers look like permanent structures that could remain on the property for many years and that the planned unit development needs amending.

Mr. Miller stated he believes the application is complete and that Wally and Gertz has been a good tenant for many years.

Ms. Burczak moved to recommend approval of a third amendment to the 1997 Planned Unit Development located at 101 Broad Street in the W Water Recreation District, requested by the Anne Reitz owner of Wally and Gertz on behalf of Berrien County the property owner to allow 1) expand the concession area with seating, two cargo containers, one food truck, photograph chair, and 2) obtain height waivers for five grids from Map 9-1 ranging from 1' to 20.05' and specifically listed in the staff memorandum for the January 2, 2025 Planning Commission packet and based on the twelve page document prepared by Pantelleria Construction Services and found in the January 2, 2025 Planning Commission packet as it meets the required standards under Sections 13.3.1, 13.6.1 and 13.6.3 of the Zoning Ordinance.

Mr. Uhrick seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kathy Burczak, Commissioner
SECONDER:	Anthony Uhrick, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
ABSENT:	Commissioner Porter, Commissioner Plichta

Old Business

- 7. Mechanical Equipment - Sections 2.3, 3.9.3. and 21.7 of Zoning Ordinance - Discussion 3
- 8. Parking Standards - Section 18.2.7.C - Table 18-1 - Discussion

RESULT:	POSTPONED [UNANIMOUS]
MOVER:	Anthony Uhrick, Commissioner
SECONDER:	Kathy Burczak, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Tefs
ABSENT:	Commissioner Porter, Commissioner Plichta

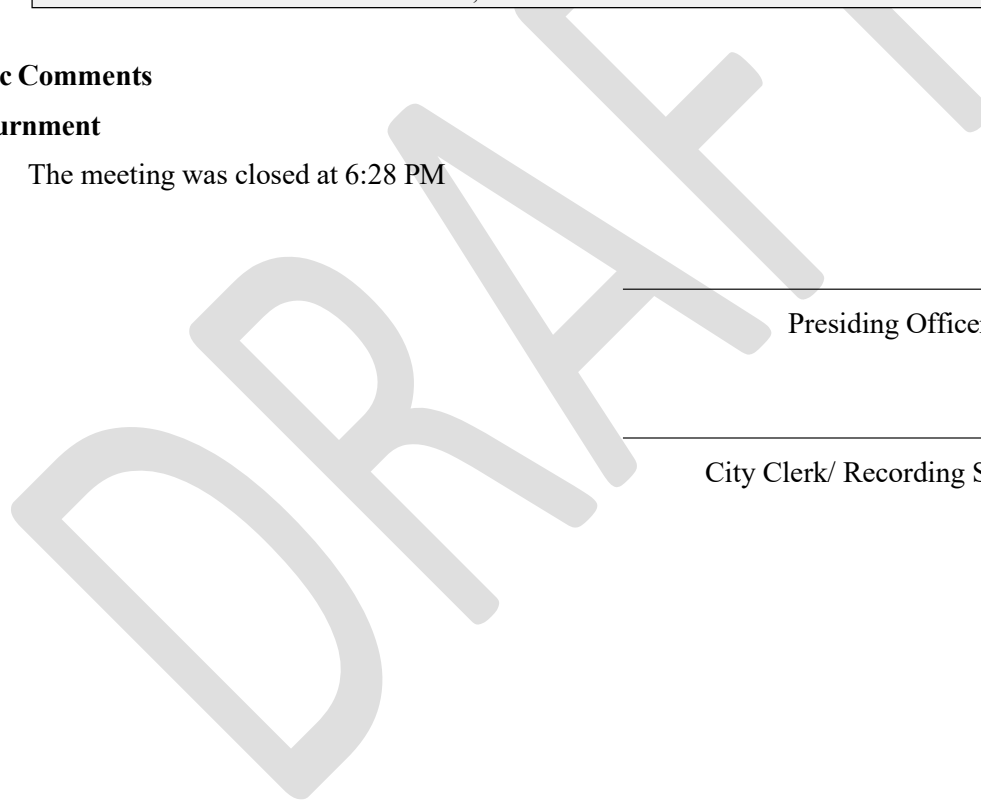
Public Comments

Adjournment

The meeting was closed at 6:28 PM

Presiding Officer

City Clerk/ Recording Secretary



Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Kristen Gundersen, Community Development Director

RE: 101 Broad Street - Amendment to Planned Unit Development - Anne Reitz - Wally Gertz

MEETING DATE: February 3, 2025

Following the public hearing, consider the request as presented, and review the criteria found in the Zoning Ordinance, specifically including Section 13.6.1 General Standards (14 criteria) and Section 13.6.3 Waiver Standards (3 criteria). All standards and criteria are found in the accompanying Public Hearing agenda item. The approvals previously granted or amended remain along with any conditions.

If the City Commission believes the required standards have been met and is in agreement with the amendment as recommended by the Planning Commission, consider the following motion:

Action Requested: to approve a third amendment to the 1997 Planned Unit Development located at 101 Broad Street and located in the W Water Recreation District, requested by Anne Reitz owner of Wally and Gertz on behalf of Berrien County the property owner to allow 1) expand the concession area with seating, two cargo containers, one food truck, photograph chair, and 2) obtain height waivers for five grids from Map 9-1 of the Lake Bluff Scenic View Protection District ranging from 1' to 11.7' and specifically listed in the staff memorandum and based on the twelve page document prepared by Pantelleria Construction Services found in the January 2, 2025 Planning Commission packet as it meets the required standards under Sections 13.3.1, 13.6.1 and 13.6.3 of the Zoning Ordinance.

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Greg Grothous, Director of Public Works

RE: ETNA Resolution

MEETING DATE: February 3, 2025

The City of St. Joseph Purchasing policy allows for the purchase of products through a sole source procurement process when the following criteria are met:

- 1.) When it is in the best interest of the City for maintenance purposes and consistency of stock parts, to purchase like products or brands.
- 2.) A vendor possesses exclusive and or predominant capabilities.

When the Public Works Department purchases Sensus water meters and Meter Transceiver Units (MXUs), the sole source supplier criteria is met on both counts.

For about 20 years, the City has been purchasing and installing Sensus water meters and MXUs (radio read touch-pads) throughout the City and the Authority area. This transition was done in an effort to streamline and improve the efficiency of the meter reading process. The only authorized distributor of Sensus products in the state of Michigan is ETNA Supply Company of Grand Rapids.

City staff replace a large number of meters and MXUs every year due to stopped meters, leaks, or replacements as part of construction projects. To perform that work quickly, efficiently, and to meet demand, we need to keep a large inventory of meters and MXUs on hand. The purchases made over a year can often exceed more than \$25,000, requiring City Commission approval.

As a result, City staff is requesting authorization from the City Commission to purchase Sensus water meters and related parts from ETNA Supply, as needed, in a total amount of up to \$200,000.00 in 2025.

Action Requested: To authorize the Public Works Department to purchase SENSUS water meters and related parts from ETNA Supply of Grand Rapids Michigan, as the sole source provider and only authorized distributor of SENSUS products in the state of Michigan, in a total amount of up to \$200,000 in 2025 as it meets the City's Purchasing Policy requirements for single source procurement.

ATTACHMENTS:

- Sole Source Letter (PDF)
- ETNA Pricing MXU (PDF)

Jim Grillo
Regional Manager
NAW | Mid-West

19598 Quinn Circle NW
Elk River, MN 55330

T: 763-241-6957
C: 612-867-3283
jim.grillo@sensus.com
www.sensus.com



November 27, 2024

To Whom It May Concern:

Sensus USA, Inc is pleased to announce that Etna Supply Co is the exclusive Authorized Distributor of Sensus products for the state of Michigan.

Please contact Etna for all of your Sensus needs. Purchasing Sensus products from the authorized distributor for your area ensures that your products will be properly supported and warranted.

We look forward to the opportunity of providing your firm with quality water measurement equipment and support in the near future.

Feel free to contact me at jim.grillo@xyleminc.com regarding this or any other matter.

Sincerely

A handwritten signature in black ink, appearing to read "J. Grillo", is written over a white background.

James C. Grillo
Regional Manager

Sensus USA, Inc

Attachment: Sole Source Letter (10332 : ETNA Resolution)



ETNA SUPPLY - GRAND RAPIDS
 4901 CLAY AVENUE SW
 GRAND RAPIDS, MI 49548-3038
 616 241 5414
 Fax 616 241 4786

Quotation

QUOTE DATE	QUOTE NUMBER
01/30/2025	S106095086
ETNA SUPPLY PO BOX 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940	PAGE NO.
	1 of 5

QUOTE TO:

SHIP TO:

CITY OF ST JOSEPH
 700 BROAD ST
 ACCOUNTS PAYABLE
 ST JOSEPH, MI 49085-1276

CITY OF ST JOSEPH
 1160 BROAD ST
 ST JOSEPH, MI 49085-1255

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
1206	2025 METER PRICES		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Dalton Potgeter		NET 25TH	02/02/2025	Yes
LINE#	ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
1	1ea	MTR 5/8 X 3/4 IPERL+ 100 CF ECR; 100 CUBIC FT ECR REG L/CONN *** IX5S3FLXXXXXXXXD *** Pn: 173751	190.000/ea	190.00
2	1ea	MTR 5/8" IPERL+ 100 CF ECR; 100 CF ECR REG L/CONN *** IX1S3FLXXXXXXXXD *** Pn: 127240	190.000/ea	190.00
3	1ea	MTR 3/4" IPERL+ 100 CF ECR; 100 CF ECR REG L/CONN *** IX3S3FLXXXXXXXXD *** Pn: 139065	235.000/ea	235.00
4	1ea	MTR 1" IPERL+ 100 CF ECR; 100 CUBIC FT ECR REG L/CONN *** IX4S3FLXXXXXXXXD *** Pn: 130997	285.000/ea	285.00
5	1ea	MTR 1-1/2" OMNI+ T2 - 100 CF; 100 CUBIC FEET TRPL 20FT CABLE TURBO DRS LAY LENGTH (13") ***T1X1XX2FXU0XXSD*** Pn: 52942	1125.000/ea	1125.00

** Continued on Next Page *

Subtotal	
S&H Charges	
Amount Due	

THIS QUOTE HAS BEEN PREPARED BASED ON OUR INTERPRETATION OF THE PROJECT DOCUMENTS PROVIDED. WE RESERVE THE RIGHT TO REVIEW AND AMEND QUOTATION PRICES IN THE EVENT PROJECT DOCUMENTS PROVIDED ARE INCOMPLETE, UNCLEAR OR CONTAIN CONFLICTING INFORMATION.

Prices are firm for 3 days. Price subject to change after 3 days.

Attachment: ETNA Pricing MXU (10332 : ETNA Resolution)



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	2 of 5

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1206	2025 METER PRICES		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Dalton Potgeter		NET 25TH	02/02/2025	Yes
LINE#	ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
6	1ea	MTR 1-1/2" OMNI+ C2 - 100 CF; 100 CUBIC FT TRPL 20FT CABLE TURBO DRS LAY LENGTH (13") ***C1X1XX2FXU0XXSD*** Pn: 119815	1645.000/ea	1645.00
7	1ea	MTR 1-1/2" CORDONEL - 100 CF (13") 100 CUBIC FT 20FT TRPL TURBO DRS LAY LENGTH W/ PRESSURE SENSOR *** G1X1XXP2FXUXXSD *** Pn: 798509	1645.000/ea	1645.00
8	1ea	MTR 2" OMNI+ T2 - 100 CF (17") 100 CUBIC FT TRPL 20FT CABLE TURBO DRS LAY LENGTH (17") *** T2X1XX2FXU0XXSD *** Pn: 64965	1335.000/ea	1335.00
9	1ea	MTR 2" OMNI+ C2 - 100 CF (17") 100 CUBIC FT TRPL 20FT CABLE TURBO DRS LAY LENGTH (17") ****C2X1XX2FXU0XXSD**** Pn: 154589	1900.000/ea	1900.00

** Continued on Next Page *

Subtotal	
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WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Dalton Potgeter		NET 25TH	02/02/2025	Yes
LINE#	ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
10	1ea	MTR 2" CORDONEL - 100 CF (17") 100 CUBIC FT TRPL 20FT CABLE TURBO DRS LAY LENGTH (15-1/4") W/ PRESSURE SENSOR *** G2X1XXP2FXUXXSD *** Pn: 875936	1900.000/ea	1900.00
11	1ea	MTR 3" OMNI+ T2 - 100 CF (17"); 100 CUBIC FEET TRPL 20FT CABLE COMPOUND LAY LENGTH (17") *** T3X3XX2FXS0XXSD *** Pn: 20646	1665.000/ea	1665.00
12	1ea	MTR 3" OMNI+ C2 - 100 CF (17"); 100 CUBIC FT TRPL 20FT CABLE COMPOUND LAY LENGTH (17") ***C3X3XX2FXS0XXSD*** Pn: 221034	2405.000/ea	2405.00
13	1ea	MTR 3" CORDONEL - 100 CF (17") 100 CUBIC FT TRPL 20FT CABLE COMPOUND LAY LENGTH (17") W/ PRESSURE SENSOR *** G3X3XXP2FXSXXSD *** *Nonstock - Restock Policy Applies* Pn: 871185	2405.000/ea	2405.00

** Continued on Next Page *

Subtotal	
S&H Charges	
Amount Due	

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1206	2025 METER PRICES		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Dalton Potgeter		NET 25TH	02/02/2025	Yes
LINE#	ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
14	1ea	MTR 4" OMNI+ T2 - 100 CF (20"); 100 CUBIC FEET TRPL 20FT CABLE COMPOUND LAY LENGTH (20") **** T4X3XX2FXS0XXSD **** Pn: 26397	3250.000/ea	3250.00
15	1ea	MTR 4" OMNI+ C2 - 100 CF (20"); 100 CUBIC FT TRPL 20FT CABLE COMPOUND LAY LENGTH (20") ***C4X3XX2FXS0XXSD*** Pn: 317298	4175.000/ea	4175.00
16	1ea	MTR 4" CORDONEL - 100 CF (20") 100 CUBIC FT TRPL 20FT CABLE COMPOUND LAY LENGTH (20") W/ PRESSURE SENSOR *** G4X3XXP2FXSXXSD *** *Nonstock - Restock Policy Applies* Pn: 871190	4175.000/ea	4175.00
17	1ea	SMARTPOINT 510M WU 2-PORT (LEAK); SENSUS MODEL 510M DUAL PORT M2 METER TRANSCIVER UNIT NON-PIT VERSION WIRED INTREGAL TOUCHREAD HOURLY READS LEAK DETECTION 5396353751204MI Pn: 85059	295.000/ea	295.00

** Continued on Next Page *

Subtotal	
S&H Charges	
Amount Due	

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	5 of 5

QUOTE TO:

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 ACCOUNTS PAYABLE
 ST JOSEPH, MI 49085-1276

CITY OF ST JOSEPH
 1160 BROAD ST
 ST JOSEPH, MI 49085-1255

CUSTOMER NUMBER	JOB NAME / PO NUMBER	JOB NAME / RELEASE NUMBER	SALESPERSON	
1206	2025 METER PRICES		Kevin Dieleman	
WRITER	SHIP VIA	TERMS	EXPIRE DATE	FREIGHT EXEMPT
Dalton Potgeter		NET 25TH	02/02/2025	Yes
LINE#	ORDER QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
18	1ea	SMARTPOINT 510M WU 1-PORT (LEAK); SENSUS MODEL 510M SINGLE PORT M2 METER TRANSCEIVER UNIT NON- PIT VERSION WIRED UNIT INTREGAL TOUCHREAD HOURLY READS LEAK DETECTION 5396353751202MI Pn: 72746	210.000/ea	210.00

This Quotation is expressly conditioned and controlled by Seller's standard terms and conditions of sale found at www.etnasupply.com/tcsale. All other terms are expressly rejected. To the extent there is a conflict between any of the terms appearing on the face of this Quotation and ETNA's Standard Terms, the terms appearing on the face of the Quotation control. TAXES ARE NOT INCLUDED ON THIS QUOTE!

Subtotal	29030.00
S&H Charges	0.00
Amount Due	29030.00

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Prices are firm for 3 days. Price subject to change after 3 days.

Attachment: ETNA Pricing MXU (10332 : ETNA Resolution)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Ben Reynnells, Finance Director

RE: FY25 Budget Amendments

MEETING DATE: February 3, 2025

Staff has identified the following budget amendments for your consideration during recently implemented quarterly budget review meetings.

General Fund (101)

- . BC Clerk Election Invoices - 101-262.000-801.000 - Increase of \$14,500. The August primary and November general election invoices from the Berrien County Clerk's Office were not budgeted for. If there is a May election for the schools, the budget will be amended at a later date. At the moment, we do not anticipate a May election.
2. BS&A Building Online Services - 101-371.000-941.100 - Increase of \$1,600. Several years ago, the Building Department started using new BS&A Online Software. Due to an error on BS&A's side, we were never invoiced for this. BS&A has since discovered and corrected their error. This budget amendment will cover this year's invoice.
3. MMRMA Insurance Premiums - 101-851.000-910.000 - Increase of \$6,200. Each year during the budget process we have to estimate the amount MMRMA will increase (or decrease). The estimate for this year was too low, this budget amendment will cover the total expense of MMRMA in the general fund for this fiscal year.
4. BS&A Payments - New Card Readers - 101-253.000-740.000 - Increase of \$1,100. The Finance Department has chosen a new vendor to handle the payments for taxes or services paid through BS&A. One of the upgrades this new service offers is the ability to accept more variates of credit card transactions, however, this requires new card readers. This budget amendment will cover the cost of three new card readers.
5. BS&A Remote Training
 - 101-270.000-860.000 - Increase of \$1,000
 - 101-371.000-860.000 - Increase of \$2,600
 - 101-253.000-860.000 - Increase of \$2,600

Shortly after the start of the new year staff identified training opportunities with BS&A. These training sessions proved very useful, and we identified several key processes that could be improved to save time and effort.

6. Corporate Compliance Training - 101-270.000-860.00 - Increase of \$200. After the start of the new fiscal year, a training for Human Resources Corporate Compliance was identified. This training was not in the budget, and this budget amendment will cover the cost.
7. All Things Payroll Training - 101-253.000-860.000 - Increase of \$1,300. To strengthen the City's ability to continue operations when unexpected absences happen, the Finance Department is learning how to help run payroll. The Personnel Department attends this training yearly, but this is the first time someone from Finance has attended. This budget amendment will cover the cost of the training.
8. MMTA Basic Institute - 101-253.000-860.000 - Increase of \$2,200. The Michigan Municipal Treasurers Association provides a certification program for municipal treasurers. It's a three-year program; each year is one week. Having an employee complete this program will be an asset for the city. This budget amendment will cover the cost of this program for this year.
9. RW Baird Assistance with Filing Continuing Disclosure - 101-253.000-801.000 - Increase of \$2,000. To ensure the continuing disclosure was filed on time, RW Baird was engaged to help file these reports. This budget amendment will cover the cost of these services.
10. New Position – Development Director – Transfer of \$42,700
 - 101-172.000-702.000 – Decrease of \$35,000
 - 101-172.000-715.000 – Decrease of \$2,700
 - 101-172.000-718.000 – Decrease of \$5,200
 - 101-728.000-702.000 – Increase of \$35,000
 - 101-728.000-715.000 – Increase of \$2,700
 - 101-728.000-718.000 – Increase of \$5,200

To fund the new the new position of Development Director, a transfer of the surplus personnel budget from the City Manager's budget, to the Economic Development budget is being used. This budget amendment does not increase the General Fund.

11. Public Safety Personnel Increases - Total Increase of \$438,700 for 101-345.000
 - 101-345.000-702.000 - Increase of \$230,000
 - 101-345.000-702.100 - Increase of \$90,000
 - 101-345.000-703.000 - Increase of \$50,000
 - 101-345.000-715.000 - Increase of \$28,300
 - 101-345.000-718.000 - Increase of \$29,300
 - 101-345.000-719.000 - Increase of \$11,100

Due to two large retirement payouts (Neubecker & Boelcke), the new contract pay changes, and retro pay, the Public Safety Salaries - Regular Full-Time budget will need to be increased. A budget amendment of \$230,000 is expected to cover the rest of the fiscal year. Due to the new tier pay amounts of the new contract, the Public Safety Salaries - Regular Extra budget needs to be increased. A budget amendment of \$90,000 will cover the rest of the fiscal year. Due to a combination of light duty, FMLA, and one vacancy, the overtime budget needs to be increased. A budget amendment of \$50,000 is expected to cover the rest of the fiscal year. And as a result of the salary budgets increasing, the related benefit lines also need to be increased. A budget amendment that totals \$68,700 for the FICA, Pension and Workers Comp lines combined will cover the rest of the fiscal year.

Capital Projects Fund (401)

- . Capital Project Budget Re-Allocation – Transfer of \$82,300
 - 401-265.121-967.000 – Decrease of \$82,300
 - 401-265.112-974.000 – Increase of \$15,000 – Fiber Optic Project (Continuation)
 - 401-751.002-967.000 – Increase of \$50,000 – Park Paving Project
 - 401-751.003-967.000 – Increase of \$3,000 – Lookout Park Asphalt by State of Michigan
 - 401-751.006-977.000 – Increase of \$2,300 – Asphalt Paving Project
 - 401-751.016-967.000 – Increase of \$12,000 – Asphalt Project for Additional Parking

This budget amendment transfers budget allocated for maintenance and repair items to projects that were moved to their own department. This budget amendment does not increase the total budget of the 401 fund.

2. Commission Chamber New Chairs – Increase of \$12,000 & Transfer of \$10,000
 - 401-265.122-967.000 – Decrease of \$10,000
 - 401-265.123-980.000 – Increase of \$12,000

To fund the new chairs for the commission chambers, a transfer of \$10,000 from the city hall first floor carpet replacement project is being used, as well as an overall 401 budget increase of \$2,000. There is also some general fund budget being allocated to this project, but that does not require an adjustment to the budget.

3. New Server for Avigilon Cameras – 401-345.000-977.000 - Increase of \$39,900. This project was included in the FY25 Capital Improvement Plan, but was NOT entered in BS&A for the adopted budget. This budget amendment corrects this error.
4. DDA Surplus of 401 Allocation – 401-728.100-967.000 - Increase of \$191,000. This budget amendment increases the yearly DDA allocation of \$200,000 to match the surplus from prior years. While this budget amendment increases the overall budget, the increase is using fund balance from last fiscal year.
5. Shoreline Softening Study – 401-751.017-801.000 - Increase of \$200,000. This project is grant funded, we received \$100,000 last fiscal year. This budget amendment will cover the expense for this fiscal year.
6. Kiwanis Park Improvements – Kaleidoscope Project – 401-751.300-977.000 - Increase of \$150,000. This budget amendment will fund the City's contribution to this project.

Water System Fund (591)

- . MMRMA Insurance Premiums
 - 591-530.000-910.000 - Increase of \$3,100
 - 591-536.000-910.000 - Increase of \$1,500

Each year during the budget process we have to estimate the amount MMRMA will increase (or decrease). The estimate for this year was too low, this budget amendment will cover the total expense of MMRMA in the water system fund for this fiscal year.

2. Pension - 591-536.000-718.000 - Increase of \$65,900. The budget for this line was mistakenly

left out of the adopted budget. This budget amendment will cover the total expense of the pension for the Water Distribution System Department in the water system fund for this fiscal year.

3. Overtime - 591-540.000-703.000 - Increase of \$1,000. In preparation for the winter tax season, Finance staff had to troubleshoot the water account to tax process. In order to meet our deadline, we had to use overtime to account for the after hours time spent on this task. This budget amendment will cover the overtime expense for the Water Administration Department in the water system fund for this fiscal year.
4. AWWA Conference for Finance Department
591-540.000-860.000 - Increase of \$200
591-540.000-870.000 - Increase of \$800

After the budget was adopted, we became aware of the AWWA, and the annual Conference. Two Finance staff attended, and found value in the conference. This budget amendment will cover the expense of the AWWA conference and the AWWA membership for the Water Administration Department in the water system fund for this fiscal year.

5. BS&A Remote Training – 591-540.000-860.000 – Increase of \$1,000. Shortly after the start of the new year staff identified training opportunities with BS&A. These training sessions proved very useful, and we identified several key processes that could be improved to save time and effort. This budget amendment covers the expense of the BS&A training for the Water Administration Department in the water system fund for this fiscal year.

Action Requested: Motion to approve these FY 2024-2025 budget amendments, as presented.

ATTACHMENTS:

- FY25 Budget Book - 101 - For Amendment 01-30-25 (PDF)
- FY25 Budget Book - 591 - For Amendment 01-30-25 (PDF)
- FY25 Budget Book - 401 - For Amendment 01-31-25 (PDF)

DESCRIPTION	FY24 ACTIVITY	FY25 ADOPTED BUDGET	FY25 AMENDED BUDGET AS OF 01-28-25	FY25 YTD P06	FY25 BUDGET AMENDMENT	FY25 PROPOSED AMENDED BUDGET
Fund 101 - General Fund						
ESTIMATED REVENUES						
101	Taxes	6,800,426	7,243,400	7,243,400	6,944,298	7,243,400
108	Licenses & permits	120,459	121,500	121,500	51,036	121,500
109	Non-Business permits	496,903	410,900	410,900	199,893	410,900
110	Federal Revenues	874,023	-	-	-	-
123	State Public Safety	57,038	40,000	40,000	85,042	40,000
137	State Revenues	236,726	238,000	238,000	86,186	238,000
122	State Revenue Sharing	1,122,961	1,144,800	1,144,800	573,579	1,144,800
145	Member Contribution	-	-	-	2,000	-
157	Charges for services	1,613,614	1,634,300	1,634,300	814,420	1,634,300
158	Sales	330	-	-	(442)	-
160	Use & admissions	163,730	144,200	144,200	62,333	144,200
152	Parking Fees	278,827	248,000	248,000	171,617	248,000
161	Fines & forfeits	168,832	170,700	170,700	83,030	170,700
162	Investment income	503,620	445,000	445,000	237,583	445,000
163	Rents and royalties	9,571	9,600	9,600	4,938	9,600
167	Public & private contributions	14,075	15,000	15,000	2,825	15,000
169	Other revenue	88,256	14,000	14,000	(6,834)	14,000
TOTAL ESTIMATED REVENUES		12,549,389	11,879,400	11,879,400	9,311,505	11,879,400
APPROPRIATIONS						
101.000	City Commission	38,135	37,200	37,200	15,379	37,200
172.000	City Manager	447,316	549,700	549,700	231,453	506,800
215.000	City Clerk	150,661	169,700	169,700	66,724	169,700
235.000	Central Purchasing	69,780	79,400	79,400	37,379	79,400
253.000	City Treasurer	375,930	377,900	377,900	180,726	387,100
257.000	City Assessor	116,700	217,500	217,500	66,059	217,500
262.000	Elections	124,632	140,900	140,900	81,191	155,400
265.000	Buildings & Grounds	397,646	465,800	465,800	199,812	465,800
266.000	City Attorney	148,795	175,800	175,800	81,754	175,800
270.000	Personnel	148,217	164,600	164,600	102,029	165,800
336.000	Fire Department	812,677	598,700	598,700	280,738	598,700
345.000	Public Safety Department	4,189,766	4,473,200	4,473,200	2,536,427	4,911,900
371.000	Building Inspection Department	332,515	362,700	362,700	169,213	366,900
372.000	Code Enforcement Department	88,981	135,900	135,900	44,712	135,900
441.000	Public Works Department	251,582	268,300	268,300	119,134	268,300
442.000	Asset Management	92,693	149,600	149,600	25,202	149,600
447.000	City Engineer	325,145	473,000	473,000	168,075	473,000
448.000	Street Lighting	85,283	87,500	87,500	43,765	87,500
466.000	Paid Parking - Downtown	-	-	210,000	93,448	210,000
651.000	Ambulance	58,004	67,600	67,600	44,151	67,600
721.000	Community Development	133,984	149,500	149,500	65,285	149,500
728.000	Economic Development	60,000	60,000	60,000	63,040	102,900
740.000	Communications	87,520	91,500	91,500	88,173	91,500
751.000	Parks/Recreation	947,738	1,069,200	1,069,200	513,641	1,069,200
752.000	Lighthouse Operations	903	11,000	11,000	413	11,000
756.000	Recreation Programs	48,069	102,500	102,500	30,062	102,500
757.000	Ice Arena Operations	227,493	281,800	281,800	90,961	281,800
851.000	Insurance Premiums	118,804	124,800	124,800	130,976	131,000
852.000	Employee Benefits	61,800	61,800	61,800	30,900	61,800
890.000	Extraordinary Expenditures	21,552	35,000	35,000	1,937	35,000
905.000	Debt Service	131,252	131,400	131,400	65,626	131,400
905.200	Debt Service - Fountain	75,042	-	-	-	-
965.000	Transfers Out	1,363,990	310,000	310,000	-	1,846,800
TOTAL APPROPRIATIONS		11,532,603	11,423,500	11,633,500	5,668,387	13,644,300
NET OF REVENUES/APPROPRIATIONS - FUND 101		1,016,786	455,900	245,900	3,643,118	(1,764,900)
BEGINNING FUND BALANCE		3,599,380	4,616,166	4,616,166	4,616,166	4,616,166
ENDING FUND BALANCE		4,616,166	5,072,066	4,862,066	8,259,285	2,851,266

Attachment: FY25 Budget Book - 101 - For Amendment 01-30-25 (10424 : FY25 Budget Amendments)

DESCRIPTION	FY24 ACTIVITY	FY25 ADOPTED BUDGET	FY25 AMENDED BUDGET AS OF 01-28-25	FY25 YTD P06	FY25 BUDGET AMENDMENT	FY25 PROPOSED AMENDED BUDGET	
Fund 591 - Water System Fund							
ESTIMATED REVENUES							
110	Federal Revenues	2,421,732	-	-	-	-	
137	State Revenues	-	1,200,000	1,200,000	-	1,200,000	
157	Charges for services	7,183,346	7,246,200	7,246,200	4,154,058	7,246,200	
161	Fines & forfeits	127,883	120,500	120,500	71,219	120,500	
162	Investment income	447,469	373,500	373,500	246,119	373,500	
169	Other revenue	11,547	5,108,700	5,108,700	4,085	5,108,700	
TOTAL ESTIMATED REVENUES		10,191,978	14,048,900	14,048,900	4,475,481	-	14,048,900
APPROPRIATIONS							
530.000	Water Treatment Plant	2,681,768	2,480,800	2,480,800	1,043,547	3,100	2,483,900
536.000	Water Distribution System	1,709,363	1,711,700	1,711,700	746,239	67,400	1,779,100
540.000	Water Administration	1,161,850	1,232,000	1,232,000	610,473	3,000	1,235,000
900.000	General Capital Outlay	714,950	8,772,300	8,772,300	1,747,791	-	8,772,300
905.000	Debt Service	365,619	1,690,300	1,690,300	1,250,918	-	1,690,300
TOTAL APPROPRIATIONS		6,633,550	15,887,100	15,887,100	5,398,967	73,500	15,960,600
NET OF REVENUES/APPROPRIATIONS - FUND 591		3,558,427	(1,838,200)	(1,838,200)	(923,486)	(73,500)	(1,911,700)
BEGINNING FUND BALANCE		19,195,926	22,754,353	22,754,353	22,754,353		22,754,353
ENDING FUND BALANCE		22,754,353	20,916,153	20,916,153	21,830,867		20,842,653

Attachment: FY25 Budget Book - 591 - For Amendment 01-30-25 (10424 : FY25 Budget Amendments)

DESCRIPTION	FY24 ACTIVITY	FY25 ADOPTED BUDGET	FY25 AMENDED BUDGET AS OF 01-28-25	FY25 YTD P06	FY25 BUDGET AMENDMENT	FY25 PROPOSED AMENDED BUDGET	
Fund 401 - Capital Projects Fund							
ESTIMATED REVENUES							
115	Federal PS	3,662	-	-	-	-	
129	State Recreation/Culture	100,000	704,900	704,900	-	704,900	
162	Investment income	165,678	108,600	108,600	100,925	108,600	
167	Public & private contributions	189,664	100,000	100,000	14,348	100,000	
169	Other revenue	5,012	-	-	-	-	
190	Transfers in	1,052,300	-	-	1,536,800	1,536,800	
TOTAL ESTIMATED REVENUES		1,516,316	913,500	913,500	115,273	1,536,800	2,450,300
APPROPRIATIONS							
265.112	Fiber Optic Upgrade	19,991	-	-	8,363	15,000	15,000
265.121	Facilities Maintenance Items	153,148	520,000	520,000	7,600	(82,300)	437,700
265.122	Facilities Carpet Replacement	-	35,000	35,000	-	(10,000)	25,000
265.123	Commission Chambers Furniture	-	-	-	-	12,000	12,000
265.140	Public Parking Improvements	698,711	75,000	75,000	40,020	-	75,000
265.150	Facility Card Access	-	80,000	80,000	-	-	80,000
265.800	CC Audio Visual Equipment	69,164	-	-	-	-	-
345.000	Public Safety Department	105,991	23,000	23,000	28,922	39,900	62,900
345.004	Body Cameras	5,098	31,300	31,300	-	-	31,300
345.112	Taser Replacement	4,414	5,200	5,200	-	-	5,200
441.000	Public Works Department	7,679	-	-	-	-	-
441.200	Public Works Facility Pavement	486,632	-	-	-	-	-
447.100	Asset Management Plan	-	60,000	60,000	-	-	60,000
728.100	Downtown Plan Implementation	123,448	200,000	200,000	6,701	191,000	391,000
751.000	Parks/Recreation	74,466	228,000	228,000	41,212	-	228,000
751.001	Parks Five Year Plan	10,449	-	-	-	-	-
751.002	Milton Park Improvements	-	-	-	49,950	50,000	50,000
751.003	Lookout Park Parking Lot Repairs	23,129	-	-	2,966	3,000	3,000
751.006	Riverview Park Playground Equipment	172,137	-	-	2,285	2,300	2,300
751.014	Tiscornia Park Plan	5,505	-	-	-	-	-
751.016	Woodbine	4,789	-	-	12,000	12,000	12,000
751.017	Shoreline Softening Study	-	-	-	200,000	200,000	200,000
751.120	Fountain Repair & Replacement	-	45,000	45,000	143	-	45,000
751.190	Light up the Bluff Equipment	-	20,000	20,000	-	-	20,000
751.270	Dickinson Parking & Playground	-	645,000	645,000	-	-	645,000
751.300	Kiwanis Park Improvements	14,700	-	-	-	150,000	150,000
751.360	Maids of the Mist Rehabilitation	134,132	5,000	5,000	-	-	5,000
751.540	Howard Path Bridge Rehabilitation	44,674	-	-	-	-	-
751.590	Riverfront Trail	-	10,000	10,000	30	-	10,000
751.591	WCF Restroom Facility	28,590	800,000	800,000	201,565	-	800,000
900.000	General Capital Outlay	9,800	-	-	-	-	-
TOTAL APPROPRIATIONS		2,196,645	2,782,500	2,782,500	601,756	582,900	3,365,400
NET OF REVENUES/APPROPRIATIONS - FUND 401		(680,329)	(1,869,000)	(1,869,000)	(486,483)	953,900	(915,100)
BEGINNING FUND BALANCE		3,622,580	2,942,251	2,942,251	2,942,251		2,942,251
ENDING FUND BALANCE		2,942,251	1,073,251	1,073,251	2,455,768		2,027,151

Attachment: FY25 Budget Book - 401 - For Amendment 01-31-25 (10424 : FY25 Budget Amendments)

Agenda Item

TO: Members of the St. Joseph City Commission

FROM: Ben Reynnells, Finance Director

RE: Transfer 2023-24 Funds to Capital Improvement Fund

MEETING DATE: February 3, 2025

Each year, following the completion of the audit, a portion of the available General Fund balance is transferred to the Capital Improvement Fund. The City Commission has viewed this as a way to ensure that capital improvement projects are backed by funds that the city has "in the bank", and that funding for these projects is not commingled with annual operations or based on anticipated revenues that have not been received.

For the last few years, we have determined the amount of the recommended transfer using methodology in which, following the completion of the audit, the target General Fund cash balance is set at 20% of budgeted operations for the current year, plus 100% of the debt service budgeted in the General Fund for the year. Cash above that target balance is transferred to the Capital Improvement Fund, which in turn also funds the Capital Maintenance Fund.

Given the uncertainty of the pandemic in November 2020 on City finances, the Commission set a higher reserve of 25% of budgeted operations to be kept on hand, rather than the usual 20%. (This resulted in more than an additional \$400,000 being held in the General Fund during that year, which was released the following year when the calculation was returned to 20%.)

It is important to note that expenses related to the Building Department and Code Enforcement Department are excluded from these calculations as those activities, although within the General Fund, are backed by restricted funds that can only be used for those purposes. (Those restricted funds are also excluded in the available fund balance calculation.)

The attached calculation indicates that the unassigned balance of the General Fund as of June 30, 2024 was \$3,963,008 (up from last year's calculation of \$3,304,961 on June 30, 2023). The calculation sets a target General Fund balance of \$2,426,180, (up from \$2,252,640 last year). This includes \$131,400 for debt service to be paid in the 2024-25 year, and \$2,294,780 representing 20% of the budgeted 2024-25 operating expenses.

The calculation indicates that \$1,536,800 is available to be transferred to the Capital Improvement Fund.

The Fund Balance Assignment Policy and the calculations performed are attached.

Below are the past five years of transfers.

Action Item (ID # 10347)

Meeting of February 3, 2025

FY20 = \$578,900
FY21 = \$1,700,200
FY22 = \$1,267,800
FY23 = \$890,423
FY24 = \$1,052,300

Action Requested: To transfer \$1,536,800 from the General Fund to the Capital Improvement Fund, representing funds in excess of the target General Fund Balance calculated in accordance with the Fund Balance Assignment Policy.

ATTACHMENTS:

- Fund Balance Assignment Policy - 06-28-2020 (PDF)
- FY25 General Fund to Capital Improvement Calculation 01-28-25 (PDF)

City of St. Joseph Fund Balance Policy

The following policy shall govern the designation of Fund Balance for the City of St. Joseph:

Purpose of Fund Balance.

- Provide guidelines for the use and maintenance of Fund Balance.
- Ensure the City of St. Joseph maintains adequate Fund Balance reserve levels, in light of annual fluctuations in revenues and expenses.
- Minimize the impact of unanticipated events that could adversely affect the financial position in the City of St. Joseph.
- To preserve the creditworthiness of the City of St. Joseph.

Definition.

Fund Balance – Fund balance is the net value of an individual fund, measured as total assets minus total liabilities.

Fund Balance Classifications.

Non-spendable. Assets that are not available in a spendable form such as inventory, prepaid expenditures, and long-term receivables not expected to be converted to cash in the near term. It also includes funds that are legally or contractually required to be maintained intact, such as the corpus of a permanent fund or foundation.

Restricted. Amounts that are required by external parties to be used for a specific purpose. Constraints are externally imposed by creditors, grantors, or contributors; or laws, regulations, or enabling legislation.

Unrestricted-Committed (“Committed”). Amounts that will be spent for specific purposes pursuant to constraints imposed by formal action of the City Commission. See below.

Unrestricted-Assigned (“Assigned”). Amounts intended to be used for specific purposes. See below.

Unrestricted-Unassigned (“Unassigned”). The remaining amount of fund balance that is not Non-spendable, Restricted, Committed, or Assigned.

Committing Fund Balance. In order to commit fund balance, the City Commission must pass a resolution to commit funds for a specific purpose. These funds may be expended only for that committed purpose. Once committed, in order to remove the commitment from such funds or a portion of such funds, a new resolution must be passed by the City Commission. Action must be taken before the end of the fiscal year to commit or uncommit funds for that year.

Assigning Fund Balance. In order to assign fund balance, the City Commission may indicate in a public meeting its intention that certain funds be used for a particular purpose, without passing a resolution. In addition, the City Commission hereby authorizes the Finance Director to assign fund balance when

Approved by the St. Joseph City Commission 6/28/2021

circumstances indicate funds are intended to be used for a particular purpose, such as a donation received without a written agreement, or debt service for the succeeding fiscal year.

Levels of Fund Balance – The City Commission will establish and maintain levels of fund balance for the General Fund as follows:

Each year upon receipt and acceptance of the annual audit, the City Commission will review the audited Unassigned Fund Balance at the end of the previous fiscal year, and compare it to the current year budgeted expenditures.

The goal of the City Commission is to maintain a minimum unassigned fund balance of no less than 20% of the budgeted General Fund expenditures for the current fiscal year, plus 100% of the budgeted debt service expenditures for the current fiscal year. For the purpose of this calculation, ‘expenditures’ will be the annual budgeted expenditures less non-recurring capital expenditures, debt service expenditures, and budgeted expenditures funded by restricted, assigned, or committed fund balance (such as inspections and code enforcement expenditures).

- If the unassigned audited fund balance for the previous fiscal year falls below 20% of budgeted expenditures, the General Fund budget for the following years will be amended to restore fund balance to the 20% level.
- If the unassigned fund balance exceeds 20% of budgeted expenditures, the City Commission may consider one or more of the following uses for the portion of fund balance in excess of 20%: 1) retain funds in the General Fund; 2) transfer funds to the Capital Improvement Fund for future projects; 3) pay down debt service. The City Commission must formally direct this action.

**General Fund Recommended Transfer to
Capital Improvement Fund Calculation
as of Completion of the FY24 Audit
For February 3, 2025 City Commission Meeting**

General Fund - Fund Balance

General Fund - Fund Balance \$ 5,933,227 Audit Page 59

Less Restricted, Assigned, or Committed Fund Balance

<i>Inventories</i>	\$	(58,153)	Audit Page 59
<i>Prepays</i>		(56,776)	Audit Page 59
<i>Public Safety</i>		(538,230)	Audit Page 59
<i>Budget Stabilization Fund (102)</i>		(1,000,000)	Audit Page 59
<i>Less Cemetery Fund (209)</i>		(317,060)	BS&A Balance Sheet @ 6/30/24
		\$ (1,970,219)	

Net Unassigned General Fund - Fund Balance \$ 3,963,008 Per Fund Balance Policy Calculation

General Fund - Minimum Fund Balance Calculation

<i>General Fund Adopted Budget</i>	\$	11,423,500	FY25 Adopted Expense Budget
<i>General Fund Budget Amendments</i>		684,000	FY25 Expense Amendments
		\$ 12,107,500	FY25 Amended as of 01-07-25

<i>Less General Fund Debt Service Budget</i>	\$	(131,400)	FY25 Amended Expense Budget
<i>Less Building Inspection Department (371.000)</i>		(366,300)	FY25 Amended Expense Budget
<i>Less Code Enforcement Department (372.000)</i>		(135,900)	FY25 Amended Expense Budget
		\$ (633,600)	

Net FY25 Amended General Fund Budget \$ 11,473,900 Per Fund Balance Policy Calculation

Fund Balance Policy Minimum Fund Balance % 20.00% Per Fund Balance Policy Calculation

<i>Calculated Minimum General Fund - Fund Balance</i>	\$	2,294,780	Per Fund Balance Policy Calculation
<i>Plus General Fund Debt Service</i>		131,400	Per Fund Balance Policy Calculation
		\$ 2,426,180	Per Fund Balance Policy Calculation

Amount Available to Transfer to the Capital Improvement Fund

<i>Net Unassigned General Fund - Fund Balance</i>	\$	3,963,008	Copied from Above
<i>Net Minimum General Fund - Fund Balance</i>		(2,426,180)	Copied from Above
		\$ 1,536,800	Rounded to nearest \$100