



# AGENDA

**AFFIDAVIT OF PUBLICATION**



PO Box 630491 Cincinnati, OH 45263-0491

CITY OF ST JOHNS/LEGALS  
PO Box 477  
Saint Johns MI 48879-0477

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:

05/26/2024

and that the fees charged are legal.  
Subscribed and sworn to before me on 05/29/2024

A handwritten signature in black ink, appearing to read "Tyna Smith", written over a horizontal line.

TYNA SMITH

A handwritten signature in black ink, appearing to read "Gina Huff", written over a horizontal line.

GINA HUFF

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

Publication Cost:	\$171.80	
Order No:	10208152	# of Copies:
Customer No:	1187536	1
PO #:	24999	

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

**NOTICE  
ST JOHNS CITY COMMISSION  
ORDINANCE**

Notice is hereby given that the St. Johns City Commission will consider an ordinance at a regular meeting held on Monday, June 24, 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 of the Code of Ordinances Regarding Chickens.  
2. An Ordinance to Amend Chapter 155 of the Code of Ordinances Regarding Sidewalks.

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-10208152 5/26/2024

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**June 24, 2024**

<b>Department: Planning and Zoning</b>	<b>Attachments:</b>
<b>Subject: <i>Recommended Zoning Amendment – Chicken Coop Materials</i></b>	[ X ] Recommended Zoning Amendment – Track Changes [ X ] Recommended Zoning Amendment – Ordinance Format [ X ] Resolution #26-2024
<b>Prepared by: Chris Khorey, McKenna</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager,</b>

**SUMMARY/HIGHLIGHT:** In 2023, the City Commission adopted a new Keeping of Animals section for the St. Johns Zoning Ordinance (Section 155.200). One key aspect of that ordinance was permitting the keeping of chickens on residential lots in the City.

The Ordinance requires a Zoning Permit for the construction of the chicken coop and the keeping of Chickens. Zoning Administrator, Ken Skunda, has approved several such applications, but had to reject others on the basis that they were in violation of the building materials requirements.

The Planning Commission has recommended an amendment to clarify, and to some extent, soften, the materials requirements.

**BACKGROUND/DISCUSSION:** The first reading of this ordinance change was at the May 20, 2024 meeting. The proposed amendment has the following key points:

- Require the coop to be “securely fastened and free of rips and tears.”
- Allow canvas and tarps (which were previously prohibited), provided they have a minimum thickness of 20 mil (for canvas) and 10 mil (for tarps).

**STRATEGIC PLAN OBJECTIVE:** Master Plan Neighborhoods Goal #1 States: “Preserve, Protect, and Enhance the Integrity, Economic Viability, and Livability of St. Johns Neighborhoods.” Creating a controlled environment for the keeping of chickens, but allowing that use in residential yards, furthers that goal.

**FISCAL IMPACT:** The City may experience some cost savings from reduced Zoning Administration time in the processing of chicken coop applications.

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

## § 155.200 KEEPING OF ANIMALS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

DOMESTICATED ANIMALS. Animals taken care of in their day-to-day needs by humans.

EXOTIC OR WILD ANIMAL. Any animal not commonly domesticated in Michigan that is kept as a pet, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered EXOTIC OR WILD ANIMALS in all instances: big cats, venomous snakes, birds of prey, primates, deer, racoons, and opossums.

LIVESTOCK. A domesticated animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor, breeding, or the production of milk, eggs, manure, wool, or other animal-based products. The following animals shall be considered LIVESTOCK in all instances: cattle, horses, pigs, sheep, goats, turkeys, and chickens.

(B) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all county, state, and federal standards.

(C) The following domesticated animals may be kept on a residentially zoned lot:

(1) Livestock.

(a) A zoning permit shall be required to keep livestock on a lot. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered livestock under this section, based on the definition in division (A). Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(b) Livestock with fur shall be prohibited within 500 feet of any dwelling unit. Examples include, but are not limited to: cattle, sheep, and horses.

(c) Chickens. Chickens shall only be permitted in the following circumstances:

1. Chickens shall only be permitted in the R-1, R-2, and R-3 Zoning Districts.
2. Lots under one acre shall be permitted to have up to four chickens. Lots over one acre shall be permitted to have up to six chickens.
3. Roosters shall not be permitted.
4. The slaughtering of any chicken is prohibited.
5. Chickens must be kept within a covered enclosure, including a coop and a run, at all times. Chickens shall not be allowed to roam the lot or any other property. The covered enclosure shall be exempt from the standards governing fences in § 155.187 and shall instead be subject to the regulations of this section.

6. The enclosed area where the chickens are kept, including the coop and the run, must meet the following standards:

A. It shall not be located in a front yard.

B. It shall be set back at least ten feet from any lot line and any residence on the same lot as the chicken enclosure.

C. It shall be set back at least 40 feet from any residence that is not on the same lot as the chicken enclosure.

D. It shall not exceed the maximum allowable height for a detached accessory structure in the zoning district it is located within.

E. It shall count as a structure for the purpose of calculating the maximum permitted lot coverage.

F. It shall be maintained in a clean and neat matter at all times.

G. The coop must be securely fastened and free of rips and tears. The following materials shall not be used to construct the enclosure area: plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

1. Canvas is permitted but shall have a minimum mil thickness of 20.

2. Tarps are permitted but must have a minimum mil thickness of 10.

~~——— G. The following materials shall not be used to construct the enclosure area: tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.~~

H. Chicken feed must be kept in rodent-proof, sealed containers.

(d) Bees. Bees may be kept on any lot, provided the bee enclosure is located in the rear yard and is set back at least 20 feet from any lot line.

(D) Exotic or wild animals. Exotic or wild animals shall not be kept as domesticated animals anywhere in the city. See Chapter 92.

(E) Kennels. See § 155.437.

(Ord. 678, passed 8-28-2023)

**CITY OF ST. JOHNS**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 155 OF THE CODE OF ORDINANCES  
REGARDING CHICKENS**

**THE CITY OF ST. JOHNS ORDAINS:**

**Section 1. Amendment to Chapter 155, §201.** The City amends Chapter 155 of the City's Code of Ordinances by amending §200 as follows:

**§ 155.200 KEEPING OF ANIMALS.**

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

DOMESTICATED ANIMALS. Animals taken care of in their day-to-day needs by humans.

EXOTIC OR WILD ANIMAL. Any animal not commonly domesticated in Michigan that is kept as a pet, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered EXOTIC OR WILD ANIMALS in all instances: big cats, venomous snakes, birds of prey, primates, deer, racoons, and opossums.

LIVESTOCK. A domesticated animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor, breeding, or the production of milk, eggs, manure, wool, or other animal-based products. The following animals shall be considered LIVESTOCK in all instances: cattle, horses, pigs, sheep, goats, turkeys, and chickens.

(B) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all county, state, and federal standards.

(C) The following domesticated animals may be kept on a residentially zoned lot:

(1) Livestock.

(a) A zoning permit shall be required to keep livestock on a lot. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered livestock under this section, based on the definition in division (A). Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.

(b) Livestock with fur shall be prohibited within 500 feet of any dwelling unit. Examples include, but are not limited to, cattle, sheep, and horses.

(c) Chickens. Chickens shall only be permitted in the following circumstances:

1. Chickens shall only be permitted in the R-1, R-2, and R-3 Zoning Districts.
2. Lots under one acre shall be permitted to have up to four chickens. Lots over one acre shall be permitted to have up to six chickens.
3. Roosters shall not be permitted.

4. The slaughtering of any chicken is prohibited.

5. Chickens must be kept within a covered enclosure, including a coop and a run, at all times. Chickens shall not be allowed to roam the lot or any other property. The covered enclosure shall be exempt from the standards governing fences in § 155.187 and shall instead be subject to the regulations of this section.

6. The enclosed area where the chickens are kept, including the coop and the run, must meet the following standards:

A. It shall not be located in a front yard.

B. It shall be set back at least ten feet from any lot line and any residence on the same lot as the chicken enclosure.

C. It shall be set back at least 40 feet from any residence that is not on the same lot as the chicken enclosure.

D. It shall not exceed the maximum allowable height for a detached accessory structure in the zoning district it is located within.

E. It shall count as a structure for the purpose of calculating the maximum permitted lot coverage.

F. It shall be maintained in a clean and neat matter at all times.

G. The coop must be securely fastened and free of rips and tears. The following materials shall not be used to construct the enclosure area: plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

1. Canvas is permitted but shall have a minimum mil thickness of 20.

2. Tarps are permitted but must have a minimum mil thickness of 10.

H. Chicken feed must be kept in rodent-proof, sealed containers.

(d) Bees. Bees may be kept on any lot, provided the bee enclosure is located in the rear yard and is set back at least 20 feet from any lot line.

(D) Exotic or wild animals. Exotic or wild animals shall not be kept as domesticated animals anywhere in the city. See Chapter 92.

(E) Kennels. See § 155.437.

**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. Repeal and Replace.** All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**Section 4. Publication and Effective Date.** The City Clerk shall publish a notice of adoption of this Ordinance within 7 days of its adoption. This Ordinance shall take effect 20 days after its passage.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

#### CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on \_\_\_\_\_, 2024.

Scott Dzurka, Mayor \_\_\_\_\_

Mindy J. Seavey, Clerk \_\_\_\_\_



**CITY OF ST. JOHNS  
RESOLUTION #26-2024**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND CHAPTER 155 THE CITY  
OF ST. JOHNS CODE OF ORDINANCES  
REGARDING CHICKENS**

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 24<sup>th</sup> day of June 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 the keeping of chickens within the City by amending Section 155.200 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 April 10, 2024, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission;

WHEREAS, pursuant to Section 5 of the City of St. Johns Charter, at its meeting on May 20, 2024, the City introduced Ordinance No. \_\_\_\_, An Ordinance Amending Chapter 155 of The City Of St. Johns Zoning Code Regarding Chickens; 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 Chapter 155 of The City Of St. Johns Zoning Code Regarding Chickens.
2. The City shall publish Ordinance No. \_\_\_\_, An Ordinance Amending Chapter 155 of The City Of St. Johns Zoning Code Regarding Chickens.
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 24<sup>th</sup> day of June, 2024.

88044:00001:200524131-1

**AFFIDAVIT OF PUBLICATION**



PO Box 630491 Cincinnati, OH 45263-0491

CITY OF ST JOHNS/LEGALS  
PO Box 477  
Saint Johns MI 48879-0477

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:

05/26/2024

and that the fees charged are legal.  
Subscribed and sworn to before me on 05/29/2024

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TYNA SMITH

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GINA HUFF

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

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1. An Ordinance to Amend Chapter 155 of the Code of Ordinances Regarding Chickens.  
2. An Ordinance to Amend Chapter 155 of the Code of Ordinances Regarding Sidewalks.

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-10208152 5/26/2024

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**June 24, 2024**

<b>Department: Planning and Zoning</b>	<b>Attachments:</b>	<b>Required City Attorney Review</b>
<b>Subject: <i>Recommended Zoning Amendment – Required Sidewalks</i></b>	[ X ] Resolution #27-2024 [ X ] Recommended Zoning Amendment – Ordinance Format	[X] [X]
<b>Prepared by: Chris Khorey, McKenna</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager</b>	

**SUMMARY/HIGHLIGHT:** For many years, the Planning Commission, Site Plan Review Committee, and Community Development Staff have interpreted the Zoning Ordinance to require new sidewalks to be installed where they do not currently exist as a condition of any Site Plan Approval. However, the language that has been used to justify this requirement (Section 151.62.F) is vague, hard to find, and easy to circumvent.

The Planning Commission has recommended a Zoning Amendment to create a clear and unequivocal requirement that sidewalks be installed where they do not currently exist. This amendment would be a new Section 155.201.

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

- Clearly require sidewalks to be installed where they do not already exist, in the following circumstances:
  - Any type of Site Plan Approval (Administrative, Committee, or Planning Commission).
  - The construction of a new principal structure on a lot, including single family homes (which do not trigger Site Plan Approval).
  - Along both sides of any newly constructed roadway.
- Require the new sidewalks to be at least 5 feet wide and meet the City’s engineering design standards.
- Include a waiver process *at the discretion of the Planning Commission only*. City Staff and the Site Plan Review Committee would have no authority to waive the sidewalk requirement. The criteria for a waiver would be:

1. There is a legal, physical, or environmental impediment that makes the construction of a sidewalk meeting the City's design standards impossible, in the opinion of the Planning Commission.
2. The granting of the waiver would not be detrimental to the public health, safety, or general welfare and would not create a precedent which would prevent the enforcement of the ordinance for similar conditions or situations in the area in which the property is located.
3. A waiver not limited by a specific duration shall be deemed unspecified in length, but shall not be considered a permanent waiver of sidewalk requirements nor revoke in any way the right of the City to order, install, or assess for sidewalks in accordance with other sections of the Code of Ordinances upon a determination that conditions are necessary for the construction of sidewalk in accordance with public need, health, safety, and general welfare.
4. In permitting a waiver, conditions of approval may be imposed that are necessary to meet the intent of this subsection or to preserve the public health, safety, and general welfare.

**STRATEGIC PLAN OBJECTIVE:** This Zoning Amendment directly implements the Master Plan's goals for sidewalks, from Page 91 of the plan:

#### **SIDEWALKS**

Some neighborhoods are not currently connected to the City's sidewalk network, creating a difficult walking environment. Old 127 does not have sidewalks, limiting its accessibility as a major corridor. Priorities for St. Johns should be filling in the gaps in the existing sidewalk network, connecting sidewalks to downtown and to other destinations, and requiring sidewalk improvements as part of new development or redevelopment. Priority projects include the following:

- » Complete the existing sidewalk network, especially on Old 127, Sturgis, Lincoln, and Mead Streets to provide more connections in and around downtown.
- » Sidewalks should continue to be installed as new neighborhoods are constructed to add to the extensive sidewalk network already in place.
- » Sidewalk connections to the school campus areas, particularly the middle school, are highly encouraged to promote safe routes to school and as part of encouraging more walking activity.

**FISCAL IMPACT:** Upfront fiscal impact is expected to be minimal. Long-term, the City may face additional costs in enforcing the upkeep of the sidewalks by neighboring property owners. On the other hand, a City well-connected by pedestrian infrastructure will have higher property values and generate higher tax revenues.

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

**CITY OF ST. JOHNS  
RESOLUTION #27-2024**

**RESOLUTION TO AN ORDINANCE TO AMEND CHAPTER 155 OF THE CODE OF  
ORDINANCES REGARDING SIDEWALKS**

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 24<sup>th</sup> day of June 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 the width and overall design and engineering requirements of sidewalks installed along the street frontage of property whenever a site plan approval is required under the Ordinance or whenever a new principal structure is constructed by amending Chapter 155 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 April 10, 2024, the Planning Commission voted to recommend adoption of the Ordinance to the City Commission;

WHEREAS, pursuant to Section 5 of the City of St. Johns Charter, at its meeting on May 20, 2024, the City introduced Ordinance No. \_\_\_\_, An Ordinance to Amend Chapter 155 of the Code of Ordinances Regarding Sidewalks; 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 to Amend Chapter 155 of the Code of Ordinances Regarding Sidewalks.
2. The City shall publish Ordinance No. \_\_\_\_, An Ordinance to Amend Chapter 155 of the Code of Ordinances Regarding Sidewalks 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 24<sup>th</sup> day of June, 2024.

\_\_\_\_\_  
Mindy J. Seavey, City Clerk

## § 155.201 SIDEWALKS

- A. **Sidewalks Required.** Sidewalks, at least five feet in width and meeting the design and engineering requirements of the City of St. Johns shall be installed along the street frontage of a property whenever a Site Plan approval (of any type) is required under this Ordinance or whenever a new principal structure is constructed on any lot (including single family homes). Sidewalks shall also be installed along both sides of all new roadways constructed in the City of St. Johns.
- B. **Waiver Process.** The Planning Commission may waive the requirements of Subsection A based on the following criteria:
1. There is a legal, physical, or environmental impediment that makes the construction of a sidewalk meeting the City's design standards impossible, in the opinion of the Planning Commission.
  2. The granting of the waiver would not be detrimental to the public health, safety, or general welfare and would not create a precedent which would prevent the enforcement of the ordinance for similar conditions or situations in the area in which the property is located.
  3. A waiver not limited by a specific duration shall be deemed unspecified in length, but shall not be considered a permanent waiver of sidewalk requirements nor revoke in any way the right of the City to order, install, or assess for sidewalks in accordance with other sections of the Code of Ordinances upon a determination that conditions are necessary for the construction of sidewalk in accordance with public need, health, safety, and general welfare.
  4. In permitting a waiver, conditions of approval may be imposed that are necessary to meet the intent of this subsection or to preserve the public health, safety, and general welfare.



**CITY OF ST. JOHNS**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 155 OF THE CODE OF ORDINANCES  
REGARDING SIDEWALKS**

**THE CITY OF ST. JOHNS ORDAINS:**

**Section 1. Amendment to Chapter 155, §201.** The City amends Chapter 155 of the City's Code of Ordinances by adding §201 as follows:

**§ 155.201 SIDEWALKS.**

- (A) **Sidewalks Required.** Sidewalks, at least five feet in width and meeting the design and engineering requirements of the City of St. Johns shall be installed along the street frontage of a property whenever a Site Plan approval (of any type) is required under this Ordinance or whenever a new principal structure is constructed on any lot (including single family homes). Sidewalks shall also be installed along both sides of all new roadways constructed in the City of St. Johns.
- (B) **Waiver Process.** The Planning Commission may waive the requirements of Subsection A based on the following criteria:
- (1) There is a legal, physical, or environmental impediment that makes the construction of a sidewalk meeting the City's design standards impossible, in the opinion of the Planning Commission.
  - (2) The granting of the waiver would not be detrimental to the public health, safety, or general welfare and would not create a precedent which would prevent the enforcement of the ordinance for similar conditions or situations in the area in which the property is located.
  - (3) A waiver not limited by a specific duration shall be deemed unspecified in length, but shall not be considered a permanent waiver of sidewalk requirements nor revoke in any way the right of the City to order, install, or assess for sidewalks in accordance with other sections of the Code of Ordinances upon a determination that conditions are necessary for the construction of sidewalk in accordance with public need, health, safety, and general welfare.
  - (4) In permitting a waiver, conditions of approval may be imposed that are necessary to meet the intent of this subsection or to preserve the public health, safety, and general welfare.

**Section 2. Validity and Severability.** If any portion of this Ordinance or its application to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can and shall 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. Repeal and Replace.** Any and all ordinances inconsistent with this Ordinance are hereby repealed, but only to the extent necessary for this Ordinance to be in full force and effect.

**Section 4. Publication and Effective Date.** The City Clerk shall publish a notice of adoption of this Ordinance within 7 days of its adoption. This Ordinance shall take effect 20 days after its passage.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

#### CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on \_\_\_\_\_, 2024.

Scott Dzurka, Mayor

\_\_\_\_\_

Mindy J. Seavey, Clerk

\_\_\_\_\_

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**June 24, 2024**

<b>Department: Administration</b>	<b>Attachments:</b>	<b>Submitted to CA for Review</b>
<b>Subject: PA 152 - Resolution to Exempt the City from Public Act 152 of 2011</b>	<b>[ X ] Resolution #28-2024 - Resolution to Exempt the City from Public Act 152 of 2011</b> [ ] [ ] [ ]	<b>[ X ]</b>  [ ] [ ] [ ]
<b>Prepared by: Mindy J. Seavey, City Clerk</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager</b>	

**SUMMARY/HIGHLIGHT:** PA 152 limits public employer contributions to medical benefit plans. Public employers can either fall under the hard cap set by the State, annually adopt a resolution that they have an 80% contribution cap, or annually adopt a resolution to opt-out. The city has been adopting a resolution to opt-out since 2015.

**BACKGROUND/DISCUSSION:** All employees do contribute 20% towards their medical insurance premium, but we could go over the hard cap aggregate allowed by the state due to our HSA and potential HRA funding.

Below is some history from 2015:

*Part of our issue with not falling under the hard cap amount is that we are using the entire deductible amount that the city may have to fund or reimburse through our HRA plan in the calculation. In April, conversations were had with Evah Cole from Michigan Treasury to get some clarifications. She said we would not necessarily need to use the entire deductible amount, but could use our history of what the city has paid out in the last couple of years for that deductible amount as a projection. She said the final calculation would be done at the end of the medical year using the deductible amounts that the city actually paid. The problem with that is if the city does not fall under the hard caps after doing the final calculation we are out of compliance.*

*If the Commission decides to opt-out of PA 152 the Commission must do it by a 2/3's vote on a resolution before our medical plan begins (before 7/1/2015). Cole stated that the good thing about opting-out is we can still use our spreadsheet and try to be under the hard cap, but if we don't make it, we have already opted-out and are already in compliance with PA 152. It was asked of her if she has any idea how many municipalities opt-out and she said she doesn't because we do not need to file the resolution with anyone at the State. We need to keep it on file and our auditors may ask to see a copy. From the resolution samples that are on the MML website, it looks like Battle Creek, Bronson, Empire, Essexville and Saugatuck opt-out.*

**STRATEGIC PLAN OBJECTIVE:** N/A

**FISCAL IMPACT:** There is a fiscal impact if the city does not comply with the act.

15.569 Noncompliance by public employer; penalty.  
Sec. 9.

If a public employer fails to comply with this act, the public employer shall permit the state treasurer to reduce by 10% each economic vitality incentive program payment received under 2011 PA 63 and the department of education shall assess the public employer a penalty equal to 10% of each payment of any funds for which the public employer qualifies under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, during the period that the public employer fails to comply with this act. Any reduction setoff or penalty amounts recovered shall be returned to the fund from which the reduction is assessed or upon which the penalty is determined. The department of education may also refer the penalty collection to the department of treasury for collection consistent with section 13 of 1941 PA 122, MCL 205.13.

**RECOMMENDATION:** Staff recommends that the City Commission adopt Resolution #28-2024 Resolution to Exempt the City from Public Act 152 of 2011 and authorize the mayor and clerk to sign.

**CITY OF ST. JOHNS**

**RESOLUTION NO. 28-2024**

**RESOLUTION TO EXEMPT THE CITY FROM PUBLIC ACT 152 OF 2011**

At a meeting of the City Commission of the City of St. Johns (“City”), Clinton County, Michigan, held at the City Hall in said City on June 24, 2024 at 6:00 p.m.

PRESENT: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

The following Resolution was offered by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

WHEREAS, on September 27, 2011, the Publicly Funded Health Insurance Contribution Act, Act No. 152 of the Public Acts of Michigan of 2011 (“Act 152”), became effective in the State of Michigan; and

WHEREAS, Act 152 established standards and a process with respect to medical benefit plans offered by public employers; and

WHEREAS, the City of St. Johns has historically recognized, in its role as steward for the public funds entrusted to it, that it must efficiently manage those limited resources; and

WHEREAS, the City of St. Johns constantly engages in a review of expenditures in order to maximize the value it receives for goods and services; and

WHEREAS, the City Commission of the City of St. Johns believes that, as the elected representatives for the City and answerable directly to the City’s voters, it is best positioned to

determine what benefits, including medical benefits, ought to be offered in order to attract and retain the best qualified City employees at the lowest overall costs; and

WHEREAS, the City Commission of the City of St. Johns further believes that compensation determinations for City employees are most properly the responsibility of the City's elected representatives, and not the State of Michigan or its officials; and

WHEREAS, by adopting this Resolution, the City Commission wishes to express its support for home rule government and to recognize that it is the City Commission's duty to manage City affairs in order to be most responsive to City voters, taxpayers, and residents.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Section 8 of Act 152, the City of St. Johns hereby exempts itself from the requirements of Act 152 for the next succeeding year.
2. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.

ADOPTED:

YEAS:

NAYS:

STATE OF MICHIGAN                     )  
   ) ss.  
COUNTY OF CLINTON                     )

I, the undersigned, the duly qualified and acting City 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 meeting held on June 24, 2024.

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Mindy J. Seavey, City Clerk

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**June 24, 2024**

<b>Department: Administration</b>	<b>Attachments:</b>	<b>Submitted to CA for Review</b>
<b>Subject: <i>Request for Funding of Recycling Center by Lions Club</i></b>	<b>[ X ] 5/30/24 Email from Dean Hartenburg</b> [ ] [ ]	<b>[ N/A ]</b>
<b>Prepared by: Chad A. Gamble, P.E., City Manager</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager</b>	

**SUMMARY/HIGHLIGHT:** The Lions Club has operated a recycling center in the City for many years. The recycling market has been a difficult one to survive in over the last several years and as such the Lions Club has requested \$2,000 for funding of the recycling center that serves the City and the region.

**BACKGROUND/DISCUSSION:** The City does not regularly contribute to the funding of the Lions Club operations of the recycling center. The City has contributed approximately \$6,000 over the past 10 years to the recycling center.

**STRATEGIC PLAN OBJECTIVE:** n/a

**FISCAL IMPACT:** If the Commission would elect to make a contribution to the recycling center the funds would be taken out of the Garbage Fund via an end of year adjustment to the fund.

**RECOMMENDATION:** Staff recommends that the Commission consider the benefits of the City contributing to the operations of the recycling center operated by the Lions Club, and if consensus exists to make a contribution to the center accordingly.

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## Chad Gamble

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**From:** Hartenburg, Dean <Dean.Hartenburg@UMHSparrow.org>  
**Sent:** Thursday, May 30, 2024 3:29 PM  
**To:** Chad Gamble  
**Subject:** St. Johns Lions Club Request for Assistance with the Recycling Center

To Chad A. Gamble, P.E.  
City Manager

Hi Chad:

Thank you for meeting with the St. Johns Lions Club yesterday so we could provide you with a tour of the facility and express our concerns to you and Mayor Scott Dzurka.

The market is very slow at this time for recycled goods and we are struggling to just break even with monthly operational expenses. The St. Johns Lions Club is a non-for-profit organization who hires staff to coordinate the day to day operations of the facility. We do have a campaign currently running to paint and spruce up the appearance of the Recycling Center, update our signage and promote our facility on Facebook. We are looking at developing a website page as well. We are putting up additional signage to promote our organization as a non-for profit organization and trying to solicit donations from businesses and the community by sharing our P.O. address for contributions to be sent. We are also working to obtain an increase in support from Clinton County in their upcoming contract renewal and we have and will continue to reach out to the outlining townships for support as well.

At this time we are asking for the City of St. Johns to please consider providing a \$2,000 annual contribution to help keep the Recycling Center alive and strong in our community. We appreciate your support and look forward to a long lasting relationship with the City of St. Johns and the St. Johns Lions Club Recycling Center in this fine community. Thank you for your time and consideration.

Sincerely ,

St. Johns Lions Club President  
Dean M. Hartenburg  
[Dean.hartenburg@sparrow.org](mailto:Dean.hartenburg@sparrow.org)  
Cell: (989) 640-9762

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*CONFIDENTIALITY NOTICE: This email communication may contain private, confidential, or legally privileged information intended for the sole use of the designated and/or duly authorized recipient(s). If you are not the intended recipient or have received this email in error, please notify the sender immediately by email and permanently delete all copies of this email including all attachments without reading them. If you are the intended recipient, secure the contents in a manner that conforms to all applicable state and/or federal requirements related to privacy and confidentiality of such information.*



## RECYCLING SERVICE CONTRACT

This Agreement is effective as of the 1<sup>st</sup> day of July 2024 (“Effective Date”), by the City of St. Johns, whose address is 100 East State Street, St. Johns, Michigan, 48879, Suite 1100 (“City”) and the St. Johns Lions Club (“Lions Club”), whose address is 605 N. Swegles St., St. Johns, MI, St. Johns, Michigan 48879 (“City”).

WHEREAS, the City is authorized to provide trash and recycling services to its residents; and

WHEREAS, the Lions Club operates a recycling center used by residents of St. Johns to supplement the City’s trash and recycling program; and

WHEREAS, the City desires to enter into an agreement with the Lions Club to allow City residents to use the recycling center.

**1. Purpose.** The purpose of this Recycling Service Contract (“Contract”) is to secure the provision of additional recycling service options from the Lions Club for the residents of the City.

**2. Provision of Recycling Service.** During the term of this Contract, the Lions Club agrees to allow all City residents to use the recycling services offered by the Lions Club at the Recycling Center located at 605 N. Swegles St., St. Johns, MI.

**3. Term; Termination.** The term of this Contract shall be one year, beginning July 1, 2024, and ending on June 30, 2025. The Contract may be terminated upon 30 days’ written notice by either party. If terminated prior to January 1, 2025, the Lions Club shall reimburse the City for 50% of the consideration set forth in paragraph 4.

**4. Consideration.** As consideration, the City agrees to pay the Lions Club \$2,000. The City shall pay the Lions Club within 60 days of the Effective Date.

**5. Amendment.** This Contract may be amended only by execution of a written amendment signed by duly authorized representatives of the parties.

**6. Severability.** If any part of this Contract is held to be invalid or unenforceable under the laws of any jurisdiction where this Contract is to be performed or sought to be enforced, the remaining provisions shall be enforceable to the maximum extent permitted by law; provided, however, that such remaining provisions effectuate fully the intent of the parties as manifested herein.

**7. Entire Agreement.** This Contract contains the entire understanding between the parties hereto with respect to the services contemplated herein and supersedes all prior and contemporaneous agreements and understandings, oral or written, with regards to such services.

**8. Counterparts.** This Contract may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

WHEREFORE, the parties having read and understood the foregoing provisions of this Contract acknowledge their intent to be bound by the terms as evidenced by the signatures of their respective representatives below.

**ST. JOHNS LIONS CLUB**

\_\_\_\_\_  
\_\_\_\_\_, President

**Date:** \_\_\_\_\_

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**CITY OF ST. JOHNS**

\_\_\_\_\_  
**Scott, Dzurka, Mayor**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Mindy Seavey, Clerk**

**Date:** \_\_\_\_\_

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**June 24, 2024**

<b>Department: Administration</b>	<b>Attachments:</b>	<b>Submitted to CA for Review</b>
<b>Subject: <i>Request for Funding of Independence Day Fireworks Show from St. Johns' Rotary</i></b>	<b>[ X ] Funding Requests Letter from St. Johns Rotary</b> [   ] [   ]	<b>[ N/A   ]</b>
<b>Prepared by: Chad A. Gamble, P.E., City Manager</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager</b>	

**SUMMARY/HIGHLIGHT:** The St. Johns Rotary has coordinated and fundraised for the St. Johns Independence Day Fireworks display for many years. Rotary has reached out to the City for assistance in funding for this annual community event. In order to properly contribute to this organization/event a simple contract has been drafted for consideration to ensure contributions meet the requirements of the law for specific services offered to the City and its residents by Rotary.

**BACKGROUND/DISCUSSION:** The City has not in recent memory assisted in funding for this community wide event.

**STRATEGIC PLAN OBJECTIVE:** Funding of this event will work towards one of the main goals of the Master Plan of the City which is to “sustain and enhance St. Johns neighborhoods by providing for the safety and protection of all residents, visitors, and property, and enabling the development of strong, cohesive, and stable neighborhoods.”

**FISCAL IMPACT:** If the Commission elects to make a contribution to the Rotary fireworks the funds would be taken out of the general fund in the 2024/25 fiscal year and a mid-year budget adjustment would be required.

**RECOMMENDATION:** Staff recommends that the Commission consider the benefits of the City contributing to the Independence Day community fireworks event put on by Rotary minimally for the amount of \$1,000 and enter into the simple contract of the delivery of the services as detailed in the document.

Dear Friend of the St. Johns Community,

I'm writing to you today to request your financial partnership with the St. Johns Rotary Club, local businesses and other community organizations in supporting the 2024 Independence Day Fireworks at the St. Johns City Park. This July 4<sup>th</sup> celebration is not only an American tradition, but an event that thousands of our local families enjoy annually! We endeavor to provide a family focused, fun-filled evening with picnics, entertainment and fireworks. With more families seeking quality activities close to home, we expect to have a crowd in excess of 5000 people. This is the only fireworks show in Clinton County on the 4<sup>th</sup>.

Our St. Johns Rotary Club is requesting your support of this great event by sponsoring at one of four levels: Platinum Sponsor of \$1000, Gold Sponsor of \$700, Silver Sponsor of \$350, Bronze Sponsor of \$250, or support in an amount that is appropriate for your organization. **We welcome support at any level.**

### **SPONSOR BENEFITS**

#### **Platinum Sponsor \$1000**

- Business/Organization name on a 4' x 3' two-sided banner on the band shell\*
- Recognized as sponsor of the entertainment during the event
- Sponson recognition by the emcee during the event
- Facebook posts acknowledging the sponsorship
- Exposure to 5,000 - 7,000 people who are expected to attend the fireworks event

#### **Gold Sponsor \$700**

- Business/Organization name on a 3' x 2' two-sided sign placed in front of the band shell\*
- Announcements to the crowd from the emcee that evening
- Facebook posts acknowledging the sponsorship
- Exposure to 5,000 plus people who are expected to attend the fireworks event

#### **Silver Sponsor \$350**

- Business/Organization name on a 2'x18" two-sided sign placed in front of the band shell\*
- Name announced as one of the sponsors by the emcee that evening
- Facebook posts acknowledging the sponsorship
- Exposure to 5,000 plus people who are expected to attend the fireworks event

#### **Bronze Sponsor \$250**

- Business/Organization name listed on sign/banner with all other Bronze Sponsors placed near the concession stand
- Name announced as one of the Bronze Sponsors by the emcee that evening
- Facebook posts acknowledging the sponsorship
- Exposure to 5,000 plus people who are expected to attend the fireworks event

\* Signs will be available for you to display at your business 10 days prior to July 4<sup>th</sup>.

## Clinton County Fireworks Sponsorship – St Johns Rotary Club

Business name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Donation Level/Amount

- ☐ Platinum \$1000
- ☐ Gold \$700
- ☐ Silver \$350
- ☐ Bronze \$250
- ☐ Other amount \_\_\_\_\_

Please send your logo for banner signage to [sjredwings@hotmail.com](mailto:sjredwings@hotmail.com) or along with your mailing.

If you have any questions, call me at 989-292-0186 or e-mail me at [sjredwings@hotmail.com](mailto:sjredwings@hotmail.com). Please complete the information requested and return your donation to the St. Johns Rotary Club at P.O. Box 482 St. Johns, MI 48879 **by June 3<sup>rd</sup>, 2024 in order to guarantee the above sponsor benefits**. Checks can be made out St Johns Rotary Club. Thank you for your support!

Kindest regards,

Nick Koenigsknecht Rotary President,  
Fireworks Business Sponsor Chairman

Contract not ready at  
time of packet. Will  
provide to the city  
commission at a later  
date.

**CITY OF ST. JOHNS, MICHIGAN**  
**REQUEST FOR COMMISSION ACTION**  
**June 24, 2024**

<b>Department: Administration</b>	<b>Attachments:</b>	<b>Submitted to CA for Review</b>
<b>Subject: Headlee Override Resolution</b>	<b>[ X ] Headlee Override Resolution #29-2024</b> [ ] [ ]	<b>[ X ]</b>
<b>Prepared by: Kristina Kinde Deputy City Manager   Treasurer</b>	<b>Approved by: Chad A. Gamble, P.E., City Manager</b>	

**SUMMARY/HIGHLIGHT:** Each year the City's operating millage is reduced by the Headlee Rollback adjustment therefore permanently reducing the City's operating millage. Currently our 10.0000 mills have been reduced to 9.8103 for the 2024 property taxes. A resolution approving the ballot language for the November 5, 2024 election will need to be approved by the Attorney General's Office and submitted to the City Clerk's Office by August 15, 2024 to send to the County Clerk's Office. This increase to 10.000 mills is an increase of 0.2182 mills or approximately \$62,500 total to the City's annual property tax revenue.

**BACKGROUND/DISCUSSION:** The City of St. Johns has previously placed the Headlee Rollback Millage Proposal on the ballot, most recently during the November 2020 election.

**STRATEGIC PLAN OBJECTIVE:** N/A

**FISCAL IMPACT:** If passed in the November election, this millage increase to 10.000 mills is an increase of 0.2182 mills or approximately \$62,500 total to the City's annual property tax revenue.

**RECOMMENDATION:** Staff recommends the City Commission approve Resolution #29-2024 A Resolution of the City of St. Johns City Commission to Propose the Adoption by the Voters of a Headlee Override as a Means to Generate Additional Revenues and authorize the City Attorney to present the ballot language to the Attorney General's office for review.

**CITY OF ST. JOHNS**  
**RESOLUTION TO APPROVE HEADLEE OVERRIDE BALLOT PROPOSAL**  
**RESOLUTION #29-2024**

At a meeting of the City Council of the City of St. Johns, Michigan, held at the City Hall  
in said City on the 24th day of June, 2024 at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

\_\_\_\_\_

ABSENT:

\_\_\_\_\_

\_\_\_\_\_

The following Resolution was offered by \_\_\_\_\_

\_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City desires to authorize a “Headlee Override,” which is an increase in the tax limitation within the City in an amount not to exceed .2182 mill, in perpetuity beginning in 2025 for the purpose of restoring the full amount of the original authorized charter millage rate (10 mills) and providing funds for all City and municipal purposes authorized by law; and

WHEREAS, the City desires to present the millage proposal to the electors of the City at the November 5, 2024 election; and

WHEREAS, the City has determined that the requested millage is in the best interest of the public health, safety and welfare of the City residents.

THEREFORE, the City Commission of the City of St. Johns, Clinton County, resolves as follows:



1. The City Commission resolves to present to the electors of the City of St. Johns at the November 5, 2024 election a proposed new additional millage as described in the ballot language attached as Exhibit A. The City approves and certifies the ballot language attached as Exhibit A for inclusion on the November 5, 2024 ballot.
2. The City Clerk is authorized and directed to promptly submit this Resolution, along with the ballot language attached as Exhibit A, to the Clinton County Clerk so that the millage proposition may be included on the November 5, 2024 election ballot.
3. Any Resolution inconsistent with this Resolution is hereby rescinded.

ADOPTED:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN                    )  
  )  
COUNTY OF CLINTON                )

I, the undersigned, the duly qualified and acting City 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 Council of said City at a meeting held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
St. Johns City Clerk

**Exhibit A**

**CITY OF ST. JOHNS**

**HEADLEE OVERRIDE MILLAGE PROPOSAL**

Shall the authorized charter millage for the City of St. Johns, established by operation of law at 10 mills (\$10.00 per \$1,000 of taxable value) and reduced to 9.7818 mills (\$9.7818 per \$1,000 of taxable value) by Headlee rollbacks, be increased and the City be authorized to levy annually a new additional millage in an amount not to exceed .2182 mill (\$0.2182 per \$1,000 of taxable value) against all taxable property within the City in perpetuity beginning with the 2025 levy, for the purpose of restoring the full amount of the original authorized charter millage rate (10 mills) and providing funds for all City and municipal purposes authorized by law. The estimate of the revenue the City will collect in the first year of levy (2025) if the millage is approved and levied by the City is approximately \$62,500. By law, a portion of the revenue from the millage may be subject to capture by the City's Principal Shopping District and Downtown Development Authority.

Yes ☐

No ☐