

**CITY OF MT. MORRIS  
CITY COUNCIL AGENDA  
11649 N. Saginaw Street  
Mt. Morris, MI 48458  
February 26<sup>th</sup>, 2024  
7:00 P.M.**

**1. MEETING CALLED TO ORDER:** Mayor Sara Dubey

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF AGENDA**

**5. APPROVAL OF MINUTES**

- a. Approval of regular meeting minutes from February 12<sup>th</sup>, 2024.

**6. COMMUNICATIONS:**

None.

**7. APPROVAL OF WARRANT:** Approval of Warrant #24-03 in the amount of \$102,568.43.

**8. PUBLIC COMMENT (Agenda Items Only /Five Minute Time Limit).**

**9. UNFINISHED BUSINESS:**

- a. None.

**10. NEW BUSINESS:**

- a. **RESOLUTION 24-06:** Amended – CDBG Crosswalk Signal at Roosevelt and Saginaw
- b. **RESOLUTION 24-09:** Seventh amendment to Woodside Trails purchase agreement
- c. **ORDINANCE 2024-01:** Amending the zoning ordinance (appendix D) by the addition of definitions, amending section 3.20. (First Reading)
- d. **ORDINANCE 2024-02:** Amending the code of ordinances (appendix D) by the addition of section 3.21, Outdoor parking or storing of recreational vehicles and trailers in a residential district. (First Reading)

**11. PUBLIC COMMENT (Five Minute Time Limit).**

**12. COUNCIL MEMBER AND STAFF COMMENTS**

**13. ADJOURNMENT**

**PLEASE SILENCE ALL CELL PHONES AND OTHER ELECTRONIC DEVICES PRIOR TO THE MEETING.**

**CITY OF MT. MORRIS  
CITY COUNCIL – REGULAR MEETING  
February 12<sup>th</sup>, 2024**

**At 7:00 p.m.,** Mayor Sara Dubey called the Regular Council Meeting to order.

**PRESENT:** Smith, Black, Vance, Walter, Templeton, and Dubey.

**ABSENT:** Sorensen.

**OTHERS:** Fire Chief Don Fremd, Police Chief Kevin Mihailoff, City Manager/Clerk Spencer Lewis, and City Attorney Amanda Odette.

### The Pledge of Allegiance.

**ROLL CALL:**

A motion was made by Councilmember Walter and seconded by Councilmember Smith to approve absent member Sorensen.

All ayes.

Motion carried.

**APPROVAL OF AGENDA:**

A motion was made by Councilmember Walter and seconded by Councilmember Smith to approve the agenda.

All ayes.

Motion carried.

**APPROVAL OF MINUTES:**

A motion was made by Councilmember Templeton and seconded by Councilmember Black to approve the regular meeting minutes from January 22<sup>nd</sup>, 2024.

All ayes.

Motion carried.

**COMMUNICATIONS:**

City Manager/Clerk Spencer Lewis stated that he had made copies of several invoices that were dropped off by Fire Chief Fremd the past week, that were sent to the old fire chief's email on accident. These invoices were for repairs and maintenance on engines 11 & 12 that should have been taken care of before the merger, to make sure both engines were up to par. They will be placed onto the next meeting's warrant for payment.

**APPROVAL OF WARRANT:**

A motion was made by Councilmember Black and seconded by Councilmember Templeton to approve **Warrant #24-02 in the amount of \$126,604.73.**

[illegible]

Motion Carried.

**PUBLIC COMMENT:**

None.

## UNFINISHED BUSINESS:

None.

### NEW BUSINESS:

**a. RESOLUTION 24-07: House Bill 5089 of 2023**

A motion was made by Councilmember Black, and seconded by Councilmember Walter to approve resolution 24-07.

City Manager/Clerk Spencer Lewis stated that the house bill is a water affordability act, that from what he understands, will place an extra monthly fee on water user's bill to build up this "water fund". We were directed by the Genesee County Director of Water and Waste Services, to adopt a resolution to send to our state representative and senator, opposing this bill.

Roll call:               5    Ayes                     1    Nays                     1    Absent  
  (Vance)                                 (Sorensen)

Motion Carried.

**b. RESOLUTION 24-08: Confirmation of Mayor Dubey's appointment of Dennis Heidenfeldt, term ending December 2027, to the compensation committee.**

A motion was made by Councilmember Black, and seconded by Councilmember Templeton to approve resolution 24-08.

[illegible]

Motion Carried.

**PUBLIC COMMENT:**

**Nate Shango, Valley Liquor** – Nate stated that he is looking into changing the zoning of the property next to Valley Liquor, where the old hotel building is located, from C-R to C with plans for a gas station. He is proposing a million-dollar project downtown Mt. Morris, and is asking the council for some help with this.

**Jennifer Sherwood, Friends of the Library** – Jennifer stated that she is here on behalf of the Friends of the Library, and they are needing the handrail that leads up to the library replaced. It is not secured to the ground at all, and is pulling away from the building, and she believes that if someone were to fall and try to grab onto it, it would pull right out from the building. She wasn't sure if the DPW could do this work, or if we would need a third party, so she brought with her 3 different quotes from companies. Also, in the parking lot where the sidewalk starts for the Veteran's Memorial, there is a parking space located right in front of where the sidewalk begins. If anyone were to try and access the sidewalk there and a car was occupying that space, they would have to walk on the grass to get to the sidewalk.

**Rich Young, 1326 W. Mt. Morris Road** – Rich stated that he is the owner of the Parlour here in the city. Rich stated that he would love to see a million-dollar investment in the downtown area of Mt. Morris.

**COUNCIL MEMBER AND STAFF COMMENTS:**

Councilmember Walter thanked the public for coming in tonight.

Councilmember Smith thanked everyone who participated in public comment.

Councilmember Vance thanked everyone for coming in tonight.

Councilmember Black thanked Dennis Heidenfeldt for helping on the compensation committee.

Councilmember Templeton thanked everyone for coming in tonight, and she is hoping that we can make Nate Shango's proposal happen.

Police Chief Kevin Mihailoff thanked the public for coming in, and stated he is still in search of a fifth full-time officer.

City Manager/Clerk Spencer Lewis congratulated Dennis Heidenfeldt on his appointment, and informed everyone that the early voting period for the Feb. 27<sup>th</sup> election will start this Saturday, February 17<sup>th</sup> at city hall in the council chambers.

Mayor Dubey thanked Mr. Heidenfeldt for wanting to be on another board. She also thanked Mr. Shango and Mr. Young for what they contribute to the city.

**ADJOURNMENT:**

With no further business, the council meeting was adjourned at **7:21 p.m.**

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Spencer Lewis, City Clerk

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 General					
Dept 000					
101-000-066.000	UNDISTRIBUTED FRINGE BENEFITS	BLUE CARE NETWORK	HEALTH INSURANCE	6,078.67	
101-000-066.000	UNDISTRIBUTED FRINGE BENEFITS	HUMANA HEALTH PLAN INC	DENTAL/VISION INS.	1,098.14	
101-000-066.000	UNDISTRIBUTED FRINGE BENEFITS	MML WORKER'S COMP FUND	POLICY PREMIUM - 4	3,589.00	
101-000-066.000	UNDISTRIBUTED FRINGE BENEFITS	STANDARD INSURANCE COMPA	LIFE INSURANCE & DISABILITY MARCH 202	966.41	
101-000-256.000	DEPOSITS PAYABLE	JORDAN ROBERSON	COMMUNITY ROOM REFUND	75.00	
		Total For Dept 000		11,807.22	
Dept 215 ADMINISTRATION					
101-215-740.000	OPERATING EXPENSE	GGGC	SPRING MEETING 2024	15.00	
101-215-740.000	OPERATING EXPENSE	PITNEY BOWES BANK INC	POSTAGE	125.00	
101-215-740.000	OPERATING EXPENSE	VC3, INC	SSL CERTIFICATE RENEWAL, STANDARD, 1	150.00	
101-215-825.000	MAINTENANCE AGREEMENTS	VC3, INC	MICROSOFT 365 - FEBRUARY 2024	32.00	
101-215-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	154.06	
101-215-874.000	RETIREE INSURANCE BENEFITS	BLUE CARE NETWORK	HEALTH INSURANCE	2,353.76	
101-215-957.000	CONFERENCES AND WORKSHOPS	GGGC	2024 MEMBERSHIP DUES	25.00	
101-215-991.000	COPIER	US BANK EQUIPMENT FINANC	COPIER LEASE	74.55	
		Total For Dept 215 ADMINISTRATION		2,929.37	
Dept 253 TREASURER					
101-253-740.000	OPERATING EXPENSE	PITNEY BOWES BANK INC	POSTAGE	62.50	
		Total For Dept 253 TREASURER		62.50	
Dept 262 ELECTIONS					
101-262-740.000	OPERATING EXPENSE	SPECTRUM PRINTERS, INC	TEST DECKS - FEB. 2024	172.49	
		Total For Dept 262 ELECTIONS		172.49	
Dept 265 CITY HALL & GROUNDS					
101-265-801.000	PROFESSIONAL SERVICES	ROME PROFESSIONAL SERVIC	ADA RAMP AND PARKING LOT RESURFACING	2,722.00	
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	CITY HALL - ELEC.	625.72	
101-265-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	CITY HALL - GAS	447.57	
		Total For Dept 265 CITY HALL & GROUNDS		3,795.29	
Dept 267 OTHER CITY PROPERTY					
101-267-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	PARKING LOT 11800 N. SAGINAW	61.39	
		Total For Dept 267 OTHER CITY PROPERTY		61.39	
Dept 305 POLICE DEPARTMENT					
101-305-740.000	OPERATING EXPENSE	MAPLE TOWNE PRINTING	DOG VIOLATION DOOR HANGERS	60.00	
101-305-740.000	OPERATING EXPENSE	PITNEY BOWES BANK INC	POSTAGE	62.50	
101-305-745.000	GAS & FUEL	MICHIGAN PETROLEUM TECH	UNLEADED GAS	547.57	
101-305-759.000	UNIFORMS	PATIDEE'S SEW UNUSUAL	SHIRT ALTERATIONS	61.00	
101-305-825.000	MAINTENANCE AGREEMENTS	VC3, INC	MICROSOFT 365 - FEBRUARY 2024	98.00	
101-305-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	88.04	
101-305-932.000	REPAIR & MAINTENANCE - VEHICL	LOUIE'S TOWING & AUTO RE	CALIPERS ON #103 2021 DURANGO	679.00	
101-305-991.000	DEBT SERVICE - PRIN	BALBOA CAPITALCORPORATIO	IN CAR CAMERAS	318.94	
101-305-991.000	DEBT SERVICE - PRIN	US BANK EQUIPMENT FINANC	COPIER LEASE	137.23	
		Total For Dept 305 POLICE DEPARTMENT		2,052.28	
Dept 336 FIRE DEPARTMENT					
101-336-745.000	GAS & FUEL	MICHIGAN PETROLEUM TECH	UNLEADED GAS	19.10	
101-336-825.000	MAINTENANCE AGREEMENTS	VC3, INC	MICROSOFT 365 - FEBRUARY 2024	36.00	
101-336-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	44.02	
101-336-932.000	REPAIR & MAINTENANCE - VEHICL	FRONTLINE SERVICES INC.	ENGINE MAINTENANCE 44-11	1,480.98	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 General					
Dept 336 FIRE DEPARTMENT					
101-336-932.000	REPAIR & MAINTENANCE - VEHICL	FRONTLINE SERVICES INC.	44-12 PLUMBING / FRONT INTAKE VALVE	771.99	
101-336-932.000	REPAIR & MAINTENANCE - VEHICL	FRONTLINE SERVICES INC.	44-12 ENGINE MAINTENANCE DOT	1,851.60	
101-336-932.000	REPAIR & MAINTENANCE - VEHICL	FRONTLINE SERVICES INC.	44-12 REPLACE ENGINE FAN AND HUB CAPS	2,720.00	
101-336-932.000	REPAIR & MAINTENANCE - VEHICL	FRONTLINE SERVICES INC.	44-12 REPAIR PLUMBING ISSUES / ADD'L	8,776.23	
		Total For Dept 336 FIRE DEPARTMENT		15,699.92	
Dept 441 PUBLIC WORKS					
101-441-740.000	OPERATING EXPENSE	LEO'S SAW SHOP	CHAINSAW SHARPENING X2	14.00	
101-441-825.000	MAINTENANCE AGREEMENTS	VC3, INC	MICROSOFT 365 - FEBRUARY 2024	24.00	
101-441-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	DPW GARAGE	888.02	
101-441-932.000	REPAIR & MAINTENANCE - VEHICL	JOHN DEERE FINANCIAL	HYDRAULIC LINES #30	1,101.29	
		Total For Dept 441 PUBLIC WORKS		2,027.31	
Dept 790 LIBRARY					
101-790-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	LIBRARY	760.15	
		Total For Dept 790 LIBRARY		760.15	
		Total For Fund 101 General		39,367.92	
Fund 202 Major Street					
Dept 463 STREET ROUTINE MAINTENANCE					
202-463-740.000	OPERATING EXPENSE	ACCOUNT RECEIVABLES	COLD PATCH	433.35	
		Total For Dept 463 STREET ROUTINE MAINTENANCE		433.35	
Dept 474 TRAFFIC SERVICES					
202-474-801.000	PROFESSIONAL SERVICES	GENESEE COUNTY ROAD COMM	SIGNAL MAINTENANCE JAN 2024	257.91	
		Total For Dept 474 TRAFFIC SERVICES		257.91	
		Total For Fund 202 Major Street		691.26	
Fund 203 Local Street					
Dept 463 STREET ROUTINE MAINTENANCE					
203-463-740.000	OPERATING EXPENSE	ACCOUNT RECEIVABLES	COLD PATCH	442.80	
203-463-740.000	OPERATING EXPENSE	ACCOUNT RECEIVABLES	COLD PATCH	450.90	
203-463-801.000	PROFESSIONAL SERVICES	ROWE PROFESSIONAL SERVIC	LOUISA STREET RESURFACING - JAN 2024	1,037.50	
		Total For Dept 463 STREET ROUTINE MAINTENANCE		1,931.20	
		Total For Fund 203 Local Street		1,931.20	
Fund 590 SEWER FUND					
Dept 215 ADMINISTRATION					
590-215-740.000	OPERATING EXPENSE	PITNEY BOWES BANK INC	POSTAGE	125.00	
590-215-740.000	OPERATING EXPENSE	PRINTING SYSTEMS	UTILITY BILLS	315.30	
590-215-825.000	MAINTENANCE AGREEMENTS	VC3, INC	MICROSOFT 365 - FEBRUARY 2024	31.00	
590-215-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	66.02	
590-215-874.000	RETIREE INSURANCE BENEFITS	BLUE CARE NETWORK	HEALTH INSURANCE	816.91	
590-215-991.000	COPIER	US BANK EQUIPMENT FINANC	COPIER LEASE	74.56	
		Total For Dept 215 ADMINISTRATION		1,428.79	
Dept 536 SEWER DISTRIBUTION					
590-536-740.000	OPERATING EXPENSE	MISS DIG SYSTEM INC.	2024 MEMBERSHIP FEE	928.11	
		Total For Dept 536 SEWER DISTRIBUTION		928.11	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 590 SEWER FUND					
Total For Fund 590 SEWER FUND				2,356.90	
Fund 591 Water Fund					
Dept 215 ADMINISTRATION					
591-215-740.000	OPERATING EXPENSE	PITNEY BOWES BANK INC	POSTAGE	125.00	
591-215-740.000	OPERATING EXPENSE	PRINTING SYSTEMS	UTILITY BILLS	315.29	
591-215-825.000	MAINTENANCE AGREEMENTS	VC3, INC	MICROSOFT 365 - FEBRUARY 2024	31.00	
591-215-850.000	COMMUNICATIONS	STAR2STAR COMMUNICATIONS	PHONE BILL	88.04	
591-215-874.000	RETIREE INSURANCE BENEFITS	BLUE CARE NETWORK	HEALTH INSURANCE	816.91	
591-215-991.000	COPIER	US BANK EQUIPMENT FINANC	COPIER LEASE	74.56	
Total For Dept 215 ADMINISTRATION				1,450.80	
Dept 537 WATER DISTRIBUTION					
591-537-725.000	FRINGE BENEFIT-NON PAYROLL	CINTAS CORP	UNIFORMS	45.19	
591-537-725.000	FRINGE BENEFIT-NON PAYROLL	CINTAS CORP	UNIFORMS	46.62	
591-537-740.000	OPERATING EXPENSE	GENESEE COUNTY DRAIN COM	DRINKING WATER SAMPLES	75.00	
591-537-740.000	OPERATING EXPENSE	MISS DIG SYSTEM INC.	2024 MEMBERSHIP FEE	928.10	
591-537-745.000	GAS & FUEL	MICHIGAN PETROLEUM TECH	UNLEADED GAS	140.78	
591-537-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	METER PIT - 321 LINCOLN	43.97	
591-537-920.000	PUBLIC UTILITIES	CONSUMERS ENERGY	METER PIT - 310 W. MT.MORRIS	44.26	
591-537-921.000	COST OF WATER	GENESEE COUNTY DRAIN COM	JANUARY 2024	54,418.69	
591-537-932.000	REPAIR & MAINTENANCE - VEHICL	STEELMAN WELDING INC	REPAIR BUMPER ON PLOW TRUCK #56	325.00	
Total For Dept 537 WATER DISTRIBUTION				56,067.61	
Dept 539 WATER REPAIR					
591-539-740.000	OPERATING EXPENSE	MICHIGAN PIPE & VALVE-IN	SAW BLADES	433.13	
591-539-740.000	OPERATING EXPENSE	MICHIGAN PIPE & VALVE-IN	WATER MAIN REPAIR CLAMP	269.61	
Total For Dept 539 WATER REPAIR				702.74	
Total For Fund 591 Water Fund				58,221.15	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund Totals:					
			Fund 101 General	39,367.92	
			Fund 202 Major Street	691.26	
			Fund 203 Local Street	1,931.20	
			Fund 590 SEWER FUND	2,356.90	
			Fund 591 Water Fund	58,221.15	
			Total For All Funds:	102,568.43	



**CITY OF MT. MORRIS  
RESOLUTION NO. 24-06  
AMENDED**

**WHEREAS:** The City is eligible to receive CDBG funds in the amount of \$7,312.00 and this Council did by Resolution 21-02 determine to use said funds for the purchase of a Crosswalk Signal on Saginaw and Roosevelt Street, and,

**WHEREAS:** The City has received a quote from TAPCO, Inc., a copy of which is attached hereto to supply the crosswalk signal for the sum of \$10,435.10. Also included are the funds necessary to install the crosswalk signal utilizing the Department of Public Works totaling \$1,991.94, and,

**WHEREAS:** Staff recommends that it is in the best interests of the City to supplement the CDBG funds in an amount necessary to make said purchase, the additional amount being \$5,115.04, and,

**NOW THEREFORE, BE IT RESOLVED:**

That this Council does hereby authorize the purchase of the above identified equipment from TAPCO, Inc. using the CDBG funds in the amount above specified and does hereby authorize and approve the expenditure from the major street fund in the amount of \$5,115.04 for such purpose, and,

**BE IT FURTHER RESOLVED:**

That staff is hereby authorized and directed to take all necessary action pursuant to the above.

Moved by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and thereafter adopted by the City Council of the City of Mt. Morris at a meeting held Monday, February 26, 2024, at 7:00 p.m.

\_\_\_\_\_ Yea

\_\_\_\_\_ Nay

\_\_\_\_\_ Absent

\_\_\_\_\_  
Sara Dubey, Mayor

\_\_\_\_\_  
Spencer Lewis, City Clerk

**CITY OF MT. MORRIS**  
**RESOLUTION NO. 24-06**  
**AMENDED**

**WHEREAS:** The City is eligible to receive CDBG funds in the amount of \$7,312.00 and this Council did by Resolution 21-02 determine to use said funds for the purchase of a Crosswalk Signal on Saginaw and Roosevelt Street, and,

**WHEREAS:** The City has received a quote from TAPCO, Inc., a copy of which is attached hereto to supply the crosswalk signal for the sum of \$10,435.10. Also included are the funds necessary to install the crosswalk signal utilizing the Department of Public Works totaling \$1,991.94, and,

**WHEREAS:** Staff recommends that it is in the best interests of the City to supplement the CDBG funds in an amount necessary to make said purchase, the additional amount being \$5,115.04, and,

**NOW THEREFORE, BE IT RESOLVED:**

That this Council does hereby authorize the purchase of the above identified equipment from TAPCO, Inc. using the CDBG funds in the amount above specified and does hereby authorize and approve the expenditure from the major street fund in the amount of \$5,115.04 for such purpose, and,

**BE IT FURTHER RESOLVED:**

That staff is hereby authorized and directed to take all necessary action pursuant to the above.

Moved by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, and thereafter adopted by the City Council of the City of Mt. Morris at a meeting held Monday, February 26, 2024, at 7:00 p.m.

\_\_\_\_\_ Yea

\_\_\_\_\_ Nay

\_\_\_\_\_ Absent

\_\_\_\_\_  
Sara Dubey, Mayor

\_\_\_\_\_  
Spencer Lewis, City Clerk



Safe travels:

Traffic and Parking Control Co., Inc.  
5100 West Brown Deer Rd  
Brown Deer, WI 53223

STATEMENT

Statement Date: 2/19/2024

Account Number: C112265

Page: 1

CITY OF MOUNT MORRIS  
Paul Zumbach  
11649 N Saginaw St  
Mount Morris, MI 48458-2079  
United States of America

Date	Document	Customer PO Number	Terms	Debits	Credits	Due Date
2/19/2024	I772829	202-474-740	Net 30 DAYS	10,435.10		3/20/2024

Statement Aging:		Statement Balance	10,435.10	0.00	10,435.10
Days overdue:	Current	Up To 30 days	31 - 60 days	Over 60 days	
Aged amounts:	10,435.10	0.00	0.00	0.00	
All amounts are listed in US Dollars (USD)					

Remittance Address: P O Box 88229, Milwaukee, WI 53288-8229

18% APR to be implemented at 30 Days Past Due

**RESOLUTION 24-09**

**SEVENTH AMENDMENT TO  
CONTRACT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS**

**(WOODSIDE TRAILS, GENESEE COUNTY, MICHIGAN)**

**THIS SEVENTH AMENDMENT TO CONTRACT FOR PURCHASE AND SALE AND ESCROW INSTRUCTIONS** (the “Amendment”) is made this 26th day of February, 2024, by and between **WJH LLC**, a Delaware limited liability company (hereinafter, “Buyer”), and **CITY OF MOUNT MORRIS**, a Michigan municipal entity (hereinafter, the “Seller”).

**WITNESSETH:**

**WHEREAS**, Seller and Buyer entered into that certain Contract for Purchase and Sale and Escrow Instructions having an Effective Date of April 19, 2022, as amended (the “Agreement”), for the purchase and sale of certain real property commonly known as **Woodside Trails**, located in the County of Genesee, State of Michigan and more particularly described on Exhibit “A” of the Agreement (the “Property”, or each individual lot being referred to as a “Lot”);

**WHEREAS**, Buyer is engaged in the business of building and selling residential real properties in the midwestern United States, among other places, and acquires vacant lots or land from time to time in furtherance of that business;

**WHEREAS**, Buyer desires to purchase the Property from Seller, and Seller desires to sell the Property to Buyer;

**WHEREAS**, Buyer and Seller previously amended the Agreement by First Amendment dated August 23, 2022;

**WHEREAS**, Buyer and Seller previously amended the Agreement by Second Amendment dated September 15, 2022;

**WHEREAS**, Buyer and Seller previously amended the Agreement by Third Amendment dated September 30, 2022;

**WHEREAS**, Buyer and Seller previously amended the Agreement by Fourth Amendment dated December 20, 2022;

**WHEREAS**, Buyer and Seller previously amended the Agreement by Fifth Amendment dated March 15, 2023;

**WHEREAS**, Buyer and Seller previously amended the Agreement by Sixth Amendment dated October 10, 2023; and

**WHEREAS**, Buyer and Seller desire to extend the date of the Second Takedown.

**NOW THEREFORE**, for and in consideration of the mutual covenants, agreements and premises set forth herein and other good and valuable consideration, the receipt, adequacy and sufficiency of which

are hereby expressly acknowledged by the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. All capitalized terms used herein will have the meanings ascribed to those terms in the Agreement, unless otherwise specified.
2. The recitals set forth above are incorporated herein as part of this Amendment.
3. Where conflicting, the terms and provisions of this Amendment shall supersede and control over those set forth in the Agreement.
4. The date of closing for the Second Takedown is extended and will close by or before July 1, 2024. All provisions set forth in the Amendment relating to default and the right to cure remain in full force and effect.
5. The provisions set forth in this Amendment shall be binding on the Parties hereto and their respective successors and assigns. All other provisions of the Agreement not hereby amended shall remain in full force and effect.
6. This Amendment may be executed in multiple counterparts that, together, shall constitute the entirety of this Amendment. This Amendment may be executed and delivered by facsimile or email which facsimile or email shall constitute a binding and valid execution hereof.

**NOW THEREFORE**, Buyer and Seller, by and through their respective authorized agents, officers, or representatives, set their hands and seals to this Amendment as of the date first above written.

**BUYER:**

**WJH LLC, a Delaware  
limited liability company**

**SELLER:**

**CITY OF MOUNT MORRIS,  
a Michigan municipal entity**

\_\_\_\_\_(SEAL)

By: Michael B. Madden  
Title: Corporate VP of Land Acquisition  
Date:

\_\_\_\_\_(SEAL)

By:  
Title:  
Date:

Moved by Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_ and thereafter adopted by the City Council of the City of Mt. Morris at a regular meeting held Monday, February 26, 2024 at 7:00 p.m.

\_\_\_\_\_ Yea                      \_\_\_\_\_ Nay                      \_\_\_\_\_ Absent

\_\_\_\_\_  
Sara Dubey, Mayor

\_\_\_\_\_  
Spencer Lewis, City Clerk

**CITY OF MT. MORRIS  
COUNTY OF GENESEE, MICHIGAN**

**ORDINANCE 2024 – 01.**

AN ORDINANCE AMENDING THE MT. MORRIS CITY  
ZONING CODE OF ORDINANCES (APPENDIX D) BY  
THE ADDITION OF DEFINITIONS, AMENDING  
SECTION 3.20

**THE CITY OF MT. MORRIS HEREBY ORDAINS:**

**SECTION I**

The Mt. Morris City Zoning Ordinance, APPENDIX D, the Zoning Ordinance, Section 3.20 is hereby amended by the addition of a second paragraph, Definitions, which shall read as follows:

The following definitions shall apply:

**Commercial Vehicle** shall mean any vehicle or trailer that exceeds 1-ton in cargo carrying capacity, which includes vehicles or trailers used for the purpose of business or for private use.

**Recreational Vehicle** shall mean any motorized or non-motorized vehicle or trailer used for the purpose of recreation, which includes but not limited to travel trailers, motor homes, boats, snowmobiles, and vehicles designed and manufactured as off-road vehicles. Vehicles originally designed and manufactured for on-road use are not considered off-road vehicles.

**Trailer** shall mean any vehicle that is designed to be pulled or towed on a public way by a motorized vehicle, which includes but not limited to travel trailers, utility trailers and cargo trailers.

**SECTION II**

All other provisions of this Chapter shall be and are hereby ratified.

**SECTION III - SEVERABILITY**

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

#### **SECTION IV – PRIOR ORDINANCES**

All City ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

#### **SECTION V**

This Ordinance shall be published in a newspaper of general circulation within the City of Mt. Morris, Genesee County, Michigan, and shall become effective on the 7<sup>th</sup> day after publication.

#### **SECTION VI**

A copy of this Ordinance may be inspected at the City Hall, 11649 N. Saginaw St., Mt. Morris, Michigan, during regular business hours.

CITY OF MT. MORRIS,

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By: SARA DUBEY, MAYOR

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By: SPENCER LEWIS, CITY CLERK

Ordinance introduced on:

Second Reading:

Publication date:

Effective date:

**CITY OF MT. MORRIS  
COUNTY OF GENESEE, MICHIGAN**

**ORDINANCE 2024 – 02.**

AN ORDINANCE AMENDING THE MT. MORRIS CITY  
ZONING CODE OF ORDINANCES (APPENDIX D) BY  
THE ADDITION OF SECTION 3.21, OUTDOOR  
PARKING OR STORING OF RECREATIONAL VEHICLES  
AND TRAILERS IN A RESIDENTIAL DISTRICT

**THE CITY OF MT. MORRIS HEREBY ORDAINS:**

**SECTION I**

The Mt. Morris City Zoning Ordinance, APPENDIX D, the Zoning Ordinance, ARTICLE 3 is hereby amended by the addition of Section 3.21, Outdoor Parking or Storing of Recreational Vehicles and Trailers in a Residential District, which shall read as follows:

**3.21 Parking and Storage of Recreational Vehicles and Trailers in a Residential District**

Recreational Vehicles and Trailers may be parked or kept on any lot or parcel in any residential zoning district, subject to the following requirements:

- A. Recreational Vehicles parked or stored shall not have a fixed connection to electricity, gas, water, or sanitary sewer, and at no time shall such recreational vehicles be used for living or housekeeping purposes. A non-fixed electrical connection is allowed as a shoreline to maintain on board batteries and electrical systems.
- B. Any recreational vehicle or trailer shall be parked or stored in the rear yard, side yard, or unrequired front yard provided that a minimum of five feet of side yard, or rear yard shall be maintained between the recreational vehicle or trailer and the lot line.
- C. Recreational vehicles and trailers may be parked in the front yard for the purpose of loading and unloading for no more than 24 hours. The recreational vehicle or trailer must not obstruct the view of driveways or vehicular and pedestrian traffic of adjoining properties or public ways.
- D. The storage of recreational vehicles and trailers on a residential lot or parcel shall be limited to only those vehicles and trailers owned by the, and currently licensed and registered to the occupant of the residential lot or parcel on which the recreational



vehicle or trailer is stored. Recreational vehicles and trailers shall be maintained and kept mold and mildew free. Recreational vehicles and trailers designed and constructed to operate on public ways shall meet the requirements of the State of Michigan for safe use.

- E. The storage of recreational vehicles and trailers shall be limited to a maximum of two recreational vehicles and or trailers combined per parcel. The storage of recreational vehicles and trailers shall be used as a factor in total lot maximum coverage as defined in section 6.13 Table of District Regulations.

## **SECTION II**

All other provisions of this Chapter shall be and are hereby ratified.

## **SECTION III - SEVERABILITY**

If any part of this ordinance shall be determined to be unenforceable by a court of competent jurisdiction, that part shall be deemed to be severed and removed from the body of this ordinance, and the rest shall remain in full force and effect.

## **SECTION IV – PRIOR ORDINANCES**

All City ordinances and resolutions or a part thereof, insofar as the same may be in conflict herewith, are hereby repealed.

## **SECTION V**

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## **SECTION VI**

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CITY OF MT. MORRIS,

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By: SARA DUBEY, MAYOR

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By: SPENCER LEWIS, DEPUTY CLERK

Ordinance introduced on:

Second Reading:

Publication date:

Effective date: