

Scott Dzurka
Mayor

Brad Gurski
Vice Mayor

Eric Hufnagel
Commissioner

Jean Ruestman
Commissioner

Chris Hyzer
Commissioner



Chad A. Gamble, P.E.
City Manager

Mindy J. Seavey
City Clerk

Kristina Kinde
City Treasurer

Michael Homier
City Attorney

Justin Smith
Director of Public Services

**CITY OF ST. JOHNS
CITY COMMISSION MEETING
PROPOSED AGENDA**

**Monday, April 22, 2024, 6:00 p.m.
Room 2200 – Clinton County Courthouse**

***Listen to Meeting Via Telephonic Conference
Dial 1 929 205 6099**

<https://zoom.us/j/2050014286>

Meeting ID: 205 001 4286

***Please note, you will not be able to make public comments through Zoom;
only in-person attendees will be able to participate in public comments.**

A. OPENING: (6:00 pm – 6:05 pm)

1. Invocation
2. Pledge of Allegiance
3. Consent Agenda (*Action Item*)

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 minutes of March 18, 2024
- b. Receipt of Warrants
 - In the amount of \$592,905.65
- c. Adjustment and Addition to Fee and Rate Schedule - Permits to Purchase Firearms
 - Staff recommends that the city commission approve amending the current Fee and Rate Schedule to include a \$10.00 administrative fee for "Firearm Purchase Permits" and sustain that fee on the Fee and Rate Schedule.
- d. Biosolids Contract Renewal – Bio-Tech
 - Staff recommends that the city commission approve the three-year contract renewal from Bio-Tech Agronomics for biosolids removal and land application. This contract has been reviewed by the city attorney and found to be legally sufficient.

- e. Police Department Textile Service Agreement - Maurer
 - Staff recommends that the city commission approve the presented agreement for textile services with Maurer's and authorize the Mayor to sign the same.
- f. Authorization of Signers on all Mercantile Accounts
 - Staff recommends that the city commission authorize the update of signers to Chad A. Gamble, Mindy Seavey, and Kristina Kinde for all Mercantile accounts.

4. Approval of Agenda: *(6:05 pm – 6:07 pm) Action Item*

B. PUBLIC HEARINGS:

C. PERSONS WISHING TO PRESENT TESTIMONY:

- 1. Public comment - agenda & non-agenda items *(6:07 pm – 6:10 pm) Discussion only*
Each speaker is only entitled to one (1) three-minute time during each Public Comment period.

D. COMMUNICATIONS:

E. OLD BUSINESS:

- 1. Recommended Zoning Amendment – Off Street Parking - Resolution #10-2024 – a Resolution to Introduce an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding Off-Street Parking and Loading/Unloading Area Requirements for Full Size and Small Recreational Vehicles *(6:10 pm – 6:20 pm) Action Item*
(Presenter: Jeff Keesler, McKenna)
- 2. Recommended Zoning Amendment – Downtown Development Parking Requirements - Resolution #14-2024 – a Resolution to Adopt an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding the Creation of a Parking Exemption Zone & Resolution #15-2024 – a Resolution to Adopt an Ordinance to Amend City's Zoning Map *(6:20 pm – 6:25 pm) Action Item*
(Presenter: Jeff Keesler, McKenna)

F. NEW BUSINESS:

- 1. Local Governing Body Resolution for Charitable Gaming Licenses – St. Johns Auto Program Boosters – Resolution #16-2024 *(6:25 pm – 6:30 pm) Action Item*
(Presenter: Chad Gamble, City Manager)
- 2. Fantasy Forest Master Plan *(6:30 pm – 6:45 pm) Action Item*
(Presenter: Bill Schafer, Parks and Recreation Director)
- 3. Quarterly Budget Report *(6:45 pm – 6:50 pm) Discussion only*
(Presenter: Kristina Kinde, Treasurer)
- 4. King Media *(6:50 pm – 7:05 pm) Discussion only*
(Presenter: Laurie DeYoung, King Media)
- 5. Wilson Community Center Bond Authorizing Resolution #17-2024 *(7:05 pm – 7:15 pm) Action Item*
(Presenter: Kristina Kinde, Treasurer)

6. Baker Tilly Water and Sewer Rate Study Presentation (7:15 pm – 7:30 pm) *Action Item*
(Presenters: Kristina Kinde, Treasurer; Andy Campbell, Baker Tilly)
7. Staff Presentation of the Proposed 2024/2025 Fiscal Year Budget to the City Commission and Set Public Hearing for May 20, 2024 (7:30 pm – 7:50 pm) *Action Item*
(Presenters: Chad Gamble, City Manager; Kristina Kinde, Treasurer)
8. Application for Waiver in Underfunded Status on MERS Pension Plan - Resolution - #18-2024 (7:50 pm – 8:00 pm) *Action Item*
(Presenter: Kristina Kinde, Treasurer)
9. City Manager Comments (8:00 pm – 8:10 pm) *Discussion only*
10. Commissioner Comments (8:10 pm – 8:20 pm) *Discussion only*

G. ADJOURNMENT: (8:20 pm)

(Next Regular Meeting Scheduled for **Monday, May 20, 2024, 6:00 p.m.**)

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the city clerk 989-224-8944 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodation.



CONSENT AGENDA

CITY OF ST. JOHNS
CITY COMMISSION MINUTES

MARCH 18, 2024

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, Brad Gurski, Scott Dzurka, Chris Hyzer

COMMISSIONERS ABSENT: None

STAFF PRESENT: Chad Gamble, City Manager; Kristina Kinde, City Treasurer; Mindy J. Seavey, City Clerk; Justin Smith, Director of Public Services; Anne Seuryneck, City Attorney (Zoom); Chris Khorey, McKenna (left at 7:30 p.m.)

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

Commissioner Hyzer asked to move items c. and f. to the agenda

Mayor Dzurka said c. will be item 5 under New Business and f. will be item 6 under New Business.

Motion by Commissioner Gurski seconded by Commissioner Ruestman that the consent agenda be approved as amended.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

a. Approval of Minutes

Motion by Commissioner Gurski seconded by Commissioner Ruestman that the minutes of the March 11, 2024 special joint meeting with St. Johns Public Schools be approved as presented.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

b. Receipt of Warrants

Motion by Commissioner Gurski seconded by Commissioner Ruestman that warrants be approved as presented in the amount of \$2,092,704.76.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

d. Renewal of Police Department Lawn Maintenance Services

Motion by Commissioner Gurski seconded by Commissioner Ruestman that the city commission authorize the Mayor to sign and approve the 24-month renewal of Police Department lawn maintenance services with Smith Lawncare.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

e. Permission for City Manager to Perform Minimal Consulting Services

Motion by Commissioner Gurski seconded by Commissioner Ruestman that the city commission permit City Manager Gamble to participate in consulting opportunities on average one to three hours per month but at no time more than ten hours per month pursuant to the permissions outlined in his employment contract.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

g. Extension of Parking Citation Authority to Code Enforcement

Motion by Commissioner Gurski seconded by Commissioner Ruestman that the city commission, in cooperation with the Chief of Police and City Manager, extend parking citation issuance authority to Ordinance Enforcement Officer Jessica Austin.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

AGENDA

Mayor Dzurka asked if there were any additions or deletions to the agenda. He asked to add as item #7 under New Business – School Bond Resolution.

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

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
 - Special joint meeting of March 11, 2024 with St. Johns Public Schools
- b. Receipt of Warrants
 - In the amount of \$2,092,704.76
- c. ~~2024 Street Program Proposal and Approval to suspend competitive bidding for years 2024-2028 of street program~~
 - ~~-Staff recommends that the city commission approve the proposal from Michigan Paving and Materials for the 2024 Street Millage Program and suspend competitive bidding as it pertains to Michigan Paving and Materials and the 2025-2028 Street Program.~~
- d. Renewal of Police Department Lawn Maintenance Services
 - Staff recommends that the city commission authorize the Mayor to sign and approve the 24-month renewal of Police Department lawn maintenance services with Smith Lawncare.
- e. Permission for City Manager to Perform Minimal Consulting Services
 - Staff recommends that the city commission permit City Manager Gamble to participate in consulting opportunities on average one to three hours per month but at no time more than ten hours per month pursuant to the permissions outlined in his employment contract.
- f. ~~Sidewalk Replacement Program~~
 - ~~-Staff recommends that the city commission approve the bid of Supreme Concrete & Restoration LLC. for the Sidewalk Replacement Program.~~
- g. Extension of Parking Citation Authority to Code Enforcement
 - Staff recommends that the city commission, in cooperation with the Chief of Police and City Manager, extend parking citation issuance authority to Ordinance Enforcement Officer Jessica Austin.
4. Approval of Agenda:

B. PUBLIC HEARINGS:**C. PERSONS WISHING TO PRESENT TESTIMONY:**

1. Public comment - agenda & non-agenda items

D. COMMUNICATIONS:

E. OLD BUSINESS:

1. Consideration of the Establishment of St. Johns Social District including Resolution #9-2024 – a Resolution to Adopt an Ordinance to Create and Regulate a Downtown Social District

F. NEW BUSINESS:

1. Wilson Community Center Design, Remediation and Funding Updates
2. Discussion of Solid Waste and Recycling Contract Renewal
3. Recommended Zoning Amendment – Off Street Parking - Resolution #10-2024 – a Resolution to Introduce an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding Off-Street Parking and Loading/Unloading Area Requirements for Full Size and Small Recreational Vehicles
4. Recommended Zoning Amendment – 1st reading - Downtown Development Parking Requirements - Resolution #11-2024 – a Resolution to Introduce an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding the Creation of a Parking Exemption Zone & Resolution #12-2024 – a Resolution to Introduce an Ordinance to Amend City's Zoning Map
5. 2024 Street Program Proposal and Approval to suspend competitive bidding for years 2024-2028 of street program (*moved from Consent Agenda*)
6. Sidewalk Replacement Program (*moved from Consent Agenda*)
7. School Bond Resolution
8. City Manager Comments
9. Commissioner Comments

G. ADJOURNMENT:

YEA: Hufnagel, Ruestman, Gurski, 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.

Marc Mercer, 601 S. Kibbee, was present. He said it is the 7th month anniversary of the request for assessment of his parents' residence and their neighbor making noises. He said he is asking for an assessment. He doesn't know what has happened in the past 7 months. He said he and his parents have complained a lot. He said he appreciated that

Scott drove by. He said the sound is very loud. They have discussed getting an attorney involved. He said that Chad was going to email him back a week ago. He asked what assessments have been done and where we are at. He said he would appreciate if you would get back to him.

Terry Clarke, 300 W. Higham, was present. He said it came to his attention someone was gathering sap from maple trees. He said this person has an interest in using maple trees that are in the extension (right-of-way). He said he felt there was an ordinance or restriction from the city that it can't be done and is asking you to consider it.

Mayor Dzurka asked him to pass the individual's name onto the city.

There was a discussion of:

- This has been done in the past without permission.
 - Issues we ran into.
- Would have to look at rules, regulations and a permitting process.

COMMUNICATIONS

OLD BUSINESS

1. Consideration of the Establishment of St. Johns Social District including Resolution #9-2024 – a Resolution to Adopt an Ordinance to Create and Regulate a Downtown Social District

City Manager Gamble said he handed out a substitute management plan and permit. He said the permit application was greatly simplified. The management plan was discussed in detail with the DDA and simplifying that. He said there has been 5-6 months of robust discussion at the DDA and this body. He discussed the social district.

PSD/DDA Director Hanover said if you have any questions, she would be happy to answer them.

Commissioner Hufnagel asked how this is going to be assessed and in what period of time. He asked if there was a discussion of a sunset provision on it? He said there were people that were concerned about it.

Director Hanover said they haven't come up with a specific date/time.

Commissioner Ruestman said there is a review in the plan after 90 days.

Motion by Commissioner Ruestman seconded by Commissioner Hufnagel that the city commission adopt Resolution #9-2024 – a Resolution to Adopt an Ordinance to Create and Regulate a Downtown Social District.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

Motion by Commissioner Gurski seconded by Commissioner Hyzer that the city commission approve the maintenance plan and permit.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

NEW BUSINESS

1. Wilson Community Center Design, Remediation and Funding Updates

City Manager Gamble presented a brief update at joint meeting last week. He discussed: construction documents are being finalized; funding for the Wilson Center; monies being fronted awaiting sale of bond; schedule from Baker Tilley; 4/22 bond authorizing resolution; bond sale on 6/4; then authorization of construction documents; common area 50% funded by the city; fees estimated from bond sale; bond duration examples: 15 years or 20 years; difference in interest payments; added payments are \$45,000 - \$50,000 depending on year selected; believe city can support 15 year bond schedule, but if decision to lessen burden can do that as well.

There was a discussion of:

- Our current bond rating.
- 15 years vs. 20 years.
- A bond is coming off this year.
- Whether there is an availability to pay it off early.
 - Sometimes there are early payment windows that can be placed into bonds.
- The remediation is slow.
- When we will start seeing revenue generated from project (tax revenue).
 - 2026, will uncap with new work being done.
 - Could be slight increase in 2025 depending on what work they get done.

2. Discussion of Solid Waste and Recycling Contract Renewal

City Manager Gamble said the original contract was 2015-2018 and was amended 4 times (extension and service-related issues). He discussed: it would be good to go out for

RFP; he has been through the process multiple times in different cities; programs and changes have settled down; very few complaints; if there were any other options the commission would like to see; and we could at least get a cost on options in RFP.

Director Smith said we are in a good space to put this out to bid; been very courteous with us on carts for downtown events.

City Manager Gamble said he did meet with Granger last week to go over our intentions. They did mention Spring Clean Up is not a free activity. He discussed Lansing's system of 2 tags per year and said it was a nightmare. He said there are very few changes we would recommend.

There was a discussion of:

- Working well; haven't heard complaints.
- Release the RFP around April 1st.
- Price changes and tax process.
 - Fund balance in solid waste millage fund.
- We are doing better on recycling (not having contamination).
- Tally of how many trucks or volume for the last several years; numbers with respect to Spring Clean Up also.
 - They can give you an annual report.
- 2,667 pick-ups within our community.
- A concern about the tax on the bill instead of a fee for service; bin by bin fee instead of yearly fee to the city.
- A path of communication on this; videos.

3. Recommended Zoning Amendment – Off Street Parking - Resolution #10-2024 – a Resolution to Introduce an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding Off-Street Parking and Loading/Unloading Area Requirements for Full Size and Small Recreational Vehicles

Chris Khorey, McKenna, said there has been a significant discussion at the planning commission meetings. He discussed the recommended zoning amendment: split RVs into full size or small (RV unit) and tie to size of lot; regarding outdoor parking - winter parking/storage of RV's would require a zoning permit (permanent); we are loosening of rules we have right now and the intent is to lessen the amount of code enforcement on RV's.

There was a discussion of:

- A lot of input from the public at various meetings.

- There needs to be communication; much of the ordinance has been on the books for a while; smaller vs. full size was warranted; modifications of what the surface in the backyard needed to be.
- Purpose of zoning permit.
 - Tracking mechanism.
 - Permanent approval, not an annual license.
 - Inspection.
- Corner lot and more parking opportunities on diagram.
 - Corner lots, almost entire lot is visible from street.
 - New version of graphic will be easier to read.
- 20' front setback; still will be homeowners that can't meet that.
 - Could allow winter front parking as long as meet 20' setback.
 - Currently, this is not allowed.
- Only recently have had code enforcement on this.
- Possible changes to draft ordinance.
 - The publication of ordinance must be significantly in keeping of ordinance.
 - There is a threshold where we would have to go back to the planning commission for a public hearing.

Attorney Seurnyck said they can also make changes without sending it back. She said you can change the ordinance before you adopt it. She said tonight they could make changes and incorporate them into the final draft.

There was a discussion of:

- A compromise with a waiver process for individuals that don't have access to a side or back yard.
 - We have the variance process already.
 - Or create criteria in the ordinance: ZBA or PC would have to approve; or send to site plan review committee; or set a specific set of circumstances the zoning administrator could approve.
- The substantial number of changes we would have to incorporate.
 - Bring back a revised ordinance to the next meeting.

4. Recommended Zoning Amendment – 1st reading - Downtown Development Parking Requirements - Resolution #11-2024 – a Resolution to Introduce an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding the Creation of a Parking Exemption Zone & Resolution #12-2024 – a Resolution to Introduce an Ordinance to Amend City's Zoning Map

Chris Khorey, McKenna, said the purpose is to try to create more consistent rule of parking on the edges of downtown. He said the CBD (Central Business District) zoning

district is currently exempt from parking requirements. This would create two overlays: parking exempt district and parking reduction district. He discussed the options for developers to get reductions based on certain aspects of the site plan.

City Manager Gamble said there are two recommendations and we would need two separate motions.

Motion by Commissioner Ruestman seconded by Commissioner Gurski that the city commission adopt Resolution #11-2024 – a Resolution to Introduce an Ordinance to Amend the City of St. Johns Code of Ordinances Regarding the Creation of a Parking Exemption Zone.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

Motion by Commissioner Hyzer seconded by Commissioner Hufnagel that the city commission adopt Resolution #12-2024 – a Resolution to Introduce an Ordinance to Amend City's Zoning Map.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

Chris Khorey left the meeting at 7:30 p.m.

5. 2024 Street Program Proposal and Approval to suspend competitive bidding for years 2024-2028 of street program

Commissioner Hyzer asked if any engineering was done on any streets before we obtained the pricing (added parking and bump outs).

Director Smith said not yet, but we do have that scheduled for Brush Street & Cass Street. He said other streets do not need engineering.

City Manager Gamble said we are investigating the subsurface conditions, especially on Brush Street. He said a concrete surface on most of what we have seen so far on Brush. He said investigative activities are being performed and we believe there is 4" of asphalt on top of concrete.

There was a discussion of:

- Having a purchasing policy and not bidding out a \$1 million project.
- Michigan Paving has been the best bidder for the last 15 years.

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- The rate is based on square footage.
 - This is a yearly contract and we can still bid that out.
 - In 2018-2022 we did a similar thing. We worked with Michigan Paving and entered into an individual contract for each of those years. Michigan Paving has been substantially lower and the best bid.
 - A project of this scope should be bid out every year.
 - Looking at partnering with the county on the tonnage for the asphalt.
 - Adds another layer of difficulty to it and we lose a lot of our control.
 - Post July 1st schedule and pushing projects to the end of the paving season.
 - This is a very long-standing relationship and they have been way under all other bidders for the last 15 years.
 - We have an opportunity to compare these to bids being received by our partners in the region and then could go out for respective bids.
 - Huge gap between them and the only other bidder we had.
 - We don't have to accept their prices next year and could choose to reject them and go out to bid.
 - Earlier in the spring bidding pencils are sharper.
 - We have been very flexible with working with them when they are not as busy.
 - You might not be surprised with the number being higher if you put it out to bid.
 - An advantage with Michigan Paving is logistics, we are 12 miles from their plant; Rieth-Riley is coming out of Mason.

Mayor Dzurka said he appreciated the comments and he is comfortable moving forward. He said next year we may want to bid.

Motion by Commissioner Ruestman seconded by Commissioner Hufnagel that the city commission approve the 2024 proposal from Michigan Paving as presented.

YEA: Hufnagel, Ruestman, Gurski, Dzurka

NAY: Hyzer

Motion carried.

6. Sidewalk Replacement Program

Commissioner Hyzer asked about the \$50,000 being spent in sidewalks plus the \$25,000 we just approved for the streets.

Treasurer Kinde said sidewalks are in the budget in two places: \$50,000 plus \$20,000 in major street and \$20,000 in local street.

Motion by Commissioner Ruestman seconded by Commissioner Hufnagel that the city commission approve the bid of Supreme Concrete & Restoration LLC. for the Sidewalk Replacement Program.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

7. School Bond Resolution

Mayor Dzurka said we held a successful meeting with the school board. He said there was a presentation on the school bond proposal and he learned of some of the benefits of the school bond to the greater St. Johns community. He said he put together a resolution for our consideration.

There was a discussion of:

- The enhancements for the community.

Motion by Commissioner Ruestman seconded by Commissioner Hufnagel that the city commission adopt Resolution of the St. Johns City Commission Expressing Support for the St. Johns Public Schools Bond Proposal.

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

8. City Manager Comments

Director Smith discussed staffing updates.

City Manager Gamble discussed:

- Congressionally directed spending requests – Application due today (Thank Bill Schaefer, Lisa Longoria, and Kristina for their efforts in completing this application. (we received letters of support from (CCRESA, SJPS, CCAC, DDA, Rep. Tsernoglou, Chamber of Commerce, Home grown productions, Bob Craig, and Bill Tennant
- MSU Practicum Update
 - Reminder of the presentation of final report - April 22, 2024 (5:00 - 6:00 p.m.)
- The decision was made to change the Agent of Record for exclusive benefits and Consultant/Insurance from Keyser/Acrisure to Gallagher Benefit Services.
- Update on budget process
 - April 1st – 5th department heads to meet with Chad and Kristina

- April 22nd formal presentation of budget.
- May 20th public hearing and formal adoption of budget
- Fantasy Forest Update – Meeting on March 20 to receive first rendition of Master Plan of playground structure. Iterative meetings on April 3, 10, & 17 (if necessary) to achieve consensus on final master plan and then presentation to Parks Board and Commission on April 22nd for approval.
- Warming House has been demolished today at the City Park.
- Successful negotiations were had for the use of the parking lot at the SW corner of W. Higham St. and Brush St. with minimal costs to the City other than the annual operational costs of the parking lot. Hope to present a lease agreement for approval at the April Commission meeting.
- Rental Inspection Fee Clarification – and corrections.
- Confirmation of Briggs District Library Funding of \$598,000 was part of the bicameral 2024 Budget.
- Received training opportunities. School Mass Shooting and Critical Emergency Preparedness.
- Addressed public comments:
 - Railroad Street: we have received multiple complaints and there have been multiple follow-ups on that. The property owner in question is largely following the ordinance: he is working in the garage, garage door is open when nice, occasionally pulling vehicle out of garage, and less than 24 hours stated in ordinance. He sent a letter to the property owner. He said this person is complaining on the property owner's behalf. We have lots of other things going on. Question has been asked and answered. He said he will communicate that this complaint has been addressed.
 - Mayor Dzurka said last fall we all received a copy of the letter you sent.
 - Issue has not been addressed to the extent wished by the complainant.
 - Tapping of trees: never in his 32-year career, lots of challenges associated with that issue, it is taxing from a public interest perspective.

9. Commissioner Comments

Commissioner Gurski said he enjoyed the joint meeting with the school board; it was a great opportunity. Schools are an underestimated economic engine for community. We focus so much on businesses, but parents will pick up and move to put their kids in a school.

Commissioner Ruestman said she seconded that thought.

Commissioner Hufnagel discussed the trees. He said the issue has come up before and it is more complicated. He said he appreciated the update on the code enforcement matter. He said it helps us to have a reminder. He echoed the comments regarding the public schools meeting was great. He said he attended the MML (Michigan Municipal League) Capitol Conference last week: revenue sharing, and said there is some traction going on and that is good news for us; they are looking at a trust with dedicated dollars and proposing a one-time increase this year; progress with short term rentals and there is work going on with some common ground, attached to that would be an excise tax; he was able to talk with Senator Singh and touch base about a number of things; there was a focus again on housing; they reminded people about the Ax Mi Tax initiative, which would change the funding structure and would eliminate property tax as a revenue stream and it sounds like it would be devastating; Pontiac had a meeting last week regarding an income discrimination ordinance for housing and the meeting ran to 1:00 a.m.

Commissioner Hyzer said he echoed the comments regarding the school meeting. He said maybe we can host it in March of next year at the Wilson Center.

Mayor Dzurka said he passed on our thanks to school district for a successful meeting. He said our planning commission is continuing to look at the issue of golf carts and there is a concept for a pilot project. He said they are getting into conversations regarding sidewalks, which came up at our school meeting, and discussed the map and the amount of gaps that are out there. He thanked staff on the follow-up to the noise complaint. He said there has been substantial time that has been put into that and constant communication has been going out, it is unfortunate that people are not seeing that.

ADJOURNMENT

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

YEA: Hufnagel, Ruestman, Gurski, Dzurka, Hyzer

NAY: None

Motion carried.

The meeting was adjourned at 8:14 p.m.

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
April 22, 2024

Department: Police	Attachments: N/A	Submitted to CA for Review
Subject: <i>Adjustment and addition to Fee and Rate Schedule-Permits to purchase firearms.</i>		N/A
Prepared by: David Kirk, Chief of Police	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: In conjunction with the recent Extreme Risk Protection Order statutes, our agency is now mandated to provide permits to purchase firearms for qualified buyers. These permits were formerly provided by Federal Firearms Licensed dealers. Part of this process includes notarizing the permits. In an effort to recover costs related to the processing of permits, an amendment to the current Fee and Rate Schedule and retention of this item on future Fee and Rate Schedules is being requested.

BACKGROUND/DISCUSSION: As noted above, part of the permitting process entails the notarizing of permits. To complete this, there was the need to have staff trained and placed on file as a Notary. There was also a need to secure a surety bond that supports the notary process. The state allows an administrative fee of \$10.00 for each article notarized in order to assist in recovering costs of staff time and related expenses.

STRATEGIC PLAN OBJECTIVE: Assuring that our practices and procedures are consistent with contemporary standards, is paramount in all areas of Police Department operations. Considering this process is statutorily mandated, our primary consideration is to assure that we align and execute our new process within the parameters of the applicable statutes.

FISCAL IMPACT: Training and registry of staff as a Notary of the Public as well as the surety bond that was needed resulted in less than a \$100.00 expense. Moving forward, it is anticipated that the \$10.00 notary fee will recover that expense and generate revenue moving forward.

RECOMMENDATION: Staff recommends the City Commission approve amending the current Fee and Rate Schedule to include a \$10.00 administrative fee for "Firearm Purchase Permits" and sustain that fee on the Fee and Rate Schedule.

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
April 22, 2024

Department: Wastewater	Attachments:	Submitted to CA for Review
Subject: <i>Biosolids Contract Renewal</i>	<input checked="" type="checkbox"/> <i>Bio-Tech Renewal Contract</i> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>
Prepared by: Jordan Whitford, Wastewater Division Supervisor	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: In the wastewater treatment process, several byproducts are created. The most significant of these is biosolids, also known as sludge. This sludge forms when solid particles settle out of the wastewater in primary clarifiers.

Sludge is pumped daily from the clarifiers to digestors, where heat and time trigger a breakdown process. But not all the sludge can be reused. Some is treated again, but a large amount is considered waste and must be removed from the system. That's where our biosolids contractor comes in.

Every year, they pump the remaining sludge from our storage tanks and haul it to a nearby field. There, the sludge is injected into the ground, a process known as land application. On average, we land apply about 650,000 to 700,000 gallons of sludge.

BACKGROUND/DISCUSSION: Since the early 2000s, Bio-Tech has been a trusted contractor for biosolids removal at the WWTP. As one of Bio-Tech's first customers, St. Johns has been afforded a strong, reliable working relationship for over two decades. With so few biosolids haulers and land applicators available, competition for this service is limited. In fact, previous bidding has only resulted in one bid, that being from Bio-Tech.

Despite the lack of options, St. Johns has continued to work with Bio-Tech due to their reliable, efficient service. The Bio-Tech staff collects and analyzes all the required testing, including PFAS, and provides clear, useful reports to city staff. This streamlines the annual reporting process to EGLE, saving staff time and effort.

STRATEGIC PLAN OBJECTIVE: N/A

FISCAL IMPACT: The three-year proposal stipulates the following costs per gallon for the processing of the sludge:

Year 2024 - \$0.0436 per gallon for Biosolids hauling and land application.

Year 2025 - \$0.0449 per gallon for Biosolids hauling and land application.

Year 2026 - \$0.0463 per gallon for Biosolids hauling and land application.

Funds are budgeted for on an annual basis for biosolids removal within the Utility Enterprise Fund.

RECOMMENDATION: Staff recommends the City Commission approve the three-year contract renewal from Bio-Tech Agronomics for biosolids removal and land application. This contract has been reviewed by the city attorney and found to be legally sufficient.

BioTech Agronomics, Inc.



Residual Management Company

1651 Beulah Highway • Beulah • Michigan • 49617

April 8, 2024

CONTRACT FOR TESTING, REMOVAL AND LAND APPLICATION OF BIOSOLIDS FROM THE ST. JOHNS WASTEWATER TREATMENT PLANT

Mr. Jordan Whitford
City of St. Johns
PO Box 477
St. Johns, Michigan 48879

Proposal

BIOTECH AGRONOMICS, INC. is pleased to present this proposal/contract to define proposed work associated with the removal and land application of Biosolids generated by the St. Johns WWTP physically located in St. Johns, Michigan.

Biosolids Loading and Transport

BIOTECH AGRONOMICS, INC. will furnish the necessary labor and equipment to efficiently and safely provide Biosolids Management services for the St. Johns WWTP. BIOTECH AGRONOMICS, INC. will pump and load Biosolids into transport vehicles, transport the Biosolids to EGLE and federally approved application sites, and finally to land apply the Biosolids to suitable local farmland sites. All work performed will be under Michigan Part 24, Federal 503 and local regulations.

Land Application of Biosolids

BIOTECH AGRONOMICS, INC. will provide the labor and equipment to properly apply the Biosolids to suitable local application sites at agronomic rates in accordance with Michigan State University recommendations and applicable federal, state and local regulations. The Biosolids will be subsurface injected or surface applied according to a EGLE approved Residuals Management Plan using sewage sludge applicators equipped with a pressure/vacuum application system.

Determination of Quantity Removed

BIOTECH AGRONOMICS, INC. shall provide the Plant Superintendent a duplicate copy of load sheets, which detail the following items:

- Date of removal
- Time the applicator loaded in the field
- Applicator identification number
- Operator name
- Gallons of Biosolids on the applicator
- Farmer name and approved field identification number and the number of acres acceptable for use in the field
- Number of acres accepting Biosolids

One copy of the load sheet(s) will stay with the plant superintendent and the other will remain with BIOTECH AGRONOMICS, INC. The quantity of Biosolids loaded on and transported by the vehicle will be recorded as the certified capacity of the vehicle. All billed quantities will be invoiced by the gallon capacity of each vehicle transporting the material.

Agronomic Services

BIOTECH AGRONOMICS, INC. will provide agronomic management services that include the location of suitable local farmland application sites. Application sites will meet the requirements for land application in accordance with applicable federal, state and local regulations for the use and disposal of Biosolids. Proposed farmland application sites shall be properly documented in accordance with Michigan Part 24 requirements. Records at a minimum shall include the following:

- Landowner agreement and permission form
- Soil analyses
- EGLE site I.D. information
- Plat maps indicating location and ownership of property
- SCS or equivalent soil survey map indicating soil types, slope and drainage class
- Relative sludge analyses, soil analyses or cropping information
- Proof of notification to local governing bodies as per EGLE requirements

Regulatory Reports

BIOTECH AGRONOMICS, INC. shall complete all required federal or state reports applicable to the Biosolids land application program including yearend requirements. These records shall be maintained by BIOTECH AGRONOMICS, INC. as required by federal, state and local regulations and shall be provided to the Owner.

Laboratory Analyses and Permits

BIOTECH AGRONOMICS, INC. will be provided a EGLE approved Residuals Management Plan (RMP) by the facility. BIOTECH AGRONOMICS, INC. will provide laboratory analyses for total metals and nutrients and fecal coliform testing as needed on the Biosolids prior to removal from the facility. BIOTECH AGRONOMICS, INC. will be responsible for all routine soil fertility analyses associated with land application of the Owner's Biosolids during the term of this Agreement. BIOTECH AGRONOMICS, INC. shall not be responsible for any additional analytical testing that federal, state or local regulatory agencies may require.

Health and Safety

BIOTECH AGRONOMICS, INC. shall comply with the federal, state and local laws and regulations and take any needed actions to protect the life and health of employees on the job and the safety of the public and to protect property during the performance of the Agreement.

Insurance

BIOTECH AGRONOMICS, INC. shall provide and maintain at all times during the term of this Agreement the following minimum insurance coverage:

- a) Workers Compensation Insurance in compliance with the statutes of the State of Michigan which has jurisdiction of BIOTECH AGRONOMICS, INC. employees engaged in the performance of services hereunder with a limit of FIVE HUNDRED THOUSAND DOLLARS (\$500,000)
- b) General Liability Insurance with a minimum combined single limit of THREE MILLION DOLLARS (\$3,000,000), including the broad form property damage endorsement

- c) Automobile Liability Insurance (owned, non-owned or hired units) with a minimum combined single coverage limit of ONE MILLION DOLLARS (\$1,000,000)
- d) Pollution Liability Insurance with a minimum combined single limit of FIVE MILLION DOLLARS (\$5,000,000), including the broad form property endorsement

A certificate of insurance will be presented if requested, upon award of contract.

Digester or Tank Cleaning

If requested, BIOTECH AGRONOMICS, INC. will provide confined space Digester or Tank cleaning services to remove accumulated Biosolids and or related mater for subsequent land application. Under these conditions, the WWTP shall provide for all required cleaning water at no cost to BIOTECH AGRONOMICS, INC. Any material removed under this confined space option shall be billed at the appropriate hourly rate plus the unit rate per gallon for land application of the Biosolids.

Biosolids Tender

The City shall tender all biosolids generated to BIOTECH AGRONOMICS, INC. that are suitable for land application on agricultural land as specified in the scope of this Agreement.

Notification

BIOTECH AGRONOMICS, INC. will be provided with adequate advance notice of when the WWTP desires for BIOTECH AGRONOMICS, INC. to remove biosolids from the WWTP. Depending on weather, seasonal weight restrictions, and farm land cropping cycles, additional notification may be required.

Cost of Services – Approximately 650,000 gallons each summer.

Year 2024 - \$0.0436 per gallon for Biosolids hauling and land application.

Year 2025 - \$0.0449 per gallon for Biosolids hauling and land application.

Year 2026 - \$0.0463 per gallon for Biosolids hauling and land application.

Optional Tank cleaning services - \$525.00 per hour.

PFAS Testing - \$835.00 per sample.

One Metals & Nutrients Sample and one set of Fecal Coliform analysis is included in the per gallon unit rate annually.

Fuel Cost and Adjustment

BIOTECH AGRONOMICS, INC. shall adjust the cost of services for each hauling event should fuel costs exceed \$4.00 per gallon. The fuel adjustment schedule will be the fixed document used for such purpose throughout the duration of this contract.

The unit price for biosolids management beneficial use services for any given removal operation will be subject to the adjustment below depending on the weekly fuel price (based on the week biosolids removal commences) determined by the United States Department of Energy's Energy Information Administration publication of Retail Prices for the Midwest United States in the On-Highway Diesel Fuel Price Table.

Diesel Price \$/Gallon	% Increase to Contract Price
Below \$4.00	None
\$4.00 - \$4.099	1.0%
\$4.10 - \$4.199	2.0%
\$4.20 and above = 1.0% increase per each \$0.10 increase in price/gallon.	

(This information is available at the website <http://www.eia.doe.gov>).
(On-Highway Diesel Prices Table – Midwest Column)

Good Faith

In the event BIOTECH AGRONOMICS, INC. is unable to remove and land apply the biosolids because (i) changes in the biosolids make it unfit for utilization on agricultural land as defined or interpreted by federal, state or local regulatory agencies, or (ii) changes in law prohibit providing the services or increase the cost of providing the services, or (iii) if unfavorable climatic or agronomic conditions have impeded efforts by BIOTECH AGRONOMICS, INC. to faithfully dispose of the biosolids as contemplated by this proposal, or (iv) as the result of flood, fire, strikes, acts of God, act of war or terrorism, civil disturbance, force majeure, or other occurrences not reasonably within the province and control of BIOTECH AGRONOMICS, INC. performance is hindered or halted, BIOTECH AGRONOMICS, INC. shall not be liable for any additional costs incurred by the City, and BIOTECH AGRONOMICS, INC. will not be deemed in default under this proposal unless thirty (30) days after the impediment has been resolved or eliminated BIOTECH AGRONOMICS, INC. fails or refuses to remove biosolids tendered to it.

BIOTECH AGRONOMICS INC work schedule is highly dependent on weather and soil conditions, permits and the availability of suitable farmland for application due to cropping cycles. As such BIOTECH cannot be liable for any losses either directly or indirectly associated with any weather-related delays which prevent the application of biosolids, but only for the duration of the weather delay.

Spill Plan and Protocol

BIOTECH AGRONOMICS, INC. per established company policy, has a strict protocol to be followed in the untimely event of a spill and agrees to follow same if such an event occurs. All assets and efforts of BIOTECH AGRONOMICS, INC. will be focused on cleanup and rectifying the problem to protect the health and safety of the public. BIOTECH AGRONOMICS, INC will indemnify and defend Customer from all claims, lawsuits, and all other causes of action, including but not limited to actions by any regulatory agency with jurisdiction, and BIOTECH AGRONOMICS, INC will hold Customer harmless and relieve it of all liability related to a spill event.

Terms

Payment terms shall be net 30 days from the date of invoice. Overdue payments will be assessed a finance charge of 1.5% per month on the unpaid balance.

Contract Duration

This Agreement shall remain in full force and effect through 12/31/2026. This document is the complete contract between the parties. Upon award the document will be signed by both parties to become binding.

Extensions

The term of this Agreement may be extended at any time upon written mutual agreement of both parties.

BIOTECH AGRONOMICS, INC.

Submitted by: *Don Popma*

Printed Name: Don Popma

Its: General Manager

Date: April 8, 2024

CITY OF ST. JOHNS, MICHIGAN

Accepted By: _____

Printed Name: _____

Its: _____

Date: _____

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
Monday, April 22, 2024

Department: Police	Attachments: Mauer Textile Agreement	Submitted to CA for Review
Subject: Police Department Textile Service Agreement	[X] Mauer Agreement [] []	[X]
Prepared by: David Kirk, Chief of Police	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: In order to ensure that we appropriately assess vendors that are providing services to our department, cost and service comparisons are conducted when a current agreement comes up for renewal. As part of that process, research was conducted to obtain alternatives for the provision of textile rental services for such items as floor mats, paper towel and toilet paper. A resultant was a direct comparison between our current provider Cintas and Maurer, who also provides these services within the Lansing area.

BACKGROUND/DISCUSSION: The Police Department has used Cintas for textile services for the past two years. It was noted by staff on multiple occasions that the Cintas employees would indicate items were provided to the department (most commonly toilet paper and paper towel as well as floor mats) when those items were not provided. We were able to contact Cintas and have our invoice adjusted but the regularity of the activity lends itself to a pattern with the vendor. It was also quite routine that Cintas would arrive to service the building and would not have routinely stocked items with them.

It is noteworthy that our department utilized Maurer's for several years prior to transitioning to Cintas for a modest savings on products but did not experience any issues with Maurer's failing to leave items that were needed nor invoicing the department for items that were not provided. An agreement provided by Maurer's was submitted to and reviewed by city attorneys and was found to be legally sufficient.

STRATEGIC PLAN OBJECTIVE: As part of creating confidence in the department, it is a shared objective to keep our facilities, particularly those that are utilized by the public, well maintained and presentable. The lack of proper stocking of needed textiles routinely left our rest rooms without soap and paper towel which falls short of the standard that we hope to maintain.

FISCAL IMPACT: : A side-by-side price comparison was made between Cintas and Maurers. The Cintas monthly estimate was \$79.01 and the Maurer's estimate was \$63.74. This expense is anticipated and has funds designated for it within budget line item 101-301-931.000, Building Maintenance.

RECOMMENDATION: Staff recommends the City Commission approve the presented agreement for textile services with Maurer's and authorize the Mayor to sign the same.

Title

1. TERM: The term of this Agreement shall be for a period of sixty (60) months from this date, or the first delivery date, whichever is later.

2. RENEWAL: This Agreement shall renew automatically for ^{12 months} ~~successive like periods~~. During the last year of any term either party may cancel this automatic renewal provision by giving the other party written notice at least six (6) months prior to the expiration of the term by certified mail return receipt to the address on the front of this Agreement. If no such notice is given, the contract shall be extended for a like period due to Maurer's necessary expenditures in anticipation of the extension, typical expenditures are made within the six (6) months immediately prior to expiration. In the event the expiration of an agreement with no renewal clause, the Agreement shall continue in force on a month-to-month basis until terminated.

3. PAYMENT: The Customer shall pay Maurer's in cash on each delivery, unless otherwise arranged in writing. In the event a charge account shall be extended to the Customer, a \$2 charge to each account will be assessed and the Customer agrees to make payment within 10 days after receipt of billing (Net 10). Failure to pay said account as due shall constitute a breach of this Agreement. All amounts not paid when due shall be subject to a service charge of one and one half percent (1-1/2%) per month (18% per annum) until paid in full.

4. WEEKLY ITEMS: Weekly item minimums shall be based on inventory as reflected on the face of this Agreement. All rental items are subject to the Simple Asset Management program (S.A.M) percentage of the rental items rate is added to each invoice.

5. MAURER'S GUARANTEE: Maurer's agrees that it will clean all merchandise returned/picked up for cleaning using its high standards in laundry and cleaning. All merchandise will be delivered in a clean and visible condition on the scheduled delivery date. The quality of its merchandise and processing shall be comparable or above that of the generally accepted standards of industrial laundries. Upon notification by the customer, Maurer's will promptly replace any merchandise that does not meet such standards at no cost to the customer. Such notification shall be made in writing from the customer to Maurer's and sent via certified mail return receipt to Maurer's to the address on the front of the Agreement.

6. REMEDIAL PROCEDURE: If Maurer's materially fails to provide services or merchandise as per the terms of this Agreement, Customer shall deliver in writing via certified mail return receipt the specific details of the problem(s) to Maurer's to the address on the front of this Agreement. Maurer's will be given a ~~60~~ ³⁰ day period from Customer's written notice to correct Customer's concerns. The parties agree that time is of the essence and that the Customer's termination of the Agreement without strict compliance with the remedial procedure shall constitute a substantial breach of the Agreement and entitle Maurer's to the relief set forth in paragraph 8 of this Agreement.

7. EXCLUSIVE SERVICE AND MERCHANDISE: The Customer agrees that it has not entered a contract or agreement with any other company for services or merchandise described in or otherwise covered under this agreement. That customer shall exclusively use Maurer's for all services and merchandise including Customer's removal of his business to a different location ~~and for all additional locations in the event the Customer operates at more than one location.~~

8. EARLY TERMINATION: Customer may terminate this Agreement before the expiration of the term of this Agreement whether it is the initial term, new term, or extension provided that Customer pays an Early Termination Fee. The Early Termination Fee is intended to provide Maurer's a return on its investment in Customer's image program and to compensate Maurer's for its damages. Maurer's shall be entitled to agreed compensation in an amount equal to fifty percent (50%) of the gross anticipated receipts for the unexpired term of this Agreement or any extension. The parties agree that 50% is equivalent to gross profit, and consists of approximately 38% fixed costs and 12% net profit. The Early Termination Fee will be calculated as follows: a. Number of weeks remaining under the Agreement from the date of early termination to the expiration date, multiplied by (x) The greater of (1) the actual weekly billing amount at time of termination of service, OR (2) the basic delivery charge agreed to under this Agreement. b. Maurer's shall be entitled to recover as additional damages all cost, including all collection expenses and actual reasonable attorney fees, incurred in enforcing this Agreement through negotiation, arbitration, litigation, or otherwise in addition to all other damages recoverable.

9. INVENTORY UPON TERMINATION: If upon termination for any reason, regardless of fault, Maurer's has purchased merchandise which is furnished for the exclusive use of the Customer, the Customer shall purchase from Maurer's the entire inventory of such items at the then current replacement price less proration schedule. Any special items that are being stored for the Customer shall be paid by the Customer at expiration or early-termination of the Agreement or any extension at the current replacement price for such items. This payment shall be in addition to damages as provided in this Agreement.

10. ACTS OF GOD: The parties agree that if the Customer's or Maurer's usual operations are temporarily interrupted due to strikes, lockouts, government acts, acts of God, or other conditions beyond the control of Maurer's or the Customer, the contract will be extended by the amount of time the service is suspended.

11. COMPANY PROPERTY: The parties agree that all items furnished to the Customer shall at all times remain the sole property of Maurer's. If any items furnished to the Customer are lost, damaged, or abused while in the Customer's possession, the Customer shall pay Maurer's its normal loss or damage charge for each item lost.

12. MODIFICATION: The prices being charged for said services may be modified or adjusted by Maurer's with notice to the customer.

13. JURISDICTION: This Agreement shall be interpreted under the Laws of the State of Michigan. Further the parties agree that any court in the County of ~~Ingham~~ ^{Clinton}, State of Michigan has jurisdiction to hear this matter and that ~~Ingham~~ ^{Clinton} County is the proper venue for any lawsuit that may be filed.

14. FULL EFFECT: If any provision of this Agreement is determined to be invalid by a court with jurisdiction, the remaining terms and condition shall remain in full force and effect.

15. ENTIRE AGREEMENT: This Agreement is entire and includes all understanding of the parties. No waivers or statements made by any representative of Maurer's or Customer shall be valid unless provided in this Agreement. All representations, whether oral or written, are merged into and made a part of this Agreement and there are no other representations or warranties of any nature other than those included within this Agreement.

16. BINDING AGREEMENT: This Agreement shall be binding and shall inure to the benefit of personal representatives, successors, and assigns of the parties.

17. FIRE WARNING: All items supplied by Maurer's are for general purpose use. Customer acknowledges that items furnished by Maurer's are not flame retardant or resistant hazardous or toxic chemicals. Customer agrees to take all reasonable measures to prevent such exposure and Customer warrants that none of the persons for whom garments are rented require acid or fire retardant clothing. Customer agrees to defend and hold Maurer's harmless from any loss, cost or expense arising out of or relating to any claim for personal injury, death, property damage or business loss based upon the use of the Maurer's merchandise.

18. ADDITIONAL CHARGES: As reflected on the face of this agreement, a service charge and a market base fuel charge shall be assessed to each invoice. The service charge is used to help Maurer's pay various fluctuating current and future costs including, but not limited to, costs directly or indirectly related to the environment, energy issues, service and delivery of goods, and services in addition to other miscellaneous costs incurred or that may be incurred in the future by Maurer's. The market base fuel (MBF) charge covers fuel and natural gas expenses associated with servicing the Customer. MBF is based on the fuels market and is a fluctuating percentage (minimum \$3.00 per location, per invoice) of the total of rental and sale items (excluding Service Charge and Tax).

19. MAURER'S MAKES NO WARRANTIES, INCLUDING, BUT NOT LIMITED TO, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, REGARDING THE MERCHANDISE OR THE SERVICES SUPPLIED UNDER THIS AGREEMENT OTHER THAN THOSE SPECIFICALLY DESCRIBED IN THIS AGREEMENT. CUSTOMER ACCEPTS SOLE RESPONSIBILITY FOR SELECTING THE TYPE AND AMOUNT OF MERCHANDISE APPROPRIATE FOR CUSTOMER. MAURER'S MAY NOT BE THE MANUFACTURER OF THE MERCHANDISE AND HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION, WARRANTY OR COVENANT, EXPRESS OR IMPLIED, REGARDING THE QUALITY, SAFETY OR SUITABILITY OF THIS MERCHANDISE FOR USE BY CUSTOMER.

CUSTOMER INITIALS _____

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
April 22, 2024

Department: Administration	Attachments:	Submitted to CA for Review
Subject: <i>Authorization of Signors on all Mercantile Accounts</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Prepared by: Kristina Kinde, Deputy City Manager Treasurer	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: The City of St. Johns needs to update our signers at Mercantile Bank to include Chad A. Gamble, Mindy Seavey and Kristina Kinde. This was not updated at the time of Chad's hiring and we need to get this completed as soon as possible.

BACKGROUND/DISCUSSION: For all of our bank accounts, we typically have the signers on the accounts be the City Manager, Clerk and Treasurer. Making this change to Mercantile will keep us consistent with our other bank accounts at Huntington.

In order for signer updates to take place, Mercantile requires a copy of meeting minutes showing the City Commission's authorization of changes.

STRATEGIC PLAN OBJECTIVE: N/A

FISCAL IMPACT: No fiscal impact at this time.

RECOMMENDATION: Staff recommends the City Commission authorize the update of signers to Chad A. Gamble, Mindy Seavey, and Kristina Kinde for all Mercantile accounts.



AGENDA

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION
ACTION April 22, 2024

Department: Planning and Zoning	Attachments:
Subject: <i>Recommended Zoning Amendment – Recreational Vehicle Parking</i>	[X] Recommended Zoning Amendment – Track Changes [X] Recommended Zoning Amendment – Ordinance Format [X] Resolution #10-2024
Prepared by: Chris Khorey	Approved by: City Manager, Chad A. Gamble, P.E.

SUMMARY/HIGHLIGHT: The Planning Commission received advocacy that the existing regulations on recreational vehicle parking in residential areas are overly burdensome on homeowners and hard to enforce. The Planning Commission worked for several meetings on amendments to those regulations, and recommended Zoning amendment to the City Council.

At the March 18 meeting, the City Commission took no action on this agenda item and requested a substantial policy revision – to allow the parking of RVs in front yards in winter months on lots that have large front yards, but small side and rear yards. That revision has been made, in the form of the new proposed Section H.5, on page 3 of the proposed Ordinance.

BACKGROUND/DISCUSSION: The proposed amendment has the following key points:

- Distinguishing between “Full Size” Recreational Vehicles (those over 15 feet in length, such as motor homes) and “Small” Recreational Vehicles (those under 15 feet in length, such as four-wheelers)
- Tie the allowable number of outdoor-parked Recreational Vehicles to the size of the lot, and the type of Recreational Vehicle (Full Size or Small).
- Require a Zoning Permit for the outdoor winter storage of a Recreational Vehicle.
- Establish the following rules for parking Recreational Vehicles outdoors:

Dates	October 16 to April 30	May 1 to October 15
Allowable Parking Locations	Side and Rear Yards on all Lots Front Yards when Conditions Below are Met	All Yards
Must be parked on pavement?	Yes	If Parked in Front Yard
Zoning Permit Required?	Yes	No

- Front Yard Winter Parking Conditions:
 - Front Setback 50 feet or greater.
 - Rear Setback 40 feet or smaller.
 - Each Side Setback 15 feet or smaller.

STRATEGIC PLAN OBJECTIVE: Master Plan Neighborhoods Goal #1 States: “Preserve, Protect, and Enhance the Integrity, Economic Viability, and Livability of St. Johns Neighborhoods.” Allowing homeowners to park and store RVs in a way that promotes safety and quality neighborhood aesthetics furthers that goal.

FISCAL IMPACT: Fiscal impact is anticipated to be minimal, though Staff hopes for some cost savings on code enforcement from the new Ordinance.

RECOMMENDATION: Staff requests that the City Commission approve the first reading of the recommended Zoning amendment.

§ 155.341 OFF-STREET PARKING REGULATIONS WITHIN A RESIDENTIAL DISTRICT.

Amendments Revised as Requested by City Commission on March 18, 2024

(A) Intent. These off-street parking regulations have been adopted to improve safety, traffic circulation and aesthetics within residential districts in the city. They are intended to regulate parking patterns and the location and quality of parking areas in residential areas over the long term. It is not the intent of these regulations to regulate temporary, infrequent and irregular occurrences.

(B) All residential buildings or non-residential buildings in a residential district shall be provided with required parking areas on the same lot with the building or on a lot immediately adjacent to the lot with the building intended to be served, but not more than 100 feet from the building it is servicing.

(C) No repairing, modifying, or operations shall be allowed upon any vehicle, otherwise properly parked on a residential property, for a period in excess of 24 hours, except within fully enclosed buildings or if it is determined that such repair, modification, or operation will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within any 24-hour period allowed under this provision shall not, however, consist of any major repair, redesigning, modifying, or dismantling work but only such occasional minor work as may be required to maintain a vehicle in normal operating condition.

(D) In the event the foregoing regulations create any special hardship beyond the control of a particular resident, the Zoning Administrator is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time not to exceed 14 days.

(E) Required parking areas, including driveways shall be constructed from materials that provide a hard surface (concrete ~~or~~, asphalt, or permeable pavement material), shall be drained properly, and shall be maintained in a safe and usable condition. Other hard surfaces, including, but not limited to, turf pavers, paving stones, open concrete grids, may be used with prior approval from the Zoning Administrator. Gravel, dirt, crushed aggregate, and other non-pavement surfaces shall not be permitted for required parking areas.

(F) **Definitions**

(1) "Full Size Recreational vehicleVehicle" means any self-propelled or towed vehicle intended primarily for recreational purposes and longer than 15 feet in length, and shall include, but not be limited to, motor homes, ~~travel trailers, tent trailers, collapsible trailers, expandable trailers,~~ pick-up coach campers, ~~unattached pick-up covers, motorcycle trailers, snowmobile trailers, utility trailers, vehicle transporting trailers, stock car trailers, camping trailers, boat trailers, snowmobiles, trail bikes or cycles, unlicensed motorcycles or motor driven cycles, pontoon boats, rafts, ATV's, golf carts,~~ and boats. Trailers, including but not limited to travel trailers, tent

trailers, collapsible trailers, expandable trailers, motorcycle trailers, snowmobile trailers, utility trailers, vehicle transporting trailers, stock car trailers, camping trailers, and boat trailers, shall be considered Full Size Recreational Vehicles for the purposes of this Ordinance.

(2) "Small Recreational Vehicle" means any self-propelled or towed vehicle intended primarily for recreational purposes and shorter than 15 feet in length and shall include, but not be limited to, snowmobiles, trail bikes or cycles, unlicensed motorcycles or motor driven cycles, rafts, ATV's, golf carts, and jet-skis.

(GH) Storage and parking of ~~Recreational vehicles~~ Vehicles within all residentially zoned districts shall comply with the following:

- (1) — (1) Other than in an enclosed building, no person shall park or store more than one item of recreational equipment upon any lot or parcel the following number of Recreation Vehicle Equivalents. In the chart below, a Full Size Recreational Vehicle shall count as 1 Recreational Vehicle Equivalent, while a Small Recreational Vehicle shall count as 0.5 Recreational Vehicle Equivalents.

Table 13-2

<u>Lot Size</u>	<u><10,000 Square Feet</u>	<u>10,000-20,000 Square Feet</u>	<u>>20,000 Square Feet</u>
<u>Maximum Recreational Vehicle Equivalents</u>	<u>1</u>	<u>2</u>	<u>3</u>

— (2) All such vehicles shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, except that the parking and occupancy of a recreational vehicle on private property shall be permitted for a period not to exceed two weeks, but not to exceed four times a year.

— (3) Recreational vehicles stored outdoors on any city-private lot or parcel between October 16 through April 30 must be parked on a hard surface (asphalt or concrete) at least 180 square feet in area, at least 9 feet wide at its narrowest dimension, and meeting the requirements of Section 155.341.E. Recreational vehicles must be parked behind the front line of the house. A Zoning Permit is required prior to storing a recreational vehicle outdoors between October 16 and April 30. The Zoning Permit need not be renewed annually if the requirements of this section are met.

(4) Parking is allowed on a paved driveway in the front yard, or in the side or rear yard on the grass or other unpaved surface from May 1 through October 15. (See graphic below.) A Zoning Permit is not required prior to storing a recreational

vehicle outdoors between May 1 and October 15, except as described in Subsection 6.

<u>Dates</u>	<u>October 16 to April 30</u>	<u>May 1 to October 15</u>
<u>Allowable Parking Locations</u>	<u>Side and Rear Yards on All Lots</u> <u>Front Yards when conditions in Subsection 5 are met.</u>	<u>All Yards</u>
<u>Must be parked on pavement?</u>	<u>Yes</u>	<u>If Parked in Front Yard</u>
<u>Zoning Permit Required?</u>	<u>Yes</u>	<u>No</u>

(5) Recreational Vehicles may be stored in the front yard between October 16 and April 30 only on lots that meet all of the following requirements:

(a) The principal building on the lot must be set back at least 50 feet from the front lot line.

(b) The principal building on the lot must be set back no more than 40 feet from the rear lot line.

(c) The principal building on the lot must be set back no more than 15 feet from any side lot line.

(6) For the purposes of parking recreational vehicles, Corner lots have two front yards and two side yards (see graphic below). All front yard requirements in this section shall apply to both front yards. The Zoning Administrator has the authority to grant residents on a corner lot permission to park their recreational vehicle in their side yard from May 1 through October 15. (See graphic below.)

(7) Notwithstanding the above, any recreational vehicle may be parked outdoors at any time, on a private lot (with the permission of the property owner), for up to 48 hours, provided that all setback requirements are met (See Subsection 8). After the initial 48 hours, the regulations of Subsections 1-6 above shall apply, in addition to the setback requirements in Subsection 8.

(8) At all times, a 3 foot setback must be maintained between the vehicle and all side and rear lot lines, and a 20 foot setback must be maintained between the vehicle and all front lot lines and other adjacent street right-of-way lines.

Commented [CK1]: 20 foot setback + 15 foot RV + 15 feet of additional space before the building.

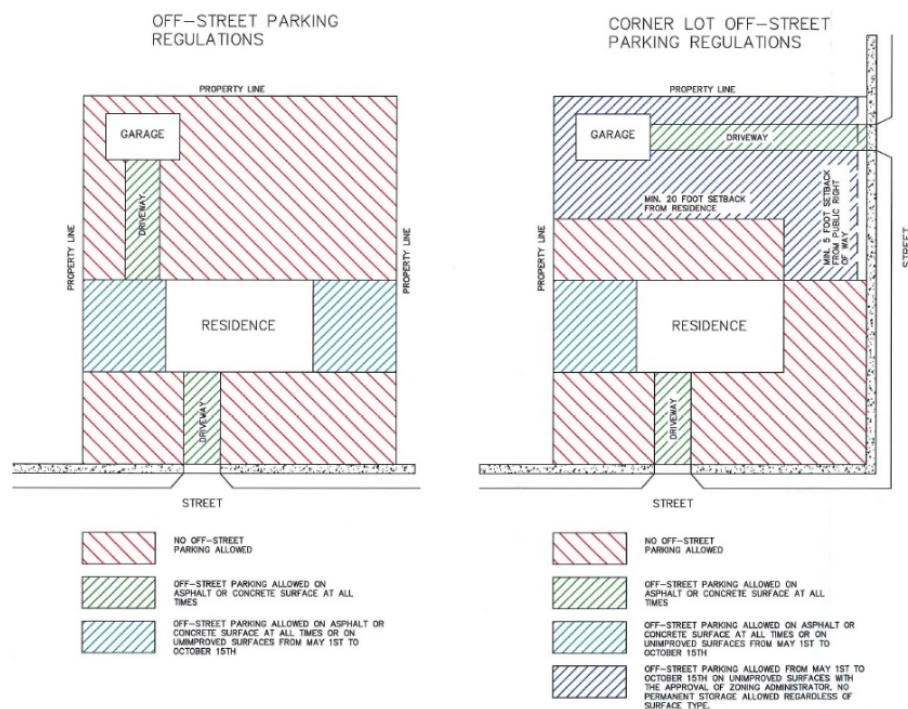
Commented [CK2]: Bigger than 40 feet = should have enough space to fit the RV.

Commented [CK3]: If you have a 15 foot side yard, you can fit your RV through and into the back yard.

(H) No parking is allowed in the rear of buildings except in garages, driveways leading to garages, approved recreational vehicle parking pads, and other parking spaces approved by special use permit.

(I) Not more than three outdoor parking spaces are permitted on a residential lot unless additional spaces are permitted by special use permit. Small Recreational Vehicles as defined in Section F.2 shall not be counted towards the maximum number of outdoor parking spaces.

(J) Motor vehicles shall be allowed to be parked only on a parking area or driveway. A parking area is defined as that portion of a lot used for the exclusive purpose of parking a motor vehicle. A driveway is defined as the maneuvering lane needed to allow vehicles to move from the street to a garage or to a public parking area at the far end of the maneuvering lane. The driveway and No parking area shall not be located in front of the residential structure.



Commented [CK4]: Final version will have revised graphic.

**CITY OF ST. JOHNS
ORDINANCE NO. __**

**AN ORDINANCE TO AMEND CHAPTER 155, SECTION 341 OF THE CODE OF
ORDINANCES
REGARDING OFF-STREET PARKING AND LOADING/UNLOADING AREA
REQUIREMENTS FOR FULL SIZE AND SMALL RECREATIONAL VEHICLES**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Section 155.341 of the City's Code entitled "Off-Street Parking Regulations within a Residential District" is hereby amended as follows:

§ 155.341 OFF-STREET PARKING REGULATIONS WITHIN A RESIDENTIAL DISTRICT.

(A) Intent. These off-street parking regulations have been adopted to improve safety, traffic circulation and aesthetics within residential districts in the city. They are intended to regulate parking patterns and the location and quality of parking areas in residential areas over the long term. It is not the intent of these regulations to regulate temporary, infrequent and irregular occurrences.

(B) All residential buildings or non-residential buildings in a residential district shall be provided with required parking areas on the same lot with the building or on a lot immediately adjacent to the lot with the building intended to be served, but not more than 100 feet from the building it is servicing.

(C) No repairing, modifying, or operations shall be allowed upon any vehicle, otherwise properly parked on a residential property, for a period in excess of 24 hours, except within fully enclosed buildings or if it is determined that such repair, modification, or operation will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within any 24-hour period allowed under this provision shall not, however, consist of any major repair, redesigning, modifying, or dismantling work but only such occasional minor work as may be required to maintain a vehicle in normal operating condition.

(D) In the event the foregoing regulations create any special hardship beyond the control of a particular resident, the Zoning Administrator is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time not to exceed 14 days.

(E) Required parking areas, including driveways shall be constructed from materials that provide a hard surface (concrete, asphalt, or permeable pavement material), shall be drained properly, and shall be maintained in a safe and usable condition. Other hard surfaces, including, but not limited to, turf pavers, paving stones, open concrete grids, may be used with prior approval from the Zoning Administrator. Gravel, dirt, crushed aggregate, and other non-pavement surfaces shall not be permitted for required parking areas.

_(F) Definitions

(1) "Full Size Recreational Vehicle" means any self-propelled or towed vehicle intended primarily for recreational purposes and longer than 15 feet in length, and shall include, but not be limited to, motor homes, pick-up coach campers, and boats. Trailers, including but not limited to travel trailers, tent trailers, collapsible trailers, expandable trailers, motorcycle trailers, snowmobile trailers, utility trailers, vehicle transporting trailers, stock car trailers, camping trailers, and boat trailers, shall be considered Full Size Recreational Vehicles for the purposes of this Ordinance.

(2) "Small Recreational Vehicle" means any self-propelled or towed vehicle intended primarily for recreational purposes and shorter than 15 feet in length and shall include, but not be limited to, snowmobiles, trail bikes or cycles, unlicensed motorcycles or motor driven cycles, rafts, ATV's, golf carts, and jet-skis.

(H) Storage and parking of Recreational Vehicles within all residentially zoned districts shall comply with the following:

- (1) Other than in an enclosed building, no person shall park or store more the following number of Recreation Vehicle Equivalents. In the chart below, a Full Size Recreational Vehicle shall count as 1 Recreational Vehicle Equivalent, while a Small Recreational Vehicle shall count as 0.5 Recreational Vehicle Equivalents.

Table 13-2

Lot Size	<10,000 Square Feet	10,000-20,000 Square Feet	>20,000 Square Feet
Maximum Recreational Vehicle Equivalents	1	2	3

(2) All such vehicles shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, except that the parking and occupancy of a recreational vehicle on private property shall be permitted for a period not to exceed two weeks, but not to exceed four times a year.

(3) Recreational vehicles stored outdoors on any private lot or parcel between October 16 through April 30 must be parked on a hard surface at least 180 square feet in area, at least 9 feet wide at its narrowest dimension, and meeting the requirements of Section 155.341.E. Recreational vehicles must be parked behind the front line of the house. A Zoning Permit is required prior to storing a recreational vehicle outdoors between October 16 and April 30. The Zoning Permit need not be renewed annually if the requirements of this section are met.

(4) Parking is allowed on a paved driveway in the front yard, or in the side or rear yard on grass or other unpaved surface from May 1 through October 15. (See graphic below.) A Zoning Permit is not required prior to storing a recreational vehicle outdoors between May 1 and October 15, except as described in Subsection 6.

Dates	October 16 to April 30	May 1 to October 15
Allowable Parking Locations	Side and Rear Yards	All Yards
Must be parked on pavement?	Yes	If Parked in Front Yard
Zoning Permit Required?	Yes	No

(5) Recreational Vehicles may be stored in the front yard between October 16 and April 30 only on lots that meet all of the following requirements:

- (a) The principal building on the lot must be set back at least 50 feet from the front lot line.
- (b) The principal building on the lot must be set back no more than 40 feet from the rear lot line.
- (c) The principal building on the lot must be set back no more than 15 feet from any side lot line.

(6) For the purposes of parking recreational vehicles, corner lots have two front yards (see graphic below). All front yard requirements in this section shall apply to both front yards.

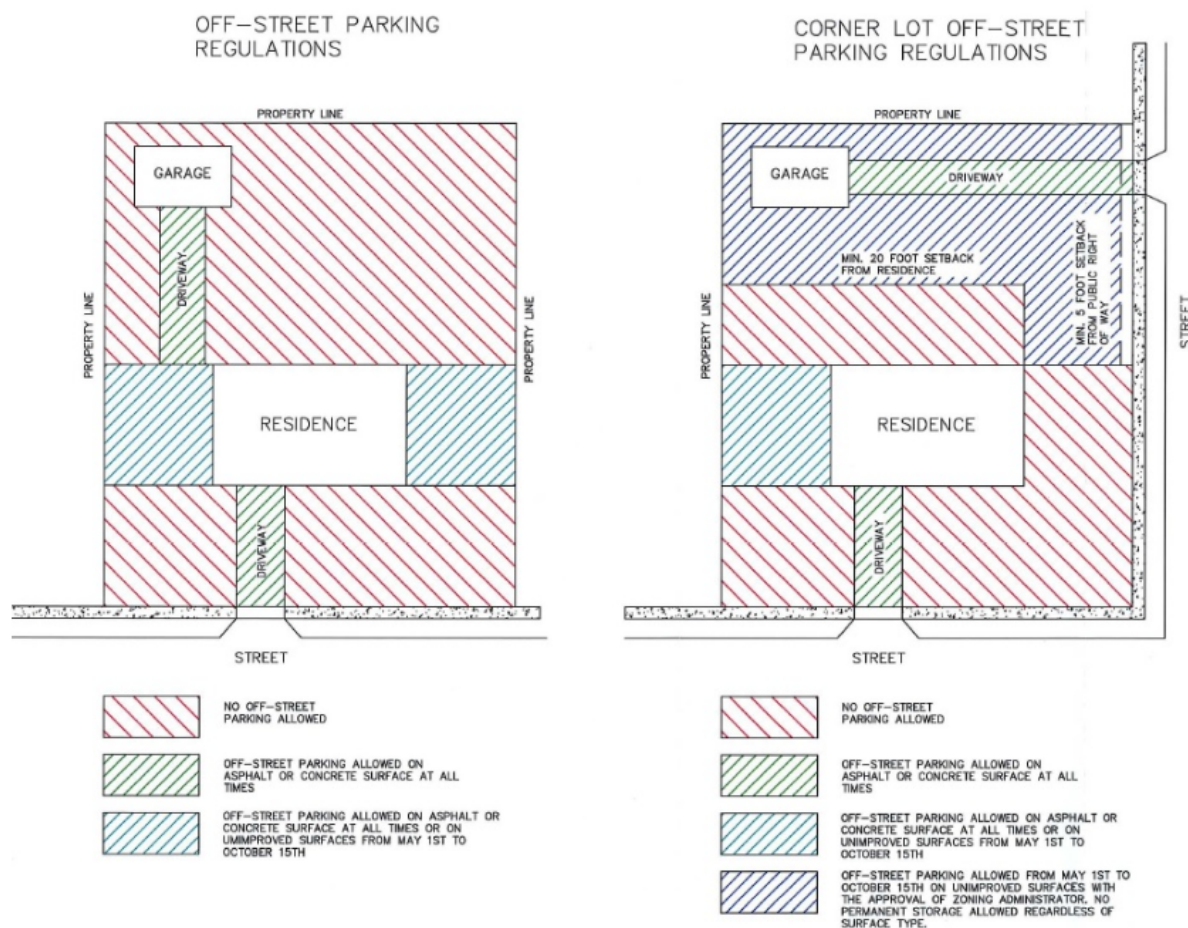
(7) Notwithstanding the above, any recreational vehicle may be parked outdoors at any time, on a private lot (with the permission of the property owner), for up to 48 hours, provided that all setback requirements are met (See Subsection 8). After the initial 48 hours, the regulations of Subsections 1-6 above shall apply, in addition to the setback requirements in Subsection 8.

(8) At all times, a 3 foot setback must be maintained between the vehicle and all side and rear lot lines, and a 20 foot setback must be maintained between the vehicle and all front lot lines and other adjacent street right-of-way lines.

(I) No parking is allowed in the rear of buildings except in garages, driveways leading to garages, approved recreational vehicle parking pads, and other parking spaces approved by special use permit.

(J) Not more than three outdoor parking spaces are permitted on a residential lot unless additional spaces are permitted by special use permit. Small Recreational Vehicles as defined in Section F.2 shall not be counted towards the maximum number of outdoor parking spaces.

(K) Motor vehicles shall be allowed to be parked only on a parking area or driveway. A parking area is defined as that portion of a lot used for the exclusive purpose of parking a motor vehicle. A driveway is defined as the maneuvering lane needed to allow vehicles to move from the street to a garage or to a public parking area at the far end of the maneuvering lane. No parking area shall be located in front of the residential structure.



Section 2. Validity and Severability. If any portion of this Ordinance or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or applications, provided the remaining portions are not determined by the court to be inoperable, and to this end Ordinances are declared to be severable.

Section 3. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date. This Ordinance shall be effective twenty (20) days after final approval.

DRAFT

**CITY OF ST. JOHNS
RESOLUTION #10-2024**

**RESOLUTION TO INTRODUCE AN ORDINANCE TO AMEND THE CITY OF ST.
JOHNS CODE OF ORDINANCES
REGARDING OFF-STREET PARKING AND LOADING/UNLOADING AREA
REQUIREMENTS FOR FULL SIZE AND SMALL RECREATIONAL VEHICLES**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the ____ day of April, 2024 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 et seq., as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to regulate off-street parking regulations for full size and small recreational vehicles in residential districts by amending Section 155.341 of Title XV (Land Usage) of the City’s Code of Ordinances; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission held a public hearing to consider the Ordinance; and

WHEREAS, on February 14, 2024, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, the City desires to introduce the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City introduces Ordinance No. _____, An Ordinance Amending The City Of St. Johns Zoning Code Regarding Off-Street Parking and Loading/Unloading Area Requirements for Full Size and Small Recreational Vehicles.
2. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the ____ day of April, 2024.

Mindy J. Seavey, City Clerk

PROOF OF PUBLICATION



PO Box 630491 Cincinnati, OH 45263-0491

CITY OF ST JOHNS

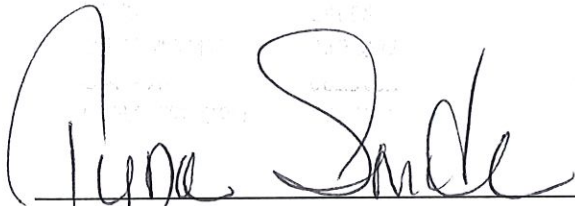
Attn.: Accounts Payable
100 E. State St
Saint Johns MI 48879-1579

STATE OF MICHIGAN, COUNTY OF MACOMB }ss

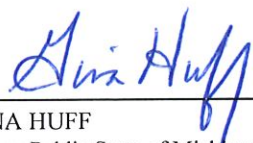
The Lansing State Journal, a newspaper published in the city of Lansing, Ingham County, State of Michigan, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

03/22/2024

and that the fees charged are legal.
Subscribed and sworn to before me on 03/26/2024



TYNE SMITH



GINA HUFF
Notary Public State of Michigan
County of Livingston
My commission expires March 9, 2029
Acting in the County of Macomb

**NOTICE
ST JOHNS CITY COMMISSION
ORDINANCES**

Notice is hereby given that the St. Johns City Commission will consider ordinances at a regular meeting held on Monday, April 22, 2024 at 6:00 p.m., Room #2200 (2nd Floor) of the Courthouse located at 100 E. State St., St. Johns, MI.

1. An Ordinance to Amend Chapter 155, Sections 340, 342, and 343 of the Code of Ordinances Regarding the Creation of a Parking Exemption Zone

2. An Ordinance to Amend City's Zoning Map

A copy of the complete text of the proposed ordinance can be reviewed or obtained through the St. Johns City Clerk's Office, 100 E. State St., Suite 1100, St. Johns MI 48879.

Mindy J. Seavey, City Clerk

NOTICE: People with disabilities needing accommodations for effective participation in the meeting should contact the City Clerk at (989) 224-8944 at least two (2) working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

LSJ-9979497 3/22/2024

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CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION
ACTION April 22, 2024

Department: Planning and Zoning	Attachments:
Subject: <i>Recommended Zoning Amendment – Downtown Parking</i>	[X] Recommended Zoning Text Amendment – Track Changes [X] Summary Memo Describing Changes [X] Recommended Zoning Amendment – Ordinance Format [X] Recommended Amended Zoning Map [X] Resolution #14-2024 [X] Resolution #15-2024
Prepared by: Chris Khorey	Approved by: City Manager, Chad A. Gamble, P.E. s

SUMMARY/HIGHLIGHT: Parking in Downtown St. Johns has been a complex and sometimes contentious issue for some time. One of the issues frequently faced by the City has been impediments to desirable development in the downtown caused by Zoning Ordinance parking requirements.

The Planning Commission recommended a Zoning amendment to right-size parking requirements, while ensuring that new development still adds to the parking system and does not burden existing capacity.

The City Commission approved First Reading on March 18.

BACKGROUND/DISCUSSION: Currently, the CBD Central Business District Zoning District is exempt from parking requirements – developments in that district are not required to provide any dedicated parking. Meanwhile, all other districts in the City have the same parking requirements, whether they are located in the walkable core, or out in the rural/suburban fringe.

This system has created an imbalance on the edges of downtown, where one development is parking exempt, while one across the street is required to provide a large dedicated parking lot. It has also led to the approval of two Conditional Rezoning Agreements specifically designed to right-size the parking for a desirable development.

The proposed amendment would create a tiered system of parking requirements:

- **Parking Exempt District.** Within this area, no dedicated parking would be required. The Parking Exempt District would only cover a portion of the CBD District (just the core blocks of Clinton Avenue), meaning the area completely exempt from parking requirements would get smaller.
- **Parking Reduction District.** Within this area, the residential parking requirement would be reduced from 2 spaces per dwelling unit to 1.25 spaces per unit, and all non-residential parking requirements would be reduced to 85% of the parking requirement for the rest of the City. Developers would have the option to further reduce those requirements (to 1.15 and 75%) through actions like adding bike racks, providing curbside pickup spaces, and payment in lieu of parking.

The boundaries of the two districts would be shown on the Official Zoning Map, which is why this amendment includes both a text amendment and a map amendment.

STRATEGIC PLAN OBJECTIVE: Master Plan Economic Development Goal #2 States: “Create a Vibrant Downtown with Diverse Businesses.” Creating a more fair system of parking minimums for the greater downtown furthers that goal.

FISCAL IMPACT: Fiscal impact is anticipated to be minimal, though Staff hopes that reduced red tape for downtown developments will speed the pace of investments, and thus increased tax revenue.

RECOMMENDATION: Staff requests that the City Commission approve Final Adoption of the recommended Zoning amendment.

OFF STREET PARKING AND LOADING/UNLOADING AREA REQUIREMENTS

Recommended by Planning Commission February 14, 2024

§ 155.340 OFF-STREET PARKING GENERAL REQUIREMENTS.

(A) Parking spaces required. Parking spaces shall be provided and adequately maintained in all applicable zoning districts, except ~~the CBD District~~within the Parking Exemption Zone, for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premise, and of such extensions, alterations, additions or changes in use of such building or premise as specified in § 155.342. These spaces shall be provided in amounts not less than hereinafter specified which shall not subsequently be reduced below the requirements of this chapter.

(B) Loading spaces not parking spaces. Loading space as required in § 155.344 shall not be construed as supplying required off-street parking space.

(C) Existing parking. Existing off-street parking facilities provided on the effective date of this Code and actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this chapter for a similar new building or use.

(D) Change in requirements. Whenever after the effective date of this Code there is any change in use or any increase in number of employees, or an increase in floor area, or in any other unit of measurement specified in § 155.342, additional off-street parking facilities shall be provided on the basis of resultant change.

(E) Joint ~~use~~Use and Mixed Use Developments. The joint use of parking facilities by two or more uses, including mixed uses on the same lot, is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.

~~—(1)—~~In computing ~~capacities~~the minimum parking requirements of any joint use parking lot, or parking lot for a mixed use development, the total spaces provided ~~requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different time from the peak requirements for other joint uses, the maximum capacity required for joint use may be reduced by the Planning Commission during site plan review to a total that is less than the sum of total individual space requirements, but~~ shall not be less than 50% of the off-street parking facilities required of the uses computed separately. ~~For projects that do not require site plan review, the Zoning Administrator shall have the authority to similarly reduce the number of parking spaces required.~~

(2) A copy of an agreement among joint users shall be filed with the application for a zoning permit. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

(F) Floor area. For the purpose of § 155.342 the unqualified term "floor area" shall mean the sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

(G) Uses not mentioned. In the case of a use not specifically mentioned, requirements for off-street parking for a use which is mentioned and which is most similar to the use not mentioned shall apply, as may be determined by the Zoning Administrator.

~~(H) Mixed use. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the individual uses computed separately, provided that this provision shall not apply where a use is accessory to the main use and is not intended to serve additional patrons or employees.~~

~~(H)~~ Parking facilities allocated once. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified in division (F) of this section for joint use.

~~(I)~~ Fractional spaces. When determination of the number of off-street parking space required by this chapter results in a requirement of a fractional space, any fraction in excess of one-half shall be counted as one parking space.

~~(K)~~ Location of parking areas. Off-street parking areas shall be located, in relation to the use they are intended to serve:

(1) On the same or an adjoining lot or parcel of land.

(2) For industrial uses only, on the same or an adjoining lot or parcel of land except than an area for joint operation of parking facilities shall be located within desirable walking distance of the joint users' operations.

(3) In the Parking Reduction Zone described in Section 155.342.D, parking for a use may be located on a separate lot, up to 1,000 feet away from the use in question, if approved by the Planning Commission based on the following criteria.

a. Public right-of-way shall not be used to meet a minimum parking requirement, and shall not be considered to meet the requirements of this section.

b. The owner of the land use utilizing the parking must own or lease the parking spaces in question. In the event of a lease, the terms of the lease must be submitted to the City, and the lease must include language granting the

user of the parking spaces an easement over the parking spaces, granting exclusive use of them. The easement shall not be revoked without approval of the City, the lease shall explicitly state such.

c. In the event that off-site parking that has been used to meet a minimum parking requirement is not longer available to the land use in question, the owner of the land use shall be required to make payment-in-lieu of parking, as described in Section 155.342.D.1.c.iii for all spaces lost, up to the minimum requirement of this Ordinance (as calculated for the Parking Reduction Zone)

d. in accordance with the following table.

TABLE 13-1 Location of Parking	
All Uses Except Industrial Uses	On the same or an adjoining lot or parcel of land
Industrial Uses	On the same or an adjoining lot or parcel of land except that an area for joint operation of parking facilities shall be located within desirable walking distance of the joint users' operations.

~~(LK)~~ Use of parking spaces. No required parking spaces shall be used for storage of material, refuse, refuse containers, display of merchandise, including vehicles, or for the repair or servicing of machinery.

~~(ML)~~ Barrier free parking spaces. Barrier free parking shall be provided in accordance with the current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

~~(NM)~~ Off-street parking spaces shall not be built within a road or street right-of-way.

(Ord. 616, passed 9-23-2013)

§ 155.341 OFF-STREET PARKING REGULATIONS WITHIN A RESIDENTIAL DISTRICT.

(A) Intent. These off-street parking regulations have been adopted to improve safety, traffic circulation and aesthetics within residential districts in the city. They are intended to regulate parking patterns and the location and quality of parking areas in residential areas over the long term. It is not the intent of these regulations to regulate temporary, infrequent and irregular occurrences.

(B) All residential buildings or non-residential buildings in a residential district shall be provided with required parking areas on the same lot with the building or on a lot

immediately adjacent to the lot with the building intended to be served, but not more than 100 feet from the building it is servicing.

(C) No repairing, modifying, or operations shall be allowed upon any vehicle, otherwise properly parked on a residential property, for a period in excess of 24 hours, except within fully enclosed buildings or if it is determined that such repair, modification, or operation will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work within any 24-hour period allowed under this provision shall not, however, consist of any major repair, redesigning, modifying, or dismantling work but only such occasional minor work as may be required to maintain a vehicle in normal operating condition.

(D) In the event the foregoing regulations create any special hardship beyond the control of a particular resident, the Zoning Administrator is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time not to exceed 14 days.

(E) Required parking areas including driveways shall be constructed from materials that provide a hard surface (concrete or asphalt), shall be drained properly, and shall be maintained in a safe and usable condition. Other surfaces may be used with prior approval from the Zoning Administrator.

(F) Recreational vehicle means any self-propelled or towed vehicle intended primarily for recreational purposes and shall include, but not be limited to, motor homes, travel trailers, tent trailers, collapsible trailers, expandable trailers, pick-up coach campers, unattached pick-up covers, motorcycle trailers, snowmobile trailers, utility trailers, vehicle transporting trailers, stock car trailers, camping trailers, boat trailers, snowmobiles, trail bikes or cycles, unlicensed motorcycles or motor driven cycles, pontoon boats, rafts, ATV's, golf carts, and boats.

(G) Storage and parking of recreational vehicles within all residentially zoned districts shall comply with the following:

(1) Other than in an enclosed building, no person shall park or store more than one item of recreational equipment upon any lot or parcel.

(2) All such vehicles shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, except that the parking and occupancy of a recreational vehicle on private property shall be permitted for a period not to exceed two weeks, but not to exceed four times a year.

(3) Recreational vehicles stored on any city lot or parcel between October 16 through April 30 must be parked on a hard surface (asphalt or concrete). Recreational vehicles must be parked behind the front line of the house. Parking is allowed in the side yard on the grass from May 1 through October 15. (See graphic below.)

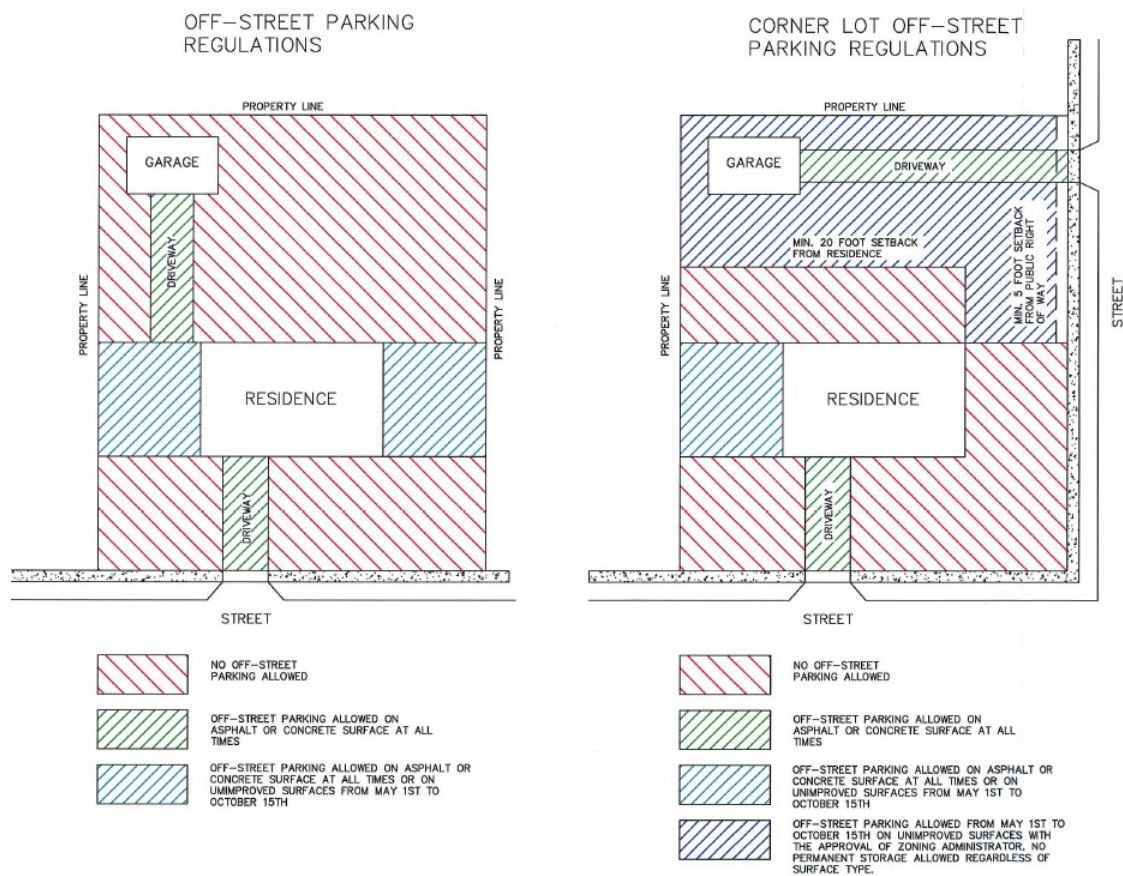
(4) Corner lots have two front yards and two side yards (see graphic below). The Zoning Administrator has the authority to grant residents on a corner lot permission to

park their recreational vehicle in their side yard from May 1 through October 15. (See graphic below.)

(H) No parking is allowed in the rear of buildings except in garages, driveways leading to garages, and other parking spaces approved by special use permit.

(I) Not more than three outdoor parking spaces are permitted on a residential lot unless additional spaces are permitted by special use permit.

(J) Motor vehicles shall be allowed to be parked only on a parking area or driveway. A parking area is defined as that portion of a lot used for the exclusive purpose of parking a motor vehicle. A driveway is defined as the maneuvering lane needed to allow vehicles to move from the street to a garage or to a public parking area at the far end of the maneuvering lane. The driveway and parking area shall not be located in front of the residential structure.



(Ord. 616, passed 9-23-2013; Am. Ord. 645, passed 7-9-2018; Am. Ord. 646, passed 8-13-2018)

§ 155.342 MINIMUM PARKING SPACE REQUIREMENTS.

(A) The minimum amount of off-street parking space required under §§ 155.340 and 155.342 shall be determined in accordance with the following table:

(B) Either one space for ~~each two employees~~every 500 feet of gross floor area shall be required of all applicable uses in this schedule, or the requirements specified below, ~~whichever requires a greater number of spaces.~~if the land use is specifically included in the chart.

TABLE 13-2	
Parking Requirements	
Use	Parking Requirements
TABLE 13-2	
Parking Requirements	
Use	Parking Requirements
Dwelling	Two spaces for each residential living unit in any residential living unit in any residential classification.
Housing for the Elderly	One space per unit plus one space per employee. If units revert to general occupancy, the two spaces per unit shall be provided.
Rooming and boarding houses and bed-and-breakfasts	One space per room afforded plus two spaces for the owner or managers.
Motels-hotels	One space per guest bedroom plus one space per employee of largest shift.
Car Washes	One space per employee of the largest shift.
Hospitals nursing homes	One space for each four beds.
Theaters, auditoriums, stadia, sports arenas	One space per four seats.
Churches	One space for each five seats in the main worship unit.
Dances halls, assembly and exhibition halls without fixed seats; community center, civic clubs, private clubs, lodges, and other similar type occupancy	One space per four persons of legal capacity.
Banks, business and professional offices	One space per 200 square feet of floor area.
Medical or dental offices and clinics	One space per 300 square feet of floor area or five spaces per doctor or dentist, whichever is greater.
Mortuaries and funeral homes	One space for every 25 square feet of floor area of chapels and assembly rooms.
Furniture and appliance stores, motor vehicle sales, machinery sales, personal service shops, household equipment or furniture repair shops, clothing and shoe repair or service shops, and hardware stores	One space per 200 square feet of floor area.
Convenience Store	One space per 250 square feet of floor area plus any spaces required for gas pumps.
Supermarket, self-service food stores	One space per 200 square feet of floor area.
All other retail stores	One space per 500 square feet of floor area.
Barbershops and beauty parlors	Two spaces per chair.
Restaurants and cafeterias	One space per four patron seats.
Bowling alleys	Five spaces per lane.

Elementary and junior high schools	One space per each instructor, plus one space per each employee and administrator, plus drop-off areas for school buses, plus spaces required for any assembly hall, auditorium and/or outdoor arena.
Senior high schools	One per each instructor, plus two per each employee and administrator, plus five spaces per each classroom, plus drop off areas for school buses, plus parking required for any assembly hall, auditorium or outdoor arena.
Auditorium, assembly halls and outdoor areas	One space per each three seats or six feet of bleachers.
Libraries, museums, post office	One space per 800 square feet of floor area.
Gasoline service stations	Two spaces per service bay plus one space per employee of largest shift.
Manufacturing and industrial uses other than warehouses, storage buildings, wholesale establishments	One space per employee of the largest working shift plus five visitor spaces; or one space for every 600 square feet of gross floor area of building, whichever bases provides the greater parking accommodations.
Warehouses, storage buildings, wholesale establishments	One space per 1,000 square feet of floor area.
Video Rental Establishments	One space per 100 square feet of floor area, with a minimum of eight spaces.
Miniature Golf Course	One and a quarter (1.25) spaces per hole plus one space per employee of the largest shift.
Driving Range	One spaces per driving tee plus one space per employee of the largest shift.

(C) **Parking Exemption Zone.** The Parking Exemption Zone is hereby established, and shall be designated on the official City of St. Johns Zoning Map. The purpose of the Parking Exemption Zone shall be to maintain the historic, walkable character of St. Johns, and recognize the public investment in on-street and other public parking, by eliminating most parking requirements within its boundaries.

(1) Within the Parking Exemption Zone, there shall be no minimum parking requirement for any land use, except that any lot containing 10 or more dwelling units must provide 1.15 off-street parking spaces per dwelling unit.

(2) The City Commission, upon recommendation from the Planning Commission and following the procedure in Sections 155.385-389, may add a lot or group of lots to the Parking Exemption Zone. In making a recommendation to the City Commission, the Planning Commission shall consider the following:

(a) The lot, or group of lots, must be adjacent to the existing Parking Exemption Zone.

(b) The lot, or group of lots, must be either developed with a walkable, historic character similar to the core of St. Johns, or be subject to a development proposal that would construct infill development with a similar walkable, historic character to the existing core.

c) Approving the expansion of the Parking Exemption Zone shall not place a burden on existing public or private on-street and off-street parking spaces. In reviewing this criteria, the Planning Commission shall determine where the residents, employees, and/or customers of the newly exempt lots would park, and whether those parking areas have sufficient capacity.

d) Approving the expansion of the Parking Exemption Zone must affirmatively further the goals of the City of St. Johns Master Plan, Downtown Plan, or both.

(D) **Parking Reduction Zone.** The Parking Reduction Zone is hereby established, and shall be designated on the official City of St. Johns Zoning Map. The purpose of the Parking Exemption Zone shall be to recognize the walkable character of the immediate surroundings of Downtown St. Johns, and to allow investment and development in that area without the need for large parking areas which create hazards to walkability and harm economic vitality. However, the Parking Reduction Zone acknowledges the need for automobiles for personal mobility, and therefore the need to require parking, even at a reduced level compared to the base requirements of this Ordinance.

(1) Within the Parking Exemption Zone, the minimum parking requirements shall be as follows. These requirements shall supersede the requirements in Section 155.342.B

(a) **Residential Uses:** 1.25 parking spaces per dwelling unit. This may be reduced to 1.15 parking spaces per dwelling unit using the automatic reductions in Section c below.

(b) **Non-Residential Uses:** 85% of the minimum parking requirement as described in Section 155.342.B. This may be reduced to 75% of the minimum parking requirement as described in Section 155.342.B using the automatic reductions in Section c below.

(c) **Automatic Reductions:** The following shall automatically reduce the parking requirement as described in Sections a and b above.

(i) **Provision of Bicycle Parking.** The minimum automobile parking requirement shall be reduced by 1 space for every five spaces made available for secured, on-site parking of bicycles.

(ii) **"15 Minute" Spaces.** For non-residential uses only, parking spaces designated with a time of limit of 15 minutes or less shall each count as 1.5 spaces towards the minimum parking requirement. Reserving spaces for curbside pickup, ride sharing, and other short-term parking occupancy reduces the overall parking need, and therefore qualifies for a reduction under this Ordinance.

(iii) **Payment in Lieu of Parking.** At the time of Site Plan Approval, an applicant may make payment to the City in lieu of providing parking. The required fee per parking space removed from the minimum

requirement shall be set by the City Council by resolution. The City shall set aside all funds received from Payments in Lieu of Parking for improvements to the public parking system, both on-street and off-street, in and around Downtown St. Johns.

(2) The City Commission, upon recommendation from the Planning Commission and following the procedure in Sections 155.385-389, may add a lot or group of lots to the Parking Reduction Zone. In making a recommendation to the City Commission, the Planning Commission shall consider the following:

(a) The lot, or group of lots, must be adjacent to the existing Parking Reduction Zone.

(b) The lot, or group of lots, must be either developed with a walkable, historic character similar to the core of St. Johns, or be subject to a development proposal that would construct infill development with a similar walkable, historic character to the existing core. In the context of the Parking Reduction Zone, the “walkable, historic character” shall include the close-in neighborhoods of the City, which include single family homes and small multi-family residential laid out in a grid pattern on small lots.

c) Approving the expansion of the Parking Reduction Zone shall not place a burden on existing public or private on-street and off-street parking spaces. In reviewing this criteria, the Planning Commission shall determine whether the reductions included in the Parking Reduction Zone would create overflow parking needs, and how those overflow needs would impact other parking areas in the vicinity.

d) Approving the expansion of the Parking Reduction Zone must affirmatively further the goals of the City of St. Johns Master Plan, Downtown Plan, or both.

(Ord. 616, passed 9-23-2013)

§ 155.343 DESIGN-CONSTRUCTION REQUIREMENTS AND PERMITTED USE OF VEHICLE PARKING.

(A) No repairs or service to vehicles and no display for purposes of sale shall be carried on or permitted upon such premises.

(B) A minimum space dimensions of ten feet wide and 20 feet deep shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes; each space shall be accessible separately from a street; each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(C) Except for parking spaces provided on residential lots, ~~an access drive~~ a drive aisle of at least 20 feet in width shall be provided ~~accessing all parking spaces. Complying with the minimum requirements shown in table 13-1.~~

(D) Except for parking spaces provided on residential lots, no parking area shall be constructed less than 1,000 square feet in area.

(E) Parking areas shall be covered with a pavement having an asphalt or Portland cement binder and shall be graded and provided with adequate drainage facilities in compliance with the City of St. Johns Drain Code. Curb and gutter shall be provided around the perimeter of the parking area.

(F) When lighting facilities are used, they shall be so arranged that any light source shall not be visible from any point beyond the parking area lot lines.

(G) Landscaping, fences and walls shall be provided in conformance with §§ 155.295 through 155.304 of this chapter.

(H) No signs shall be erected on the premises, except one at each of the points of ingress and egress, and such sign may bear the name of the operator of the lot and the enterprise it is intended to serve. Such signs shall not exceed ten square feet in area and an overall height of ten feet. However, signs for the orderly and safe movement of pedestrian and vehicular traffic in the parking area may be used as required.

(I) Curb blocks are prohibited.

(J) ~~The Planning Commission may modify the above standards when a demonstrated need is documented by the applicant and the Planning Commission determines that the proposed alternative complies with the intent of this chapter.~~ **Electric Vehicle Chargers:** Electric Vehicle Chargers are permitted in all parking lots, and are not subject to the regulations in Section 155.184 and 155.189 regarding accessory structures. No electric vehicle charger shall be designed or located in such a way as to reduce the dimensions of a parking space or drive aisle below the minimums established in this section, nor shall any electric vehicle charger be designed or located to reduce the number of parking spaces in a lot below the minimums established in this Ordinance.

(K) Driveway approaches (between the sidewalk and the road) shall be constructed from materials that provide a hard surface (concrete, asphalt, or permeable pavement material), shall be drained properly, and shall be maintained in a safe and usable condition. For any property with a driveway approach that does not meet this requirement, the driveway shall be upgraded to the required material at the time of zoning approval for any site improvement that adds pavement or buildings, or any other improvement that requires Site Plan Approval (Administrative, Committee, or Planning Commission).

(Ord. 616, passed 9-23-2013)

§ 155.344 LOADING-UNLOADING SPACES REQUIREMENTS.

(A) On and after the effective date of this Code there shall be provided, on the same lot with all new or substantially altered uses or structures, off-street loading and unloading facilities as required herein.

(B) Industrial uses, warehouses, terminals, retail stores, hotels, hospitals, mortuaries, laundry and dry cleaning establishments, wholesale stores, and other similar uses customarily receiving or distributing goods by motor vehicle - Gross Floor Area: 5,000 square feet to 20,000 square feet - one space; each additional 20,000 square feet or fraction thereof - one space.

(C) Each off-street loading and unloading space shall not be less than ten feet in width and 70 feet in length unless the Planning Commission determines during site plan review that a larger area is required based on the characteristics of the proposed use and its loading and unloading needs.

(Ord. 616, passed 9-23-2013)

§ 155.345 DESIGN STANDARDS OF LOADING-UNLOADING SPACES.

(A) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(B) All open off-street loading berths shall be improved with a pavement of asphaltic concrete, or other comparable, all-weather, dustless material of similar durability.

(C) No signs shall be displayed in any loading area except such signs as may be necessary for the orderly use of the loading area. Off-street loading space as required under § 155.344 shall be provided as area additional to off-street parking space as required under § 155.342 and shall not be considered as supplying off-street parking space.

(Ord. 616, passed 9-23-2013)



Memorandum

TO: City of St. Johns Planning Commission

FROM: Christopher Khorey, AICP, Senior Principal Planner

SUBJECT: Minimum Parking Requirement Amendments

DATE: January 3, 2024

In recent years, St. Johns has experienced more demand for development (particularly residential development) on the edges of its downtown. While this development is considered desirable under the City's Master Plan and Downtown Plan, the approval processes have been hampered by parking concerns. Projects have had to use unwieldy Conditional Rezoning processes, and haggling between the City and developers over the number of parking spaces has been common.

The Planning Commission has developed a proposed set of amendments regarding downtown parking. The amendments are scheduled for a public hearing on January 10, 2024. This memo includes the context for the amendments.

CURRENT PARKING REQUIREMENTS

Currently, there are two levels of parking requirements in the Zoning Ordinance: the CBD Central Business District Zoning District and Everything Else. The CBD District exempts all uses from minimum parking requirements. All other districts are subject to the parking requirements in Section 155.342 of the Zoning Ordinance. For residential developments, the requirement is two parking spaces per unit.

This creates an "all or nothing" situation, as shown on the map on the following page.



No Parking Requirement



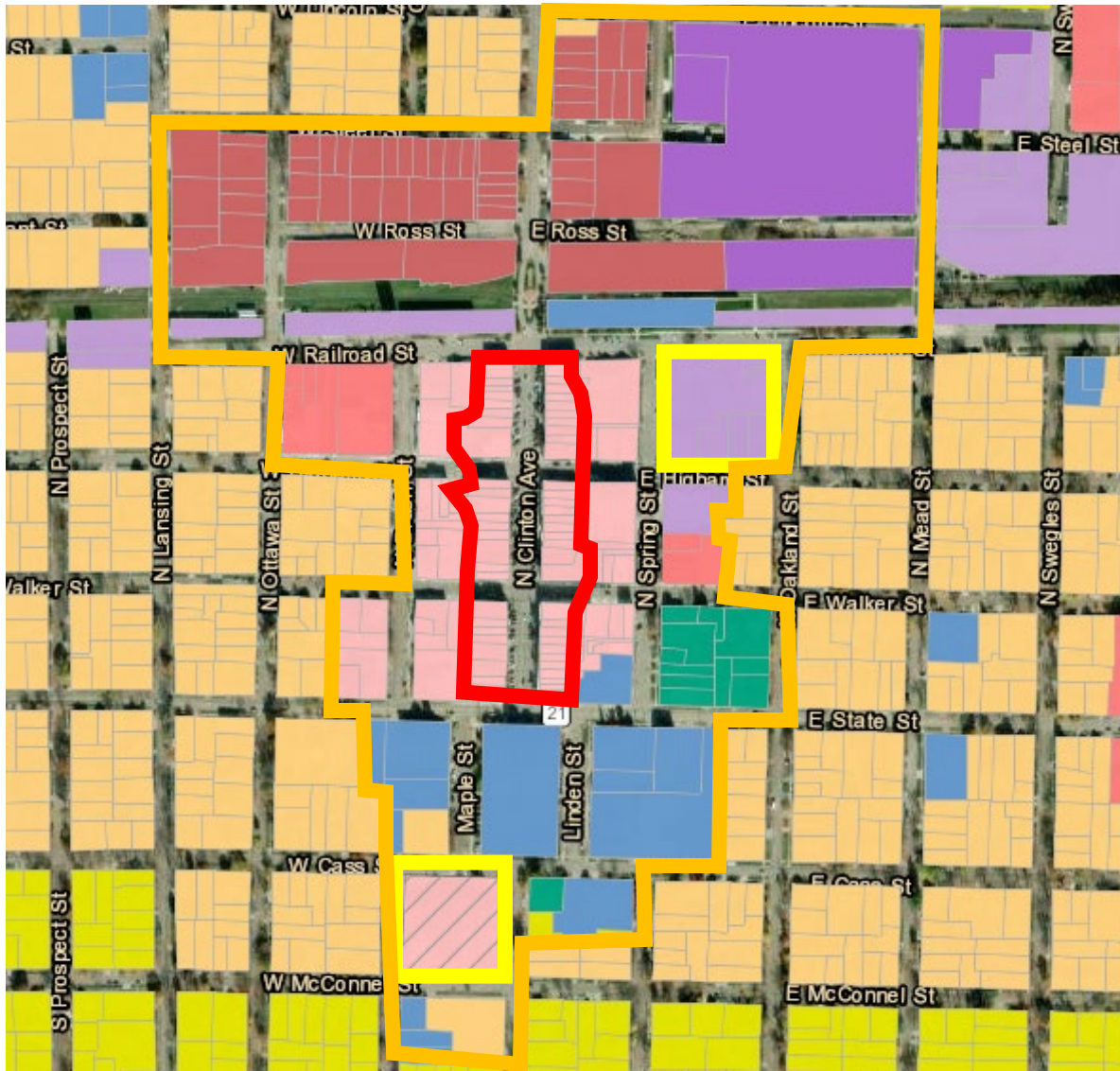
Conditional Rezoning Agreements






PROPOSED PARKING REQUIREMENT REVISIONS

The strategy for parking requirements has three levels:

- **Parking Exempt Zone:** This area would be reduced from the current CBD District to encompass just the core downtown shopping district along Clinton Avenue. Developments with 10 or more housing units would be required to provide parking, even if they are in the Parking Exempt Zone. They would be subject to the rules of the Parking Reduction Zone instead.
- **Parking Reduction Zone:** We recommend that this area allow reductions from the parking requirements in Section 155.342, such as the following:
 - **Residential:** 1.25 spaces per dwelling unit (reduction from 2 spaces per dwelling unit). The parking requirement could be reduced to as low as 1.15 spaces per dwelling unit, based on the automatic reductions described below.
 - **Non-Residential:** 85% of the requirement in Section 155.342, with the possibility to reduce down to as low as 75% using the reductions below.
 - **Off-Site Parking Lot by Special Use Permit:** A private, off-site parking lot could be established to meet some or all of the parking requirement, but would be subject to a Special Use Permit.
 - **Automatic Reductions:**
 - **Bike Racks:** 1 parking space would be removed from the minimum requirement for every 5 bike racks provided at the development.
 - **Curbside Pickup Spaces:** Curbside Pickup parking spaces would count as 1.5 spaces each, for purposes of determining compliance with the required minimum, because parkers using curbside pickup spaces occupy the space for less time than a regular parking space.
 - **Payment in Lieu of Parking:** A developer could pay to reduce the minimum parking requirement. We recommend that the fee be significant, and reflect the City's actual costs to construct and maintain public parking spaces – something on the order of \$15,000 per space. This system could be used to replace required private off-street parking with public on-street parking, which has been done in the past, but has not had a formalized mechanism.
- **Full Parking Zone:** This area would include the rest of the City and would be subject to the full requirements of Section 155.342.



-  Parking Exemption Zone
-  Parking Reduction Zone
-  Conditional Rezoning Agreements



OTHER ASPECTS OF AMENDMENTS

Expansion of the Parking Reduction Zone or Parking Exempt Zone

The Amendments include criteria for City Commission approval of an expansion of the boundaries of the Parking Reduction Zone or Parking Exempt Zone. One key criteria should be that the site in question must be adjacent to the existing boundaries.

Uses Not Listed in Section 155.342.B

Currently, all uses listed in Section 155.342.B are required to provide the number of spaces listed in the chart in that section, or one space per two employees, whichever is more. However, the City has not been applying the “whichever is more” standard in recent years, and the number of employees for a given use is subject to change following site plan approval.

Therefore, the amendments revise Section 155.342.B to state that all uses not listed in the chart shall provide parking at a rate of 1 space per 500 square feet or gross floor area, and the “whichever is more” standard has been removed.

Mixed Use/Joint Use: Currently, mixed use developments have to provide the full minimum parking requirement for all uses (Section 155.340.H), but “joint use” parking lots can have their parking requirement reduced to 50% of each use by the Planning Commission or Zoning Administrator. The amendments would clarify that any joint use parking lot, or parking lot for a mixed use development, shall be required to provide 50% of the combined minimum parking spaces for the uses using the lot.

Section 155.343.J: This section currently reads:

The Planning Commission may modify the above standards when a demonstrated need is documented by the applicant and the Planning Commission determines that the proposed alternative complies with the intent of this chapter.

It is not clear what the Ordinance means by “the above standards.” Section 155.343 is the design and construction requirements for parking lots, which should not be waived for health and safety reasons. This language has been used to waive the standards of Section 155.342, which includes the number of required parking spaces, but it’s not clear that that was the intent. With the Parking Exemption and Parking Reduction Zones in place, this section is eliminated in the proposed amendments.

Drive Aisle Width

Section 155.343.C has been revised in the amendments to clarify that all drive aisles accessing parking space must be at least 20 feet wide.

Electric Vehicle Chargers

The Amendments also include standards for electric vehicle chargers. EV chargers would be exempted from the requirements for accessory structures, but prohibited from reducing the size or number of parking spaces within a lot.

I look forward to discussing this topic at the public hearing on January 10.

**CITY OF ST. JOHNS
ORDINANCE NO. __**

**AN ORDINANCE TO AMEND CHAPTER 155, SECTIONS 340, 342, AND 343 OF THE
CODE OF ORDINANCES
REGARDING THE CREATION OF A PARKING EXEMPTION ZONE**

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Section 155.340 of the City's Code entitled "Off-Street Parking General Requirements" is hereby amended as follows:§ 155.340 OFF-STREET PARKING GENERAL REQUIREMENTS.

(A) Parking spaces required. Parking spaces shall be provided and adequately maintained in all applicable zoning districts, except within the Parking Exemption Zone, for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premise, and of such extensions, alterations, additions or changes in use of such building or premise as specified in § 155.342. These spaces shall be provided in amounts not less than hereinafter specified which shall not subsequently be reduced below the requirements of this chapter.

(B) Loading spaces not parking spaces. Loading space as required in § 155.344 shall not be construed as supplying required off-street parking space.

(C) Existing parking. Existing off-street parking facilities provided on the effective date of this Code and actually being used at that date for the parking of automobiles in connection with the operation of an existing building or use shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this chapter for a similar new building or use.

(D) Change in requirements. Whenever after the effective date of this Code there is any change in use or any increase in number of employees, or an increase in floor area, or in any other unit of measurement specified in § 155.342, additional off-street parking facilities shall be provided on the basis of resultant change.

(E) Joint Use and Mixed Use Developments. The joint use of parking facilities by two or more uses, including mixed uses on the same lot, is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.

In computing the minimum parking requirements of any joint use parking lot, or parking lot for a mixed use development, the total spaces provided shall not be less than 50% of the off-street parking facilities required of the uses computed separately.

(2) A copy of an agreement among joint users shall be filed with the application for a zoning permit. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

(F) Floor area. For the purpose of § 155.342 the unqualified term "floor area" shall mean the sum of the gross horizontal areas of the several floors of a building used or intended to be used for office, merchandising or services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas so restricted that customers, patients, clients, salesmen, and the general public are denied access.

(G) Uses not mentioned. In the case of a use not specifically mentioned, requirements for off-street parking for a use which is mentioned and which is most similar to the use not mentioned shall apply, as may be determined by the Zoning Administrator.

(H) Parking facilities allocated once. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified in division (F) of this section for joint use.

(I) Fractional spaces. When determination of the number of off-street parking space required by this chapter results in a requirement of a fractional space, any fraction in excess of one-half shall be counted as one parking space.

(J) Location of parking areas. Off-street parking areas shall be located, in relation to the use they are intended to serve:

(1) On the same or an adjoining lot or parcel of land.

(2) For industrial uses only, on the same or an adjoining lot or parcel of land except than an area for joint operation of parking facilities shall be located within desirable walking distance of the joint users' operations.

(3) In the Parking Reduction Zone described in Section 155.342.D, parking for a use may be located on a separate lot, up to 1,000 feet away from the use in question, if approved by the Planning Commission based on the following criteria.

- a. Public right-of-way shall not be used to meet a minimum parking requirement, and shall not be considered to meet the requirements of this section.
- b. The owner of the land use utilizing the parking must own or lease the parking spaces in question. In the event of a lease, the terms of the lease must be submitted to the City, and the lease must include language granting the user of the parking spaces an easement over the parking spaces, granting exclusive use of them. The easement shall not be revoked without approval of the City, the lease shall explicitly state such.
- c. In the event that off-site parking that has been used to meet a minimum parking requirement is no longer available to the land use in question, the owner of the land use shall be required to make payment-in-lieu of parking, as

described in Section 155.342.D.1.c.iii for all spaces lost, up to the minimum requirement of this Ordinance (as calculated for the Parking Reduction Zone)

d.

(K) Use of parking spaces. No required parking spaces shall be used for storage of material, refuse, refuse containers, display of merchandise, including vehicles, or for the repair or servicing of machinery.

(L) Barrier free parking spaces. Barrier free parking shall be provided in accordance with the current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

(M) Off-street parking spaces shall not be built within a road or street right-of-way.

Section 2. Section 155.342 of the City's Code entitled "Minimum Parking Space Requirements" is hereby amended as follows:

§ 155.342 MINIMUM PARKING SPACE REQUIREMENTS.

(A) The minimum amount of off-street parking space required under §§ 155.340 and 155.342 shall be determined in accordance with the following table:

(B) Either one space for every 500 feet of gross floor area shall be required of all applicable uses in this schedule, or the requirements specified below, if the land use is specifically included in the chart.

TABLE 13-2	
Parking Requirements	
Use	Parking Requirements
TABLE 13-2	
Parking Requirements	
Use	Parking Requirements
Dwelling	Two spaces for each residential living unit in any residential living unit in any residential classification.
Housing for the Elderly	One space per unit plus one space per employee. If units revert to general occupancy, the two spaces per unit shall be provided.
Rooming and boarding houses and bed-and-breakfasts	One space per room afforded plus two spaces for the owner or managers.
Motels-hotels	One space per guest bedroom plus one space per employee of largest shift.
Car Washes	One space per employee of the largest shift.
Hospitals nursing homes	One space for each four beds.
Theaters, auditoriums, stadia, sports arenas	One space per four seats.
Churches	One space for each five seats in the main worship unit.
Dances halls, assembly and exhibition halls without fixed seats; community center, civic clubs, private clubs, lodges, and other similar type occupancy	One space per four persons of legal capacity.
Banks, business and professional offices	One space per 200 square feet of floor area.
Medical or dental offices and clinics	One space per 300 square feet of floor area or five spaces per doctor or dentist, whichever is greater.
Mortuaries and funeral homes	One space for every 25 square feet of floor area of chapels and assembly rooms.
Furniture and appliance stores, motor vehicle sales, machinery sales, personal service shops, household equipment or furniture repair shops, clothing and shoe repair or service shops, and hardware stores	One space per 200 square feet of floor area.
Convenience Store	One space per 250 square feet of floor area plus any spaces required for gas pumps.
Supermarket, self-service food stores	One space per 200 square feet of floor area.
All other retail stores	One space per 500 square feet of floor area.
Barbershops and beauty parlors	Two spaces per chair.
Restaurants and cafeterias	One space per four patron seats.
Bowling alleys	Five spaces per lane.

Elementary and junior high schools	One space per each instructor, plus one space per each employee and administrator, plus drop-off areas for school buses, plus spaces required for any assembly hall, auditorium and/or outdoor arena.
Senior high schools	One per each instructor, plus two per each employee and administrator, plus five spaces per each classroom, plus drop off areas for school buses, plus parking required for any assembly hall, auditorium or outdoor arena.
Auditorium, assembly halls and outdoor areas	One space per each three seats or six feet of bleachers.
Libraries, museums, post office	One space per 800 square feet of floor area.
Gasoline service stations	Two spaces per service bay plus one space per employee of largest shift.
Manufacturing and industrial uses other than warehouses, storage buildings, wholesale establishments	One space per employee of the largest working shift plus five visitor spaces; or one space for every 600 square feet of gross floor area of building, whichever bases provides the greater parking accommodations.
Warehouses, storage buildings, wholesale establishments	One space per 1,000 square feet of floor area.
Video Rental Establishments	One space per 100 square feet of floor area, with a minimum of eight spaces.
Miniature Golf Course	One and a quarter (1.25) spaces per hole plus one space per employee of the largest shift.
Driving Range	One spaces per driving tee plus one space per employee of the largest shift.

(C) **Parking Exemption Zone.** The Parking Exemption Zone is hereby established, and shall be designated on the official City of St. Johns Zoning Map. The purpose of the Parking Exemption Zone shall be to maintain the historic, walkable character of St. Johns, and recognize the public investment in on-street and other public parking, by eliminating most parking requirements within its boundaries.

(1) Within the Parking Exemption Zone, there shall be no minimum parking requirement for any land use, except that any lot containing 10 or more dwelling units must provide 1.15 off-street parking spaces per dwelling unit.

(2) The City Commission, upon recommendation from the Planning Commission and following the procedure in Sections 155.385-389, may add a lot or group of lots to the Parking Exemption Zone. In making a recommendation to the City Commission, the Planning Commission shall consider the following:

(a) The lot, or group of lots, must be adjacent to the existing Parking Exemption Zone.

(b) The lot, or group of lots, must be either developed with a walkable, historic character similar to the core of St. Johns, or be subject to a development proposal that would construct infill development with a similar walkable, historic character to the existing core.

c) Approving the expansion of the Parking Exemption Zone shall not place a burden on existing public or private on-street and off-street parking spaces. In reviewing this criteria, the Planning Commission shall determine where the residents, employees, and/or customers of the newly exempt lots would park, and whether those parking areas have sufficient capacity.

d) Approving the expansion of the Parking Exemption Zone must affirmatively further the goals of the City of St. Johns Master Plan, Downtown Plan, or both.

(D) Parking Reduction Zone. The Parking Reduction Zone is hereby established, and shall be designated on the official City of St. Johns Zoning Map. The purpose of the Parking Exemption Zone shall be to recognize the walkable character of the immediate surroundings of Downtown St. Johns, and to allow investment and development in that area without the need for large parking areas which create hazards to walkability and harm economic vitality. However, the Parking Reduction Zone acknowledges the need for automobiles for personal mobility, and therefore the need to require parking, even at a reduced level compared to the base requirements of this Ordinance.

(1) Within the Parking Exemption Zone, the minimum parking requirements shall be as follows. These requirements shall supersede the requirements in Section 155.342.B

(a) **Residential Uses:** 1.25 parking spaces per dwelling unit. This may be reduced to 1.15 parking spaces per dwelling unit using the automatic reductions in Section c below.

(b) **Non-Residential Uses:** 85% of the minimum parking requirement as described in Section 155.342.B. This may be reduced to 75% of the minimum parking requirement as described in Section 155.342.B using the automatic reductions in Section c below.

(c) **Automatic Reductions:** The following shall automatically reduce the parking requirement as described in Sections a and b above.

(i) **Provision of Bicycle Parking.** The minimum automobile parking requirement shall be reduced by 1 space for every five spaces made available for secured, on-site parking of bicycles.

(ii) **"15 Minute" Spaces.** For non-residential uses only, parking spaces designated with a time of limit of 15 minutes or less shall each count as 1.5 spaces towards the minimum parking requirement. Reserving spaces for curbside pickup, ride sharing, and other short-term parking occupancy reduces the overall parking need, and therefore qualifies for a reduction under this Ordinance.

(iii) **Payment in Lieu of Parking.** At the time of Site Plan Approval, an applicant may make payment to the City in lieu of providing parking. The required fee per parking space removed from the minimum requirement shall be set by the City Council by resolution. The City shall

set aside all funds received from Payments in Lieu of Parking for improvements to the public parking system, both on-street and off-street, in and around Downtown St. Johns.

(2) The City Commission, upon recommendation from the Planning Commission and following the procedure in Sections 155.385-389, may add a lot or group of lots to the Parking Reduction Zone. In making a recommendation to the City Commission, the Planning Commission shall consider the following:

(a) The lot, or group of lots, must be adjacent to the existing Parking Reduction Zone.

(b) The lot, or group of lots, must be either developed with a walkable, historic character similar to the core of St. Johns, or be subject to a development proposal that would construct infill development with a similar walkable, historic character to the existing core. In the context of the Parking Reduction Zone, the “walkable, historic character” shall include the close-in neighborhoods of the City, which include single family homes and small multi-family residential laid out in a grid pattern on small lots.

c) Approving the expansion of the Parking Reduction Zone shall not place a burden on existing public or private on-street and off-street parking spaces. In reviewing this criteria, the Planning Commission shall determine whether the reductions included in the Parking Reduction Zone would create overflow parking needs, and how those overflow needs would impact other parking areas in the vicinity.

d) Approving the expansion of the Parking Reduction Zone must affirmatively further the goals of the City of St. Johns Master Plan, Downtown Plan, or both.

Section 3. Section 155.343 of the City’s Code entitled “Design-Construction Requirements and Permitted Use of Vehicle Parking” is hereby amended as follows:

§ 155.343 DESIGN-CONSTRUCTION REQUIREMENTS AND PERMITTED USE OF VEHICLE PARKING.

(A) No repairs or service to vehicles and no display for purposes of sale shall be carried on or permitted upon such premises.

(B) A minimum space dimensions of ten feet wide and 20 feet deep shall be provided for each vehicle parking space; each space shall be definitely designated and reserved for parking purposes; each space shall be accessible separately from a street; each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(C) Except for parking spaces provided on residential lots, a drive aisle of at least 20 feet in width shall be provided accessing all parking spaces

(D) Except for parking spaces provided on residential lots, no parking area shall be constructed less than 1,000 square feet in area.

(E) Parking areas shall be covered with a pavement having an asphalt or Portland cement binder and shall be graded and provided with adequate drainage facilities in compliance with the City of St. Johns Drain Code. Curb and gutter shall be provided around the perimeter of the parking area.

(F) When lighting facilities are used, they shall be so arranged that any light source shall not be visible from any point beyond the parking area lot lines.

(G) Landscaping, fences and walls shall be provided in conformance with §§ 155.295 through 155.304 of this chapter.

(H) No signs shall be erected on the premises, except one at each of the points of ingress and egress, and such sign may bear the name of the operator of the lot and the enterprise it is intended to serve. Such signs shall not exceed ten square feet in area and an overall height of ten feet. However, signs for the orderly and safe movement of pedestrian and vehicular traffic in the parking area may be used as required.

(I) Curb blocks are prohibited.

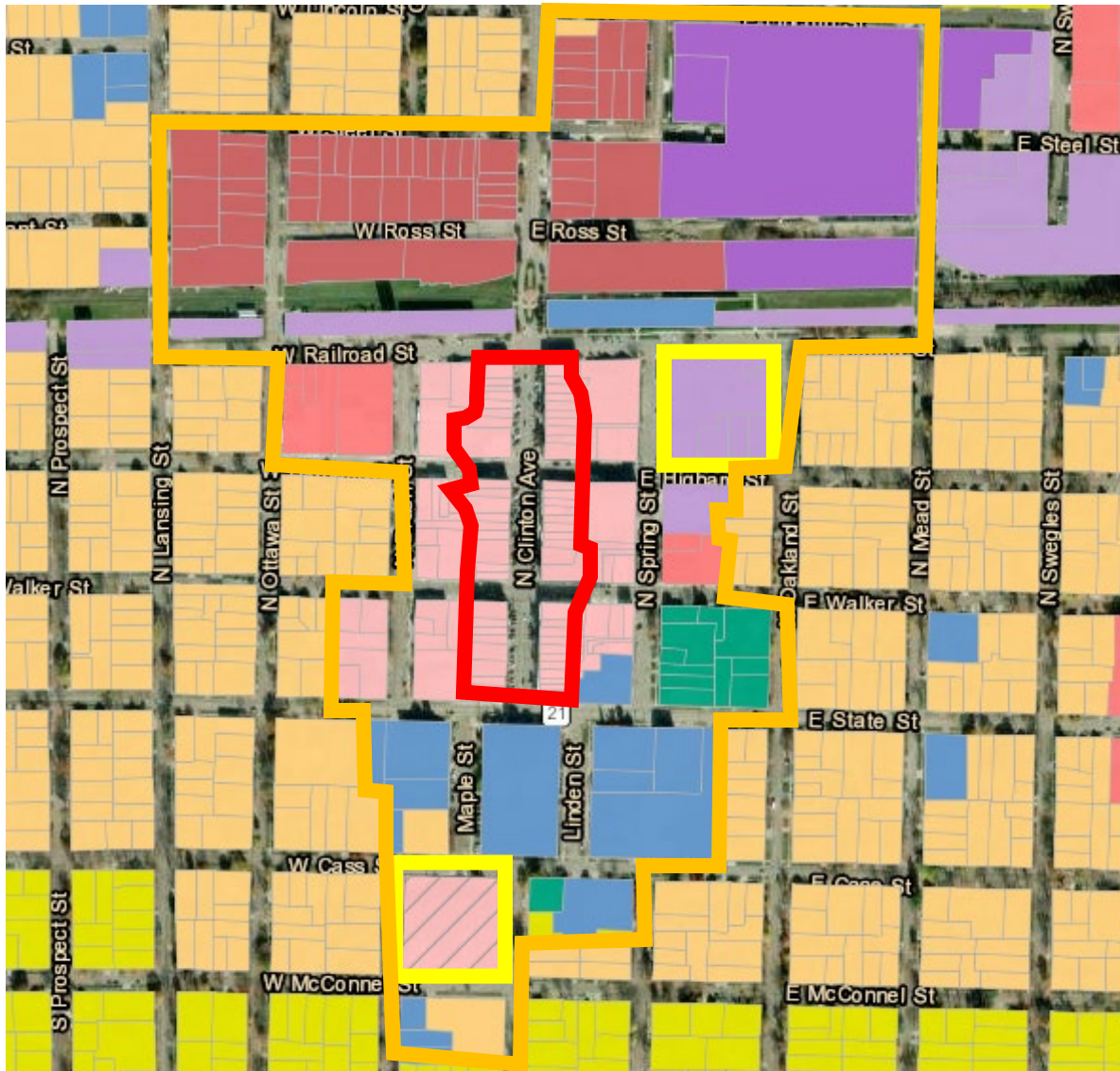
(J) **Electric Vehicle Chargers:** Electric Vehicle Chargers are permitted in all parking lots, and are not subject to the regulations in Section 155.184 and 155.189 regarding accessory structures. No electric vehicle charger shall be designed or located in such a way as to reduce the dimensions of a parking space or drive aisle below the minimums established in this section, nor shall any electric vehicle charger be designed or located to reduce the number of parking spaces in a lot below the minimums established in this Ordinance.




(K) Driveway approaches (between the sidewalk and the road) shall be constructed from materials that provide a hard surface (concrete, asphalt, or permeable pavement material), shall be drained properly, and shall be maintained in a safe and usable condition. For any property with a driveway approach that does not meet this requirement, the driveway shall be upgraded to the required material at the time of zoning approval for any site improvement that adds pavement or buildings, or any other improvement that requires Site Plan Approval (Administrative, Committee, or Planning Commission).

Section 4. Validity and Severability. If any portion of this Ordinance or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or applications, provided the remaining portions are not determined by the court to be inoperable, and to this end Ordinances are declared to be severable.

Section 5. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date. This Ordinance shall be effective twenty (20) days after final approval.



-  Parking Exemption Zone
-  Parking Reduction Zone
-  Conditional Rezoning Agreements

**CITY OF ST. JOHNS
RESOLUTION #14-2024**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND THE CITY OF ST. JOHNS
CODE OF ORDINANCES REGARDING THE CREATION OF A PARKING
EXEMPTION ZONE**

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the ____ day of April, 2024 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 et seq., as amended (“MZEA”), the City has the authority to regulate the use of land within the City; and

WHEREAS, the City desires to create a Parking Exemption Zone by amending Sections 155.340, 155.342, and 155.343 of Title XV (Land Usage) of the City’s Code of Ordinances, which would allow for a Parking Reduction District and Parking Exempt District; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission held a public hearing to consider the Ordinance; and

WHEREAS, on February 14, 2024, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission; and

WHEREAS, pursuant to Section 5 of the City of St. Johns Charter, at its meeting on March 18, 2024, the City introduced Ordinance No. _____, An Ordinance Amending The City Of St. Johns Zoning Code Regarding the Creation of a Parking Exemption Zone; and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance Amending The City Of St. Johns Zoning Code Regarding the Creation of a Parking Exemption Zone.
2. The City shall publish Ordinance No. _____, An Ordinance Amending The City Of St. Johns Zoning Code Regarding the Creation of a Parking Exemption Zone, as required by law.

3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the ____ day of April, 2024.

Mindy J. Seavey, City Clerk

**CITY OF ST. JOHNS
RESOLUTION #15-2024**

RESOLUTION TO ADOPT AN ORDINANCE TO AMEND THE CITY’S ZONING MAP

At a regular meeting of the City Commission of the City of St. Johns, Clinton County, Michigan, held at the City Hall, in said City on the ____ day of April, 2024 at 6:00 p.m., Local Time.

Present: _____

Absent: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 et seq, as amended ("MZEA"), the City has the authority to regulate the use of land within the City; and

WHEREAS, in an effort to maintain the City’s historic and walkable character, and in recognition of the public investment in on-street and other parking, the City wishes to eliminate most parking requirements within its designated Parking Exemption Zone; and

WHEREAS, upon giving notice in accordance with the MZEA, the City Planning Commission held a public hearing to consider the proposed addition of a Parking Reduction District and Parking Exempt District to create the Parking Exemption Zone; and

WHEREAS, on February 14, 2024, the City Planning Commission voted to recommend approval of the proposed amendments to the City Commission; and

WHEREAS, pursuant to Section 5 of the City of St. Johns Charter, at its meeting on March 18, 2024, the City introduced Ordinance No. _____, An Ordinance to Amend the City’s Zoning Map (“Ordinance”); and

WHEREAS, the City desires to adopt the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of St. Johns as follows:

1. The City adopts Ordinance No. _____, An Ordinance to Amend the City’s Zoning Map.
2. The City shall public Ordinance No. _____, An Ordinance to Amend the City’s Zoning Map, as required by law.

3. To the extent that any resolution or portion of resolution is inconsistent with this Resolution, such resolutions or portions of resolutions are hereby rescinded.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, the undersigned, the duly qualified and acting Clerk of the City of St. Johns, Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the City Commission of said City at a regular meeting held on the ____ day of April, 2024.

Mindy J. Seavey, City Clerk

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
April 22, 2024

Department: Administration	Attachments:	Submitted to CA for Review
Subject: <i>Local Governing Body Resolution for Charitable Gaming Licenses – St. Johns Auto Program Boosters – Resolution #16-2024</i>	[X] Local Governing Body Resolution for Charitable Gaming Licenses [X] Qualification Information [X] IRS – Employer Identification # [X] IRS Letter	[X] [X] [X] [X]
Prepared by: Mindy J. Seavey, City Clerk	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: On March 21st, a representative for the St. Johns Auto Program Boosters submitted a Local Governing Body Resolution for Charitable Gaming Licenses and supporting information and asked the City Commission to approve the resolution.

BACKGROUND/DISCUSSION: For the following reasons, the City’s involvement is necessary to demonstrate that the St. Johns Program Booster is a “service organization” as defined by the Traxler-McCauley-Law-Bowman Bingo Act, 1972 PA 382 (“Bingo Act”).

Pursuant to MCL 432.104 for the Bingo Act, an applicant for a license to conduct a bingo, raffle, charity game, or numeral game event shall submit an application to the Bureau of State Lottery. Among the requirements, the applicant must provide sufficient facts relating to the applicant's incorporation or organization to enable the commissioner to determine whether the applicant is a “qualified organization.” MCL 432.104(2)(f). Among its definitions, a qualified organization includes a “service organization” that operates without profit to its members and is exempt from taxation under section 501(c) of the internal revenue code of 1986, 26 USC 501(c). MCL 432.103a(d)(i). The Bingo Act further defines a “service organization” in part as

[a] local civic organization in this state that is organized not for pecuniary profit; that is not affiliated with a state or national organization; **that is recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities;** whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization; whose entire assets are used for charitable purposes; and whose constitution, charter, articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property must revert to the benefit of the local governmental subdivision that granted the resolution or another nonprofit organization on dissolution of the organization.

MCL 432.103a(i)(ii)(emphasis added). St. Johns Auto Program Boosters is a 501(c)(3) exempt from federal income taxes under the Internal Revenue Code. Wishing to apply for a gaming license

in the City of St. Johns, St. Johns Auto Program Boosters has requested the City Commission adopt a resolution recognizing St. Johns Auto Program Boosters as a nonprofit operating in the community of St. Johns in compliance with the relevant statutes above.

STRATEGIC PLAN OBJECTIVE: N/A

FISCAL IMPACT: N/A

RECOMMENDATION: Staff recommends the City Commission adopt Resolution #16-2024.



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from St. John's Auto Program Boosters of St. Johns,
NAME OF ORGANIZATION CITY

county of Clinton, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

QUALIFICATION INFORMATION

Complete this form and submit with the required qualification documents listed on the attached Qualification Requirements sheet. A Bingo, Raffle, or Charity Game Ticket license application and fee may also be submitted with this information. See box #5 below for mailing instructions.

1. ORGANIZATION INFORMATION

Organization Name St. Johns Auto Program Boosters			
Organization Physical Street Address 501 W Sickles St.			
City St. Johns	State MI	Zip Code 48879	County Clinton
Organization Mailing Address PO Box 525			<input type="checkbox"/> Same as Physical Address
City St. Johns	State MI	Zip Code 48879	County Clinton
Organization Telephone Number 517-490-7776			

2. ORGANIZATION PURPOSE


Briefly describe the purpose of your organization.

Raising money for our High School Auto program students for scholarships + tools.

3. LICENSE APPLICATION

Enclosed is a completed application and fee for a ☐ Bingo ☒ Raffle ☐ Charity Game Ticket license
Make checks payable to STATE OF MICHIGAN.

4. AUTHORIZED CONTACT PERSON

First Name Michael		Last Name Humble		Position/Role with Organization Treasurer	
Mailing Address 501 PO Box 525				City St. Johns	
State MI	Zip Code 48879	Telephone Number (Day) 517-490-7776		Telephone Number (Evening) 517 490-7776	
By signing below, I hereby certify that the representations, information, and data presented are true, accurate, and complete to the best of my knowledge. I understand that failure to answer truthfully, completely, and accurately could preclude the organization from receiving an approval to obtain a gaming license.					
Authorized Contact Person Signature 					Date 3-19-2024
Print Authorized Contact Name and Title Michael Humble Treasurer					

5. MAILING INSTRUCTIONS

Mail this completed Qualification Information form, the required qualification documentation listed on the Qualification Requirements sheet, and the completed license application and fee (if also applying for a gaming license) to Charitable Gaming Division, PO Box 30023, Lansing, MI 48909. If submitting by overnight carrier (FedEx, UPS, etc.), send to Charitable Gaming Division, 101 East Hillsdale, Lansing, MI 48933.



Date of this notice: 09-05-2023

Employer Identification Number:
93-3227976

Form: SS-4

Number of this notice: CP 575 E

ST JOHNS AUTO PROGRAM BOOSTERS
210 W SICKLES ST
SAINT JOHNS, MI 48879

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 93-3227976. This EIN will identify your entity, accounts, tax returns, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for business and tax purposes. Some taxpayers receive CP575 notices when another person has stolen their identity and are operating using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

When you submitted your application for an EIN, you checked the box indicating you are a non-profit organization. Assigning an EIN does not grant tax-exempt status to non-profit organizations. Publication 557, Tax-Exempt Status for Your organization, has details on the application process, as well as information on returns you may need to file. To apply for recognition of tax-exempt status, organizations must complete an application on one of the following forms: Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code; Form 1023-EZ, Streamlined Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code; Form 1024, Application for Recognition Under Section 501(a); or Form 1024-A, Application for Recognition of Exemption Under Section 501(c)(4) of the Internal Revenue Code.

Nearly all organizations claiming tax-exempt status must file a Form 990-series annual information return (Form 990, 990-EZ, or 990-PF) or notice (Form 990-N) beginning with the year they legally form, even if they have not yet applied for or received recognition of tax-exempt status.

If you become tax-exempt, you will lose tax-exempt status if you fail to file a required return or notice for three consecutive years, unless a filing exception applies to you (search www.irs.gov for Annual Exempt Organization Return: Who Must File). We start calculating this three-year period from the tax year we assigned the EIN to you. If that first tax year isn't a full twelve months, you're still responsible for submitting a return for that year. If you didn't legally form in the same tax year in which you obtained your EIN, contact us at the phone number or address listed at the top of this letter. For the most current information on your filing requirements and other important information, visit www.irs.gov/charities.



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

ST JOHNS AUTO PROGRAM BOOSTERS
PO BOX 525
SAINT JOHNS, MI 48879

Date:
November 6, 2023
Employer ID number:
93-3227976
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: 877-829-5500
Accounting period ending:
December 31
Public charity status:
170(b)(1)(A)(vi)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
October 17, 2023
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053703002243

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

CITY OF ST. JOHNS, MICHIGAN
REQUEST FOR COMMISSION ACTION
April 22, 2024

Department: Parks and Recreation	Attachments:	Submitted to CA for Review
Subject: Fantasy Forest Master Plan	[X] Fantasy Forest Master Plan [] []	[N/A] [N/A]
Prepared by: Bill Schafer Parks and Recreation Director	Approved by: Chad A. Gamble, P.E., City Manager	

SUMMARY/HIGHLIGHT: The Fantasy Forest 2.0 Committee has spent the last four months soliciting community input and developing a master plan for the main play structure and environs around it. The input was acquired through a public open house and online survey. From this input we worked with Great Lakes Recreation and Wade Trim Engineers to use this input to synthesize a project master plan. We presented this master plan to the Parks and Recreation Board to recommend their approval to the City Commission.

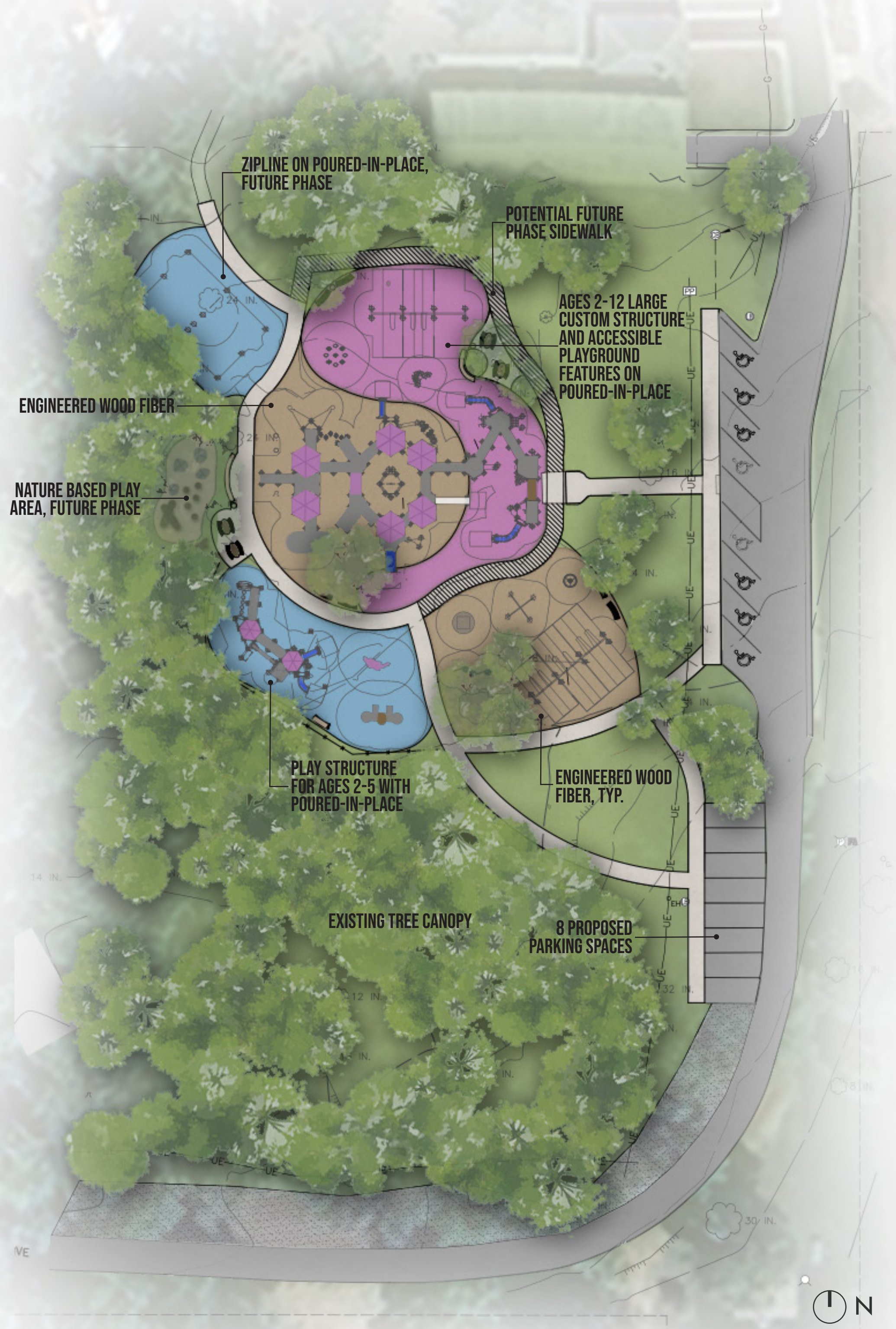
This plan has been reviewed by the Fantasy Forest sub-committee multiple times and revised twice. If the plan is approved by the City Commission, the Fantasy Forest 2.0 Committee and St. Johns Area Community Fund can commence with the fundraising portion of the project. The St. Johns Community Fund group will assist in fundraising process until August 1. At the conclusion of fundraising, we will develop phase 1 of the project that will be based on the amount of funding (grants, municipal contributions, fundraising) is available for the project. These plans will then be used to issue the bid for the project for a planned Spring 2025 construction.

BACKGROUND/DISCUSSION: Since it opened in the fall of 2000, Fantasy Forest has been one of the feature attractions of the Main City Park. Due to it being a wooden structure, the playground has been deteriorating over the last 23 years and every year there is a longer list of items that need to be repaired in this playground. Each year the items needing repairs are larger and require more time and material. The new playground will provide the community and surrounding areas with a “destination place” to bring their kids to play. We have spent the last 1½ years planning, obtaining community input, and working with professional playground and engineering firms to develop this playground master plan.

STRATEGIC PLAN OBJECTIVE: The replacement and continued investment in the City’s parks are a major facet of the Strategic Plan. Of note this action specifically addresses Goal #1.b. to “Acquire, develop, maintain and preserve sufficient open space and recreation facilities.” It further supports strategic plan goals 1.d. 2.c.

FISCAL IMPACT: There is no financial impact related to the approval of the Fantasy Forest 2.0 Master Plan.

RECOMMENDATION: Staff recommends the City Commission approve the Fantasy Forest 2.0 Master Plan concept.



ZIPLINE ON POURED-IN-PLACE,
FUTURE PHASE

POTENTIAL FUTURE
PHASE SIDEWALK

AGES 2-12 LARGE
CUSTOM STRUCTURE
AND ACCESSIBLE
PLAYGROUND
FEATURES ON
POURED-IN-PLACE

ENGINEERED WOOD FIBER

NATURE BASED PLAY
AREA, FUTURE PHASE

PLAY STRUCTURE
FOR AGES 2-5 WITH
POURED-IN-PLACE

ENGINEERED WOOD
FIBER, TYP.

EXISTING TREE CANOPY

8 PROPOSED
PARKING SPACES





ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.





ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.

little tikes. COMMERCIAL

CUSTOM
DESIGN
STUDIO



ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.

little tikes. COMMERCIAL

CUSTOM
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STUDIO



ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.

little tikes COMMERCIAL

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DESIGN
STUDIO**



ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.

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CUSTOM
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ST. JOHNS FANTASY FOREST

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ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.



CUSTOM
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Custom products are shown as conceptual.

ST. JOHNS FANTASY FOREST

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CUSTOM
DESIGN
STUDIO



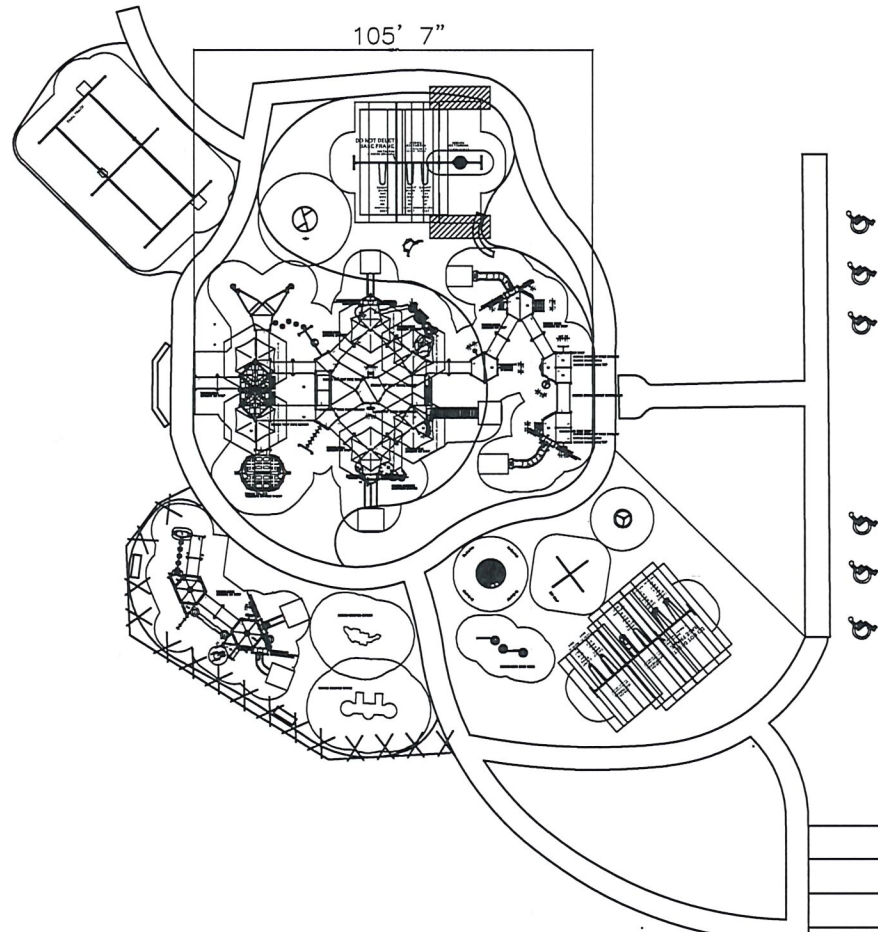
ST. JOHNS FANTASY FOREST

Custom products are shown as conceptual.



**CUSTOM
DESIGN
STUDIO**

ST. JOHNS - FANTASY FOREST



SITE DIMENSIONS TO BE VERIFIED BY THE FIELD AND REPRESENTATIVE

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER AND AROUND ALL PLAY SYSTEMS. TO PROMOTE SAFE AND PROPER EQUIPMENT USE BY CHILDREN, WE RECOMMEND THE INSTALLATION OF A SAFETY SIGN AT EACH PLAY SYSTEM'S MAIN ENTRY POINT(S) TO INFORM PARENTS AND SUPERVISORS OF THE AGE APPROPRIATENESS OF THE PLAY SYSTEM AND GENERAL RULES FOR SAFE PLAY.

St. Johns Fantasy Forest 4.14.24

DESIGNED BY
CUSTOM DESIGN STUDIO
APRIL 16, 2024

ST JOHNS - FANTASY FOREST ST. JOHNS MI.

SITE WORK BY OTHERS

THIS CUSTOM PLAYGROUND IS DESIGNED TO MEET ASTM AND CPSC GUIDELINES. CUSTOM PRODUCT DESIGN IS CONCEPTUAL AND MAY CHANGE SLIGHTLY DUE TO MANUFACTURING.

DESIGNED FOR
AGES 2-5 and 5-12

SCALE: 1/32" = 1'0"

