

CITY OF ST. JOHNS
CITY COMMISSION MINUTES

JULY 24, 2023

The regular meeting of the St. Johns City Commission was called to order by Mayor Dzurka at 6:00 p.m. at the Clinton County Courthouse, 100 East State Street, 2nd Floor, Suite #2200, St. Johns, Michigan.

COMMISSIONERS PRESENT: Eric Hufnagel, Jean Ruestman, Scott Dzurka, Chris Hyzer

COMMISSIONERS ABSENT: Brad Gurski

STAFF PRESENT: Chad Gamble, City Manager; Kristina Kinde, City Treasurer; Mindy J. Seavey, City Clerk; Justin Smith, Director of Public Services; Anne Seurnyck, City Attorney

Mayor Dzurka asked if any of the commissioners or persons present wished to discuss any of the items on the consent agenda.

There were none.

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the consent agenda be approved as presented.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

a. Approval of Minutes

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the minutes of the June 26, 2023 regular meeting be approved as presented.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

b. Receipt of Warrants

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that warrants be approved as presented in the amount of \$582,897.32.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

c. Renewal of Liability & Property Insurance

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the city commission approve that the MML is designated as a Sole Source Vendor as the MML can supply the City with a superior product and service regarding the provisioning of the required insurance for the City in the most cost-effective means. It is further recommended that the City renews the contract for liability and property insurance coverage with the Michigan Municipal League.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

d. Insituform – Contract Amendment

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the city commission approve the change order from Insituform Technology in the amount of \$145,846.00 to install CIPP lining and authorize the mayor and clerk to sign the “stipulated price” agreement and change order as amended by the city attorney.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

e. Asphalt Restoration Inc. – Over Band Crack Seal

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the city commission approve the recommendation to use Asphalt Restoration Inc. to complete the over band crack seal process for the 2023 late summer early fall application.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

f. Michigan Paving & Materials Agreement – Street Program

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the city commission approve the agreement with Michigan Paving & Materials contingent on the city attorney’s review and authorize the mayor and clerk to sign.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

g. Youngstrom Contracting Agreement – BR US-127 Intersection at Walker Road

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the city commission approve the agreement with Youngstrom Contracting contingent on the city attorney's review and authorize the mayor and clerk to sign.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

h. Dump Trailer Approval

Motion by Commissioner Ruestman seconded by Commissioner Hyzer that the city commission approve the purchase of the dump trailer from US 27 Motorsports in the amount of \$12,199.00.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

AGENDA

Mayor Dzurka asked if there were any additions or deletions to the agenda.

There were none.

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission approve the agenda as presented.

AGENDA

A. OPENING:

1. Invocation
2. Pledge of Allegiance
3. Consent Agenda

The staff proposes the following items for the Consent Agenda. If any Commissioner wishes to discuss any of these items, it should be placed on the regular agenda. The remaining items and recommendations may be approved en masse:

- a. Approval of Minutes
 - Regular meeting of June 26, 2023
- b. Receipt of Warrants
 - In the amount of \$583,747.32
- c. Renewal of Liability & Property Insurance

-The City Manager recommends to the City Commission that MML is designated as a Sole Source Vendor as the MML can supply the City with a superior product and service regarding the provisioning of the required insurance for the City in the most cost-effective means. It is further recommended that the City renews the contract for liability and property insurance coverage with the Michigan Municipal League.

d. Insituform – Contract Amendment

-Staff recommends the city commission approve the change order from Insituform Technology in the amount of \$145,846.00 to install CIPP lining and authorize the mayor and clerk to sign the “stipulated price” agreement and change order as amended by the city attorney.

e. Asphalt Restoration Inc. – Over Band Crack Seal

-Staff recommends the city commission approve the recommendation to use Asphalt Restoration Inc. to complete the over band crack seal process for the 2023 late summer early fall application.

f. Michigan Paving & Materials Agreement – Street Program

-Staff recommends the city commission approve the agreement with Michigan Paving & Materials contingent on the city attorney’s review and authorize the mayor and clerk to sign.

g. Youngstrom Contracting Agreement – BR US-127 Intersection at Walker Road

-Staff recommends the city commission approve the agreement with Youngstrom Contracting contingent on the city attorney’s review and authorize the mayor and clerk to sign.

h. Dump Trailer Approval

-Staff recommends the city commission approve the purchase of the dump trailer from US 27 Motorsports in the amount of \$12,199.00.

4. Approval of Agenda:

B. PUBLIC HEARINGS:

C. PERSONS WISHING TO PRESENT TESTIMONY:

1. Public comment - agenda & non-agenda item

D. COMMUNICATIONS:

E. OLD BUSINESS:

F. NEW BUSINESS:

1. City Commission – Board & Committee Assignments
2. Construction Equipment Lease/Purchase
3. Resolution #19-2023 - Resolution to Introduce an Ordinance to Repeal and Replace Chapter 54 of Title V of the Code of Ordinances to Provide for Industrial Pretreatment Regulations (Ordinance #677)

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4. Resolution #20-2023 - Resolution to Introduce an Ordinance to Regulate the Keeping of Animals (Ordinance #678)
 5. Resolution #21-2023 – Resolution to Introduce and Ordinance to Eliminate the Limit on Psychological Patients in Medical Facilities (Ordinance #679)
 6. Resolution #22-2023 - Resolution Approving a Special Use Permit for 500 North Lansing Conditioned on Site Plan Approval
 7. 2024 Elections – Early Voting
 8. Social District in the DDA
 9. City Manager Comments
 10. Commissioner Comments

G. ADJOURNMENT:

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

PUBLIC HEARINGS

PERSONS WISHING TO PRESENT TESTIMONY

1. Public Comment

Mayor Dzurka asked if there were any public comments.

Roberta Cocco, resident, was present. She discussed an agenda item from the last session regarding King Media invoices; her complaint was around inaccurate public comments that were made about the spending; and she still thinks there should be some action taken.

Tyler Barlage, resident, was present. He thanked the commissioners for their work and said he believes you work hard to do what is best for citizens of the city. He discussed his concerns with the Pride Festival and drag queen show being held on the streets of the community where children can see.

Cheryl Cole, resident, was present. She discussed the Wilson Center; who wrote the purchase agreement; reconsidering the purchase of RBW; the open carry alcohol plan; King Media payments; and concerns going on deaf ears.

Carolyn Smith, resident, was present. She discussed agreeing with everything stated by Tyler Barlage; adults protecting and preserving the innocence of children; and that she is in opposition to the social district.

Lori Zelenka, resident, was present. She discussed the drag show; problems on the website for the yard waste pick-up; trying to keep up with East Lansing and Okemos.

Susan DeRosia was present. She discussed the Wilson Center project summary and making the documents a little more traceable.

Mayor Dzurka said he appreciated the thoughts and will try to address them this evening.

COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

1. City Commission – Board & Committee Assignments

Mayor Dzurka said he believed you all received an email of updates for board and committee assignments. He said he tried to match up with the skills and spread the load.

Motion by Commissioner Hyzer seconded by Commissioner Ruestman that the city commission accept the commission board and committee assignments.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

2. Construction Equipment Lease/Purchase

Director Smith said currently we lease 3 pieces of equipment from Michigan CAT. We are nearing completion of the 5-year lease; looked at guaranteed buybacks that were given; we have \$40,000 worth of equity in those per piece of equipment versus what we could get retail; our best option is to utilize buybacks and purchase the equipment and revisit a lease next spring/summer. He said we would bring the agreement back for approval.

There was a discussion of:

- The budgeted amount.
 - \$36,000 would cover all three pieces annually.
- If we stay on the existing plan, we would be looking at almost double that.
- If we move into a new lease, we would lose that equity.

Motion by Commissioner Ruestman seconded by Commissioner Hufnagel that the city commission authorize staff to proceed with construction equipment lease purchase pending legal review.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

3. Resolution #19-2023 - Resolution to Introduce an Ordinance to Repeal and Replace Chapter 54 of Title V of the Code of Ordinances to Provide for Industrial Pretreatment Regulations (Ordinance #677)

Attorney Seurnyck said just like any other ordinance, this needs to be introduced.

Supervisor Whitford said this project started in 2017. We had a study to see our maximum loadings at the plant and found that some of the loadings had changed. Also, our manual of procedures if we have an industrial user that violates permits. He said some new caveats allow us to plan for future developments and allows us to give users additional capacity, if needed, at a set fee. He said the ordinance hadn't been updated since the 1990's.

There was a discussion of:

- When this was worked on last.
 - 1990.
- The best thing about this change.
 - A lot more legality and grips if we have issues; gives us flexibility with new industrial users that come in.
- Once we adopt this, the township has to adopt ours as well.
 - Conversations that have taken place with the township.
- The section on charges and fees.

Motion by Commissioner Ruestman seconded by Commissioner Hufnagel that the city commission introduce ordinance #677 by adopting Resolution #19-2023 to Introduce an Ordinance to Repeal and Replace Chapter 54 of Title V of the Code of Ordinances to Provide for Industrial Pretreatment Regulations.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

4. Resolution #20-2023 - Resolution to Introduce an Ordinance to Regulate the Keeping of Animals (Ordinance #678)

Chris Khorey from McKenna was present. He said the planning commission has recommended a zoning amendment. He said this would establish rules for keeping of chickens on city lots. He discussed the 3 categories of domesticated animals: pets, exotic or wild animals or livestock. He discussed livestock. He said chickens would be permitted, up to 4 or up to 6, non-farming and with rules. He also discussed allowing for bees on residential lots and said that has been discussed for a while.

There was a discussion of:

- Would require a permit.
- Outbuildings and setbacks.
- Livestock.
- The planning commission started discussing the number of pets as a whole and it is on their list to address.

Motion by Commissioner Hyzer seconded by Commissioner Ruestman that the city commission adopt Resolution #20-2023 to Introduce an Ordinance to Regulate the Keeping of Animals (Ordinance #678).

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

5. Resolution #21-2023 – Resolution to Introduce an Ordinance to Eliminate the Limit on Psychological Patients in Medical Facilities (Ordinance #679)

Mr. Khorey said we have a second zoning amendment recommended by the planning commission. Currently, there is a limit to not exceed 20% of beds treating psychiatric or incarcerated patients. The recommendation is to strike psychiatric and the other aspect is a new definition for the word incarcerated.

There was a discussion that there are not any incarcerated patients currently held at the facility on Townsend Road.

Motion by Commissioner Hufnagel seconded by Commissioner Hyzer that the city commission adopt Resolution #21-2023 to Introduce an Ordinance to Eliminate the Limit on Psychological Patients in Medical Facilities (Ordinance #679).

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

6. Resolution #22-2023 - Resolution Approving a Special Use Permit for 500 North Lansing Conditioned on Site Plan Approval

Mr. Khorey said this is a recommendation from the planning commission. Currently, it is an empty lot and there is a proposal from Youngstrom Contracting for a storage building. This is permitted by special use. The planning commission has granted preliminary approval of the site plan. There is a gravel area in the back of the building being proposed and we do not allow gravel parking lots. He said storage areas are required to have fences and screening and it can't be used for storage or parking. There is a recommendation this be approved.

There was a discussion of:

- Location

Motion by Commissioner Hufnagel seconded by Commissioner Ruestman that the city commission adopt Resolution #22-2023 Resolution Approving a Special Use Permit for 500 North Lansing Conditioned on Site Plan Approval.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

Mayor Dzurka said there was one item we are waiting for legal review regarding an apartment complex for FC Mason. He said from the planning commission side it made it a challenge because we didn't have a quorum in June. We are trying to find a way we can expedite this and he wanted to give folks a heads up.

7. 2024 Elections – Early Voting

Clerk Seavey said in November of 2022, Proposal #2-2022 was passed. This proposal was for a change to voting laws in Michigan, with one of the biggest components of this being 9 days of early voting for each State or Federal Election. The county clerk has held a couple of meetings with local clerks to discuss our options on early voting. We need to decide whether we hold the 9 days of early voting on our own or if we coordinate with other jurisdictions within the county and have 2-3 sites available in the county for all Clinton County voters for early voting. Currently, the discussion is to have a southern site located at Dewitt Township Offices and a northern site located at Bingham Township Hall. Due to the cost for additional equipment, not having a precinct within the city that we can use for 9 days straight, the cost of election workers, and city staff availability, I would recommend that we coordinate with other jurisdictions in the county for early voting. She said she does have rough costs from the county clerk on the 9 days of early voting. That would be if all 33 precincts in the county went to county-wide early voting. The county clerk would like to know by mid-August our decision.

There was a discussion of:

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- How the costs are shared
 - Per precinct cost; the city has 3 precincts.
 - Location for early voting.
 - Michigan will be the only state in the country that offers all 3 forms of voting: early voting, election day voting, absentee voting.
 - If we did conduct early-voting ourselves, our voters would not be able to go to the county-wide early voting locations.
 - Possible resources from the state budget to cover some of these costs.
 - New equipment required for early voting centers.

Motion by Commissioner Hyzer seconded by Commissioner Ruestman that city commission recommends coordinating with other jurisdictions in Clinton County to hold early voting at coordinated precincts in Clinton County.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

8. Social District in the DDA

City Manager Gamble said this issue came up a couple of weeks ago at the DDA meeting. There was an entry level discussion about the creation of a social district and the DDA wanted to bring it before the commission for discussion. He said he put together a brief memo to the commission with basic information about social districts. He said they are governed by LARA at the state and there are 106 communities in the state that have social districts. He thanked Police Chief Kirk for doing some research.

PSD/DDA Director Hanover was present. She said social districts are a fairly new concept and when brought to the downtown board there was a lot of discussion. She said she put the question on a downtown director's chat space and she only received positive comments. She said she sent out an email to 100 in our district; 28 people responded; 22 for it with further investigation; 6 against it. She said their next step is to see if there is interest from the city commission. She discussed the rules with a social district.

There was a discussion of:

- A potential map or boundary.
- A timeline
 - Possibly by next spring.
- Other downtowns that have a social district.
- Possibly setting restrictions or policy to put this in place that allows this for special use.
- Each place would have to be approved and follow restrictions.

- Risk on the insurance side.
- Police department and enforcement.

9. City Manager Comments

City Manager Gamble said an amazing thank you for the warm welcome he received. He said it has been fabulous and the city team is tremendous with hard-working individuals. He said he has met others and it has been wonderful, thank you. He passed around a document we are working on, an RCA (request for commission action). He said it is an important device to communicate the issues at hand and he discussed the document. He passed a copy out to the commission for their comments. He said a lot of his time has been spent on doing research/background on the Wilson Center and the documents that have been developed or are in draft form. He said they had meetings with the attorney on his comments that relate to that. He said he was the project manager/negotiator on the Lansing Lugnuts development. He said he is very familiar with the documents and wants to make sure those are all scrubbed heavily. He believes we should be ready in a couple of weeks. He said we will move forward with a more formal estimate and the team's objective is to provide the most accurate number that we can. He said we will try and put together a workshop to be able to bring forth Dymaxion, the city attorney, and architect involved for a discussion on all the merits of the issue. We will draft final documents and present the most accurate costs that can be obtained, the major negotiating points and merits of both sides of the issue. He said it would just be a workshop, no votes there. We believe we would be ready by late August at the earliest. He said he wanted to see if that is the wish of this body to hold a workshop in late August or early September. Then at a special meeting or the next regular meeting after that we would present that for formal action.

Commissioner Ruestman said she will be out of town all but three days from August 15th to September 10th.

Commissioner Hufnagel thanked Chad for grabbing hold of the topic. He said he is comfortable with the idea of getting together. He said they talked about an educational session and he liked the way he framed it.

Mayor Dzurka said he appreciated your form and this helps us out. He said since we have shifted to one meeting per month, having these put together will help us for preparation and will help staff.

10. Commissioner Comments

Commissioner Hyzer thanked Chad and staff for his questions that were posed late last night and they got back with him quickly today. He said he thinks the form will help for background information.

Commissioner Hufnagel thanked Chad for moving forward. He addressed that he doesn't think it is the case with any commissioner that they think there is no big deal when you talk. He said we listen to a larger group of people as well and please don't think we are not listening. He said he is trying to listen respectfully and thoughtfully and this city means a lot to him. He said it involves a lot of contemplation. He said he wanted to speak to concerns about comments people have made about we shouldn't let people do this in the city. He said he believes in the Constitution of the United States and there are certain things as a city we cannot dictate. We are doing what we do within those constraints and we have a constitution that we have to abide by. He said sometimes our views are different, but we have those as our guardrails and we are going to use those.

Commissioner Ruestman said she is going to echo a lot. She thanked Chad and welcomed him. She said he has already shown us we made a decision based on the strengths we saw in you and thank you for reaffirming why we selected you. She echoed what Eric said. She said it was mentioned at our last city commission meeting that you think you know what we are thinking based on the look on our face and that isn't true. She said we don't take these positions because we think it is a joy ride. We have many voices to listen to and we are weighing out what we hear from everyone and what we feel ourselves. She said as to freedom, you want religious freedom and discussed freedom for everyone. We don't have to believe in the same religion, we can learn to get along. She said that is the goal and we try to adhere to it. We want to be an open community and let people live their lives unless it is hurting everyone else. The freedom to believe what we want shouldn't be in conflict. She said she agrees on the city website; we have a lot of improvement to do. She said it is a hard one to get a handle on. She was happy when she quickly Googled tonight and the great stuff that came up on the search on brush pick-up. She said we are working on that. She said the Mint Festival pageant took place last week and she thanked the community businesses and people who attended. She said she takes great pride in helping to coordinate that. She said to come to it and see what amazing young women we have in this community. She said it is a great thing to be involved with and she is blessed to mentor young women. We have a great new court and had a great old court.

Mayor Dzurka said he wanted to comment on the expression of freedoms and rights in public spaces. When it comes to public spaces, it is our job is to uphold the law. Agree or disagree, our job is to allow people their freedoms and rights as well. I checked with legal counsel on what rights we have. He said we are not going to jeopardize the community and break the law. He said with the website issue, he thought it got fixed.

He said he thinks it is the message that comes back afterwards. He said the Wilson Center information is buried out there, under community and economic development, and if we could lift that up. He thanked Chad for jumping in with both feet and thanked staff for introducing Chad to our procedures. He discussed Senator Singh and the budget recommendation of a 5% increase on revenue sharing, and 2% towards public safety. Also, there is language in there regarding if you haven't spent all of ARPA funding, they can hold some of your revenue sharing back.

Commissioner Hufnagel discussed that revenue sharing is a way the state returns some of the hard-earned tax dollars that go to the state. Over the years, state has reduced the amount that comes back to municipalities significantly. He said this is a small effort to bump that up and an opportunity to generate additional revenues. He said it was good to see some progress.

Mayor Dzurka said the Wilson Center has been addressed as well. He said we will do another full briefing. He said the writing of the purchase agreement was FOIA'd and can we write that in the Q &A.

Commissioner Ruestman said the striping on Lansing Street has caused a lot of confusion. She said that would be a great thing to get out there, she saw a lot of people were confused.

ADJOURNMENT

Motion by Commissioner Hyzer seconded by Commissioner Ruestman that the meeting be adjourned.

YEA: Hufnagel, Ruestman, Dzurka, Hyzer

NAY: None

Motion carried.

The meeting was adjourned at 7:45 p.m.