

MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

May 20, 2013



- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Kris Tarkiewicz, Family Bible Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PUBLIC COMMENT ON AGENDA ITEMS – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) CONSENT AGENDA

A. **Set Public Hearing – Shearman Park Rezoning**

City Council will consider the recommendation to schedule a public hearing for Monday, June 17, 2013 to hear comments regarding the request to rezone 624 W. Mansion Street (former Shearman School) from Planned Unit Development (PUD) to Public/Semi Public (PSP)

B. **Set Public Hearing – Shearman Park Designation**

City Council will consider the recommendation to schedule a public hearing for Monday, June 17, 2013 to hear public comments on the proposed changes to the City of Marshall Code of Ordinances, Chapter 91 Parks and Recreation.

C. **Set Public Hearing – Wireless Ordinance**

City Council will consider the recommendation to schedule a public hearing for Monday, June 17, 2013 to hear public comments on the proposed text changes to §156.231: Wireless Communications Facilities and Services.

D. **Set Public Hearing – Traffic Code**

City Council will consider the recommendation to schedule a public hearing for Monday, June 17, 2013 to hear comments on the proposed revisions to Chapters 70, 71, 72, 73, 74, 75, and 76 of the City of Marshall Traffic Code and Section 150.086 (D) of the Marshall City Code.

E. **Set Public Hearing – Rental Rehabilitation Grant**

City Council will consider the recommendation to schedule a public hearing for Monday, June 17, 2013 to hear public comment on the Rental Rehabilitation grant as required by MSHDA.

F. **Rental Rehabilitation Grant Application**

City Council will consider the recommendation to approve the request for staff to apply for the Rental Rehabilitation Grant through MSHDA.

G. **City Council Minutes**

Regular Session..... Monday, May 6, 2013

Mayor:

James Dyer

Council Members:

Ward 1 - David Revore

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Jack Reed

Ward 5 - Jody Mankerian

At-Large - Kathy Miller



H. City Bills

Regular Purchases	\$ 132,468.63
Purchased Power.....	\$ 660,638.31
Weekly Purchases -5/3/13	\$55,775.00
Weekly Purchases -5/10/13.....	\$14,058.93
Total.....	\$ 862,940.87

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. Event Report – Memorial Day Parade

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. East Prospect Street Vacation Request

City Council will hear public comment on the East Prospect Street Vacation Request and consider the recommendation to adopt the resolution vacating East Prospect Street between North Madison Street and High Street, contingent on approval of the site plan.

B. Fiscal Year 2014 Budget Adoption

City Council will consider a budget amendment for the proposed FY 2014 Budget.

City Council will receive public comment on the proposed budget and related property tax millage rates for the Fiscal Year 2014.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Referendum on Reconsideration of Ordinance No. 2013-02 and 2013-03

City Council will consider the repeal of Ordinance No. 2013-02 and 2013-03 or schedule a special election for August 6, 2013 to consider the HCOD Ordinances.

B. Marshall Area Economic Development Alliance - Partner Agreement

City Council will consider the recommendation to authorize the Clerk to sign the Management and Administrative Services Agreement with the Marshall Area Economic Development Alliance.

C. Industrial Park Lift Station Rehabilitation

City Council will consider the recommendation to award Davis Construction the rehabilitation of the Industrial Road Lift Station at a cost of \$305,301.

D. Annual Compensation of Administrative Officials, Department Heads, and Salaried Personnel

City Council will consider the recommendation to approve the proposed FY 2014 wages for the administrative officials, department heads and salaried personnel.



13) APPOINTMENTS / ELECTIONS

A. Local Development Finance Authority

City Council will consider the recommendation to approve the reappointment of Mark Oerther with a term expiring on June 2, 2014, John Tracy with a term expiring on June 2, 2016, Steve Dodge with a term expiring on June 2, 2017, J.P. Walters with a term expiring on June 2, 2015 and Wendee Woods with a term expiring on June 2, 2017 to the Local Development Finance Authority in accordance with Act 281, Public Acts of 1986.

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any item not on the agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager



**ADMINISTRATIVE REPORT
MAY 20, 2013 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Set public hearing for June 17, 2013 for Rezoning Request #RZ13.01 for 624 W. Mansion Street--former Shearman School (Planned Unit Development PUD) to Shearman Park (Public/Semi Public PSP)

BACKGROUND: The former Shearman School building was demolished by Marshall Public Schools in 2012. The land was eventually sold to the City to use as a park. Currently a steering committee has been appointed to develop the park but in order to do so, the zoning needs to change from Planned Unit Development to Public/Semi-Public (the same zoning as all of the parks in Marshall).

The Planning Commission received the request to rezone this property at their March 13, 2013 meeting and held a public hearing on May 8, 2013. There was no public participation during the public hearing.

Carl Fedders, Director of Utilities and Infrastructure, was present to answer questions. He told commissioners that there are currently 5 designated parks in the City and Shearman Park is a much needed neighborhood park on the northwest side of the City. The goal of the steering committee is to create the park for low-impact, neighborhood use. Commissioner Banfield, also a member of the steering committee, remarked that the park will be used for a resting destination for walkers, bikers, etc. After the rezoning is complete, the next step in the process will be to move forward with public design charrettes. The Planning Commission worked through the rezoning "Finding of Fact" from §156.030 (H):

(1) The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.

The proposed zoning of PSP allows for a resource which can only benefit the neighborhood. The park will be a city property and therefore, should be zoned as such.

(2) The property cannot be reasonably used as zoned.

The Planned Unit Development (PUD) was designed for a school and although it would allow for open space, there is no new development to base the PUD on; therefore, the property cannot be re-developed according to the PUD standards approved prior.

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(3) The proposed zone change is supported by and consistent with the goals, policies and future land use map of the adopted city master plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.

In the Master Plan, this property is marked PUD and also as a school. The school is a community use, as is a community park.

(4) The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values, and is consistent with the needs of the community.

This neighborhood park is being designed as a low-impact park. There should be mild if any negative effect on the surrounding neighborhood.

(5) All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological and other environmental features.

The intended use for this property is very compatible with the site's physical features. A large amount of the former use was open space, recreational as well.

(6) The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the city.

There will be no impacts on safety, health or welfare however commissioners as well as steering committee members feel that the residents in this area will want parking addressed. This will be a factor addressed in the design charrettes.

(7) The rezoning would constitute and create an isolated and unplanned district contrary to the city master plan which may grant a special privilege to one landowner not available to others.

The park is a similar, yet lower-impact use than the prior school.

(8) The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.

The rezoning is not seeking to extend beyond the boundaries of the original PUD. According to Carl Fedders, the park will be planned within PSP boundaries.

(9) There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

There was no mistake in zoning. The major change of conditions is that the school structure is no longer standing.

(10) Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

There is a need for a park in this quadrant of the City. The only other city-owned open space property in this area is on Union Street and there are plans for this area.

MOTION by Commissioner Davis, second by Commissioner Fleming to recommend to City Council rezoning request #RZ13.01 for 624 W. Mansion Street--former Shearman School to be rezoned from Planned Unit Development (PUD) to Public/Semi Public (PSP). On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: The Planning Commission recommends approval of rezoning request #RZ13.01 for 624 W. Mansion Street-- former Shearman School to be rezoned from Planned Unit Development (PUD) to Public/Semi Public (PSP). According to Section 4.02 of the City Charter states that City Council shall schedule a public hearing, suggested to be held on June 17, 2013, to hear comments regarding this recommendation of rezoning before consideration of final approval.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Huestis
Director of Community Services



Tom Tarkiewicz
City Manager

CITY OF MARSHALL
ORDINANCE NO. 13-##

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS 624 W. MANSION (aka. 643 W. MANSION), PARCEL #13-53-000-236-00 FROM THE ZONING DISTRICT OF PLANNED UNIT DEVELOPMENT (PUD) TO PUBLIC/SEMI-PUBLIC (PSP).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Sections 156.021 and 156.030 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described property from to Planned Unit Development (PUD) to Public/Semi-Public (PSP).

Property Description

Marshall City, lower village lots 1, 2, 6, & 7 BLK 7. (Shearman School)

Common Address

624 W. MANSION STREET (PARCEL #13-53-000-236-00)

Section 2. This Ordinance or a summary thereof shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2013.

James L. Dyer, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 17, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK



ADMINISTRATIVE REPORT
May 20, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: Shearman Park Designation

BACKGROUND: In 2011, the City of Marshall completed a parks and recreation master plan in which several goals were identified:

1. Maintain and enhance existing parks locations and facilities.
2. Engage the growing majority of older adults through improved activities and facilities that connect with the interest of this demographic group.
3. Improve and invest in non-motorized infrastructure to link city parks and open spaces, attract tourism, and coordinate with county, state and national initiatives.
4. Continue trend of park improvements lead by citizen groups.
5. Insure proper spacing of parks and open spaces throughout community and facilities to encourage use.
6. Utilize survey results in recreation program development.

In keeping with these goals, on December 3, 2012 City Council authorized the purchase of the former site of Shearman Elementary School through grants from the Cronin Foundation and the Marshall Community Foundation.

Since that time a steering committee has been formed of the following people:

- Greg Strand
- Tim Banfield
- Matt Davis
- Cheryl Vosburg
- Jack Reed
- Joelle Knoch
- Mark Gilbert
- Norma Church
- William Church

The group has identified the following goals for the development of Shearman Park:

- Connect the park development with the long history of education at the site by incorporating some recognition to public education.
- Park should be developed as a gathering place for the neighborhood that utilizes low impact features.
- Features should be included in the park that appeals to all age groups.
- Improvements should utilize grants and private contributions and should be low maintenance

To aid in the process, the recreation department staff won master planning services from VIRDIS Design Group at the Michigan Parks and Recreation Association annual conference. VIRDIS has committed to guiding the city through the development and design phases at no cost.

As part of the development of the park, it is recommended that the zoning be changed

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to Public /Semi Public and that the park be identified in the City of Marshall – Code of Ordinance; Chapter 91: Parks and Recreation.

The steering committee would also like to invite the public to attend a design charrette to help guide the planning process. The charrette will take place at the site located on N. Linden Street between Mansion Street and Prospect Street on Thursday, June 13th. The group will be offering a light meal at 5:30 with the charrette beginning at 6pm. If weather will not permit the meeting onsite the charrette will be moved to the Public Services Building.

The development of the park is anticipated for the spring of 2014.

RECOMMENDATION: It is recommended that the City Council set a public hearing for June 17, 2013 to hear public comment on the proposed changes to the City of Marshall – Code of Ordinances; Chapter 91 Parks and Recreation.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,



Carl Fedders
Director of Public Services



Tom Tarkiewicz
City Manager

CHAPTER 91: PARKS AND RECREATION

91.01 Establishment of city parks

91.02 ~~Hours of use of Ketchum, Carver, Stuart Landing and Millpond Parks and the Brooks Nature Area and Marshall Athletic Fields~~Park Hours

91.03 Regulation of parks

91.04 Usage of parks

91.05 Weapons and firearms

91.06 Alcoholic beverages

91.07 Animals - pets, dogs, cats

91.08 Penalty

Charter reference:

Parks and recreational facilities, see § 2.24

§ 91.01 ESTABLISHMENT OF CITY PARKS.

The following properties owned by the city are hereby designated as city parks:

(A) Carver Park, located near the intersection of East Michigan Avenue and Exchange Street;

(B) Brooks Memorial Fountain Park, located in the center of the traffic circle at West Michigan Avenue and Kalamazoo Avenue;

(C) Marshall Athletic Fields, located on West Michigan Avenue near the east end of the city;

(D) Ketchum Park, located on the north and south sides of Rice Creek, from South Marshall to eastern city limits;

(E) Stuart Landing and Millpond Park, located on the south side of the Kalamazoo River, near Homer Road; and

(F) The Brooks Nature Area, located along the shore of both Upper and Lower Brace (Stuart) Lake.

(G) Shearman Park, located along N. Linden Street between W. Mansion Street and W. Prospect Street.

(Prior Code, § 19-1) (Ord. passed 6-7-1993; Am. Ord. 06-05, passed 4-17-2006; Am. Ord. 07-02, passed 5-7-2007; Am. Ord. 08-08, passed 6-2-2008)

~~§ 91.02 HOURS OF USE OF KETCHUM, CARVER, STUART LANDING AND MILLPOND PARKS AND THE BROOKS NATURE AREA AND MARSHALL ATHLETIC FIELDS.~~ PARK HOURS

Ketchum, Carver, Stuart Landing and Millpond Parks, ~~and the Brooks Nature Area~~ Area, and Shearman Park shall be open to the public daily between the hours of 7:00 a.m. and 10:00 p.m. of any one day. Marshall Athletic Fields shall be open to the public daily between the hours of 7:00 a.m. and 10:00 p.m., or ½ hour after the conclusion of any city-sanctioned event, whichever is later. It shall be unlawful for any person other than city personnel conducting city business therein to occupy or be present in the park during any hours in which the park is not open to the public.

(Prior Code, §19-2) (Ord. passed 7-16-1979; Am. Ord. passed 9-17-1984; Am. Ord. passed 9-16-1991; Am. Ord. passed 6-7-1993; Am. Ord. 07-02, passed 5-7-2007; Am. Ord. 08-08, passed 6-2-2008)

§ 91.03 REGULATION OF PARKS.

In addition to those provided for in this chapter, the Parks, Recreation, and Cemetery Board shall propose rules, regulations, hours of operation, and fees necessary for the enjoyment of the city parks and recreational programs for adoption by the City Council.

(Ord. 07-02, passed 5-7-2007)

§ 91.04 USAGE OF PARKS.

- (A) All persons using park property shall dispose of litter in receptacles provided.
- (B) No persons shall pollute any lake, stream, creek, ditch, drain, or waterway as specified in § 50.04 of Chapter 50 Garbage and Rubbish.
- (C) No person shall build a fire except in an approved appliance and every person shall extinguish all fires prior to leaving the area.
- (D) It shall be unlawful for any person to use any amplified music device while on any park property which may be disruptive to the use of the park.
- (E) All persons shall pay appropriate fees for use of the park as approved by the City Council.

(F) No person may hunt, trap, feed, or endanger animals or birds in any way except fishing unless authorized by the City Council.

(G) No camping shall be allowed in any park, unless otherwise authorized by the City Council.

(H) No person shall operate any recreational vehicles in any park as defined under Chapter 156, Zoning, § 156.003 or prohibited under Chapter 74, Snowmobiles, § 74.04.

(Ord. 07-02, passed 5-7-2007)

§ 91.05 WEAPONS AND FIREARMS.

It shall be unlawful for any person, except authorized peace officers, to possess, display, or use on any land operated under the jurisdiction of City of Marshall, any gun including shotgun, rifle, pistol, revolver, air or BB gun, sling shot, bow and arrow, switchblade knife with spring loaded blade, throwing knife, tomahawk, or throwing axe, unless specifically authorized by the City Council.

(Ord. 07-02, passed 5-7-2007)

§ 91.06 ALCOHOLIC BEVERAGES.

Per § 137.03 Possession of an/or Consumption of Alcoholic Liquor while in city parks, it shall be unlawful for any person to possess or consume alcoholic beverages on any park property unless prior approval is granted by the City Council and insurance acceptable to the city insurance carrier is provided.

(Ord. 07-02, passed 5-7-2007)

§ 91.07 ANIMALS - PETS, DOGS, CATS.

(A) It shall be unlawful for any person to allow or otherwise permit any pet, dog, or cat, or other domesticated animal to be upon any park property unless leashed or restrained at all times and under the specific physical control of the person who owns or has legal custody of said animal. Leashes must be no longer than ten feet in length. All persons who bring animals, as described above, onto property must have proof that the animal has a current valid rabies inoculation and valid license.

(B) It shall be unlawful for any person to bring or keep a noisy, vicious, or dangerous animal, onto park property and remain thereon after having been asked to leave by a city official, law enforcement officer, or employee.

(C) It shall be unlawful for any person bringing said animal, as heretofore described, not to remove and dispose of its animal waste in proper containers from park premises.

(Ord. 07-02, passed 5-7-2007)

§ 91.08 PENALTY.

Any person who violates those rules and regulations as adopted by the City Council and in conformance with this Code shall be responsible for a municipal civil infraction punishable by a civil fine in such amounts as may from time to time be established pursuant to § 35.10 of the Code. In addition, nothing in this section shall prohibit the city from seeking other remedies pursuant to § 35.12.

(Ord. 07-02, passed 5-7-2007)



**ADMINISTRATIVE REPORT
MAY 20, 2013 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Set public hearing for June 17, 2013 to hear
comments on proposed text changes to §156.231:
Wireless Communications Facilities and Services

BACKGROUND: At their March 13, 2013 meeting the Planning Commission received staff proposed text changes to the Wireless Communications Facilities and Services ordinance. They held a public hearing on May 8, 2013. No public comment was offered.

The reason for the text change and additions are to bring the City ordinance in compliance with the Michigan Zoning Enabling Act 125.3514. City staff with the City Attorney have reviewed the Michigan Zoning Enabling Act of 2006 and agree that the Wireless ordinance (§156.231) requires a change in text. The Zoning Enabling Act has very strict standards which govern when a municipality can regulate a wireless tower or communication facilities. Likewise, The Middle Class Tax Relief and Job Creation Act of 2012 also dictates that local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing tower or base station so long as it does not constitute a "substantial change".

Excerpt from MZEA:

125.3514 Wireless communications equipment as permitted use of property; application for special land use approval; approval or denial; authorization by local unit of government; definitions.

Sec. 3514. (1) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this act if all of the following requirements are met:

- (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- (b) The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
- (c) The proposed collocation will not do any of the following:
 - (i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - (ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- (d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

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Excerpt from 2012 Act:

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.—

(1) **IN GENERAL.**—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

Therefore in the City ordinances, under permitted uses for Wireless Communication Facilities, the following language should be added to clarify the City's coordination with Federal and State Acts:

Permitted uses (B)

(1) Attached wireless communication facilities in all districts at locations where a wireless communication facility currently exists, provided that the existing structure or facility shall not: ~~be materially altered or changed.~~

a. increase in height by more than 20 feet or 10% of its original height, whichever is greater.

b. increase in width by more than the minimum necessary to permit collocation.

c. existing equipment area compound will not increase by more than 2,500 square feet.

MOTION by Commissioner Banfield, second by Commissioner Zuck to recommend to City Council proposed text changes to §156.231: Wireless Communications Facilities and Services. On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: The Planning Commission recommends that a public hearing be set for June 17, 2013 to hear proposed text changes to §156.231: Wireless Communications Facilities and Services

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Huestis
Director of Community Services



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE #-13**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 156.231 SUB-LETTER (B) SUB-SECTION (1): WIRELESS COMMUNICATION FACILITIES AND SERVICES: PRINCIPAL PERMITTED USES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§156.231 (B)(1) Wireless Communication Facilities and Services: Principal Permitted Uses** of the Marshall City Code, is hereby amended to read:

(1) Attached wireless communication facilities in all districts at locations where a wireless communication facility currently exists, provided that the existing structure or facility shall not: ~~be materially altered or changed.~~

- a. increase in height by more than 20 feet or 10% of its original height, whichever is greater.**
- b. increase in width by more than the minimum necessary to permit collocation.**
- c. existing equipment area compound will not increase by more than 2,500 square feet.**

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2013.

James L. Dyer, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 17, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK



ADMINISTRATIVE REPORT
May 20, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Proposed adoption of the Motor Vehicle Code (MVC), Uniform Traffic Code (UTC), and other acts, as amended, to replace the current version of the Marshall Traffic Code, Title 7, of the Marshall City Code.

BACKGROUND: Currently the City of Marshall has ordinances that address motor vehicle violations. Currently the ordinances must be reviewed and addressed by council anytime there are changes made under the MVC, UTC, Motor Carrier Safety Act (MCSA) and Part 821 of the Natural Resources and Environmental Protection Act.

The Marshall Police Department has secured a grant to utilize E-Ticketing (electronic ticketing) for submitting traffic enforcement citations and/or warnings. It is a requirement to have the local ordinances inputted into the system so the courts will have records of all city ordinance violations for traffic offenses.

With the review by the City Attorney's Office they have proposed a resolution to replace the current Marshall Traffic Code, Title 7 of the Marshall City Code, with the MVC, UTC, MCSA and Part 821 of the Natural Resources and Environmental Protection Act as amended. Under this proposed change, the adopted acts will be supplemented with additional code sections which are specific to Marshall and are not found in the Acts.

The Traffic Code will be automatically updated when changes are made to the MVC, UTC and other adopted sections. This will eliminate piecemeal modifications to our ordinance and will allow us to be consistently updated. The Traffic code will be expanded with the integration of the MVC and the UTC and this expansion will eliminate the necessity of writing citations under state statutes. This provides greater control over the outcome of the officers' cases and directs a portion of the fines/costs to the City of Marshall. This proposed change has been successfully implemented in the majority of municipalities in the State of Michigan.

RECOMMENDATION: It is recommended that a public hearing be established for June 17, 2013 to hear comments on the proposed

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revisions to Chapters 70, 71, 72, 73, 74, 75, and 76 of the City of Marshall Traffic Code and Section 150.086 (D) of the Marshall City Code.

FISCAL EFFECTS: Reduced costs associated with updating and reviewing ordinances due to changes in laws. This will further the Marshall Police Department's ability to file citations electronically with the Calhoun County Courts.

ALTERNATIVES: As decided by City Council

Respectfully Submitted,



James Schwartz
Police Chief



Tom Tarkiewicz
City Manager

**JOHN D. BRUNDAGE
JOHN B. SULLIVAN
CITY ATTORNEY'S OFFICE
208 West Michigan Avenue
Marshall, MI 49068
Telephone: (269) 781-9090
Fax: (269) 781-9899**

DATE: May 5, 2013

MEMO

TO: Chief James Schwartz
Lt. Scott McDonald
Marshall Police Department

FROM: John D. Brundage
John B. Sullivan

RE: **NECESSARY AMENDMENT** if the Uniform Traffic Code (and other Acts) is adopted.

This memo follows the proposed resolution to replace the current Marshall Traffic Code, Title 7 of the Marshall City Code, with the Motor Vehicle Code, the Uniform Traffic Code, the Motor Carrier Safety Act and Part 821 of the Natural Resources and Environmental Protection Act, as amended. If Council votes enact this proposal, it will be necessary to amend section 150.086(D) of the Code. Pursuant to § 10.08, we suggest the following language:

That section 150.086(D) of the Marshall City Code, is hereby amended to read as follows: "(D) Section 302.8 of the IMPC regarding inoperable abandoned vehicles shall be deleted (§ 70.09(D) shall govern).

Please contact us if you have any questions or concerns.

**JOHN D. BRUNDAGE
JOHN B. SULLIVAN
CITY ATTORNEY'S OFFICE
208 West Michigan Avenue
Marshall, MI 49068
Telephone: (269) 781-9090
Fax: (269) 781-9899**

DATE: April 20, 2013

MEMO

TO: Chief James Schwartz
Lt. Scott McDonald
Marshall Police Department

FROM: John D. Brundage
John B. Sullivan



RE: Proposed adoption of the Motor Vehicle Code, Uniform Traffic Code, and other Acts, as amended, to replace the current version of the Marshall Traffic Code, Title 7, of the Marshall City Code

The City Attorney's Office has proposed a resolution to replace the current Marshall Traffic Code, Title 7 of the Marshall City Code, with the Motor Vehicle Code (MVC), the Uniform Traffic Code (UTC), the Motor Carrier Safety Act (MCSA) and Part 821 of the Natural Resources and Environmental Protection Act, as amended. Under this proposed change, the adopted Acts will be supplemented with additional code sections which are specific to Marshall and are not found within the Acts. This proposal will benefit the City in a number of ways. First, officers will be able to utilize the E-Ticket system, which has been developed by the 10th District Court. The E-Ticket system allows officers to send citations directly to the Court via their in-car computers and is already being utilized by other area departments. Second, the Traffic Code will be automatically updated when changes are made to the MVC, UTC and the other adopted sections. This will eliminate piecemeal modifications to our ordinance and will allow us to be constantly updated. Third, the Traffic Code will be expanded with the integration of the MVC and the UTC and this expansion will eliminate the necessity of writing citations under state statute. This provides greater local control over the outcome of the officers' cases and directs a portion of the fines/costs to the City. This proposed change has been successfully implemented in the majority of municipalities in the Michigan.

In the process of developing this proposal, we have thoroughly reviewed and compared the MVC , UTC, MCSA and Part 821 to the comparable sections of the current code. This memo will summarize our findings.

TITLE VII

CHAPTER 70 GENERAL PROVISIONS

In comparing the current sections of Chapter 70 with the comparable sections of the MVC and the UTC, we find that the UTC and the MVC cover every section of the current code with language that is similar, and often identical. The differences which do exist are generally a matter of phraseology and do not significantly alter the purpose of the provision.

CHAPTER 71 VEHICLE EQUIPMENT; SIZE AND LOAD

In comparing the current sections of Chapter 71 with the comparable sections of the MVC and the Motor Carrier Safety Act, we find that the UTC and the MCSA cover the sections of the current code with language that is similar, and often identical. The area of the current code we believe should remain concerns Vehicle Size, Weight and Load. The current ordinance authorizes local enforcement, including portable or stationary scales, weigh stations, temporary unloading rules and temporary permits, which give local police the authority to effectively enforce the state requirements. See proposed section 70.005.

CHAPTER 72 TRAFFIC RULES

In comparing the current sections of Chapter 72 with the comparable sections of the MVC and the UTC, we find that the UTC and the MVC cover every section of the current code with language that is similar, and often identical. The only exception is exhibition driving, section 72.096. This prohibition is not covered in the MVC or the UTC; therefore we have left it in under section 70.006. In addition, we have added a section which prohibits persons from clinging to the outside of motor vehicles. This section is not found in the MVC or the UTC but appears to fill a public safety need. See proposed section 70.007.

CHAPTER 73 PARKING REGULATIONS

In comparing the current sections of Chapter 73 with the comparable sections of the MVC and the UTC, we find that although most sections of the chapter are adequately covered by the MVC and the UTC, there are a number of differences which relate to the individual needs of our city.

Our current section 73.01(A)(15), which prohibits stopping, standing or parking a vehicle "within 200 feet of an accident at which police officers are in attendance" is not found in either the MVC or the UTC. We have left this section under the new section 70.008(A)(1). We note that although the MVC, MCL 257.674(1)(o), prohibits stopping, standing or parking a vehicle within 500 feet of an accident, it does not apply to accident scenes within city limits.

Our current section 73.01(A)(23), which prohibits stopping, standing or parking "on any unimproved surface with a side yard of a residential lot in a residential district" is not found in either the MVC or the UTC. Therefore, we have left this section in under the new section 70.008(A)(2). Further, we reviewed this section with Natalie Huestis and Carl Fedders and decided that the current version needed clarification. The proposed section reflects our consideration.

Our current section 73.02, which sets forth procedures for identifying parking prohibitions or restrictions on specific streets, is not covered in either the MVC or the UTC. Therefore, we have included this section under proposed section 70.008(B).

Our current sections 73.19 and 73.19.1 which limit parking between 2:00 A.M. and 6:00 A.M. and between 3:00 A.M. and 6:00 A.M. in municipal lots, is not covered in either the MVC or the UTC. Therefore, we have left it in under proposed section 70.008(C),(D). Further, we reviewed these sections with Natalie Huestis and Carl Fedders and decided that the current language needs clarification. The proposed sections reflect our consideration.

Our current section 73.22, which limits parking between the curb or drainage line and the sidewalk or grassy parkway, is not covered in either the MVC or the UTC. Therefore, we have left it in under proposed section 70.008(E). Further, we reviewed this section with Natalie Huestis and Carl Fedders and decided that the current language needs clarification. The proposed section reflects our consideration.

Our current section 73.23, which limits the parking of trailers, house cars and the like, is not covered in either the MVC or the UTC. Therefore, we have left it in under proposed section 70.008(F). Further, we reviewed this section with Natalie Huestis and Carl Fedders and decided that the current version needs clarification. The proposed section reflects our consideration.

Our current section 73.24, which addresses parking meters, is now found within proposed section 70.008(G). Although the MVC and the UTC address meter violations, our section is more encompassing and specific to local needs. This section authorizes enforcement when the Council deems it appropriate to utilize metered parking. The Council's current decision to not use metered parking does not require repeal of this ordinance.

Our current section 73.25, which addresses vehicle breakdowns, is not specifically covered in the MVC or the UTC. Therefore, we have left it in under proposed section 70.09(A).

Our current section 73.27(B), which prohibits (limits) the stopping, standing or parking in a passenger loading zone, is not covered in either the MVC or the UTC. Therefore, we have left it in under proposed section 70.09(B).

Our current section 73.28, which prohibits loading and unloading at an angle to the curb, is not specifically covered by the MVC or the UTC. Therefore, we have left it in under the proposed section 70.09(C). UTC Rule 140 addresses angled parking, however the application of Rule 140 is discretionary with the Traffic Engineer so there does not appear to be a conflict.

Our current section 73.31, which addresses dismantled or inoperable vehicles, is not specifically reference in the MVC or the UTC. Therefore, we have left it in under proposed section 70.09(D).

Our current section 73.45, which addresses the issuance of parking tickets or notice of violations, is not specifically covered in the MVC or the UTC. Therefore, we have left it in under proposed section 70.010(A).

Our current section 73.47, which creates the Parking Violations Bureau, is not covered in the MVC or the UTC. Therefore, we have left it in under proposed section 70.010(B).

Our current section 73.48, which sets forth the schedule of fines, is not covered in the MVC or the UTC. Therefore, we have left it in under proposed section 70.010(C).

Our current section 73.49, which addresses front yard parking, is not covered in the MVC or the UTC. Therefore, we have left it in under proposed section 70.011.

CHAPTER 74 SNOWMOBILES

In comparing the current sections of Chapter 74 with the comparable sections of Part 821 of the Natural Resources and Environmental Protection Act , we find that although most sections of the chapter are adequately covered by the 821, there are some differences which relate to the individual needs of our city.

Our current section 74.01,, which addresses snowmobile registration, is covered under Part 821, however, 821 is narrower in its application. Therefore, we have left it in under proposed section 70.012(A).

Our current section 74.04, which prohibits snowmobile operation on city owned property, is not covered in 821. Therefore, we have left it in under proposed section 70.012(B).

Our current section 74.05, which addresses snowmobile operation on public roadways, is

addressed in MCL 324.82119, however our current section is specific to local needs and has, therefore, been left in under proposed section 70.012(C).

CHAPTER 75 BICYCLES

In comparing the current sections of Chapter 75 with the comparable sections of the MVC and the UTC, we find that although most sections of the chapter are adequately covered by the MVC and the UTC, there are a number of differences which relate to the individual needs of our city.

Our current section 75.16, which requires a horn or sound device on a bicycle, is not covered in the MVC or the UTC. However, it is doubtful that a citation has ever been written for this violation and adult bicycles are not typically equipped with horn or sound devices. There does not appear to be a need to retain this section.

Our current section 75.30, which requires a rider to keep both hands on the handlebars (except while signaling a turn), is not covered in the MVC or the UTC. Therefore, we have left it in under proposed section 70.013(A). We note that the MVC, MCL 257.661, requires that a rider not carry a package or bundle on the bicycle which prevents the keeping of both hands on the handlebars, which implies there is a public safety need for this prohibition.

Our current section 75.31, which requires the rider to maintain a reasonable and prudent speed, is not covered in the MVC or the UTC. However, the MVC, MCL 257.657, states that a cyclist is subject to the duties of a driver of a motor vehicle. This language may suggest that that a cyclist could be cited for operating too fast for conditions, careless driving, etc. This may be a stretch, however, so we would suggest leaving this section in under the proposed section 70.013(B).

Our current section 75.35, which addresses riding on sidewalks and in certain streets, is minimally covered under the MVC and UTC. This section addresses needs which are specific to our city, so we have left it in under proposed section 70.013(C).

Our current section 75.36, which addresses riding on sidewalks and streets, is covered in the MVC (MCL 257.660c), but only as to sidewalks. Therefore, we have left this section in under section 70.013(D).

Our current section 75.37, which addresses the parking of a bicycle, is covered by the MVC, MCL 257.660d, and the UTC, Rules 617 and 617a. There are some substantive differences so we have left the current language in under section 70.013(E).

Our current sections 75.50-75.54 address the licensing of bicycles in the city. These sections are unique to the city and not covered by the MVC or the UTC. Therefore, we have left them in under proposed sections 70.014(A)-(G).

An additional area to discuss relates to electric personal assistive mobility devices. Various sections of the MVC, found within MCL 257.656 through MCL 257.662, provide the authority of municipalities to regulate these devices by local ordinance. However, given the need to get the MVC and the UTC adopted as soon as reasonably possible, it is our suggestion that we consider this area at a later date.

CHAPTER 76 PEDESTRIANS

In comparing the current sections of Chapter 76 with the comparable sections of the MVC and the UTC, we find that with one exception, the UTC and the MVC cover all sections of the current code with language that is similar, and often identical, in its terms. The section that is not covered is 76.05, which requires that a pedestrian use the right half of the crosswalk whenever "practicable". We have not included, or reincorporated, section 76.05 into the proposed ordinance as it does not appear to be a prohibition which has ever, or will ever, be used.

City of Marshall, Michigan
Ordinance # _____

An Order to Amend City of Marshall Code,
Title VII: Traffic Code

The City of Marshall ordains:

SECTION (1) That Chapters 70, 71, 72, 73, 74, 75 and 76 of the City of Marshall Traffic Code are repealed.

SECTION (2) That Chapter 70 is adopted as follows:

Chapter 70: Vehicle and Traffic Code

§70.001 Adoption of Motor Vehicle Code and Uniform Traffic Code

- (A) Adoption of Code. The Michigan Vehicle Code being PA 300 of 1949; MCL 257.1 to 257.923 and the Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.326 and made effective November 30, 2003 (Uniform Traffic Code), and as the Michigan Vehicle Code and Uniform Traffic Code may be amended from time to time, are hereby adopted by reference as the Vehicle and Traffic Code for the City of Marshall. This adoption includes, but is not limited to, section 625(1)(c) of the Motor Vehicle Code as allowed and provided by Public Act Number 7 of 2012, as amended. Complete copies of the Motor Vehicle Code and Uniform Traffic Code are at the office of the City Clerk for inspection by the public.
- (B) References in Code. References in the Motor Vehicle Code and Uniform Traffic Code for Cities, Townships, and Villages to a "governmental unit" shall mean the City of Marshall.
- (C) Penalty. The penalties provided by the Motor Vehicle Code and Uniform Traffic Code are adopted by reference; provided, however, the City may not enforce any provision of the Motor Vehicle Code and Uniform Traffic Code for which the maximum period of

imprisonment is greater than 93 days, or the maximum fine is greater than \$500, or both, except as provided by the Home Rule City Act.

- (D) Conflict of Laws. In the event of any conflict between the Motor Vehicle Code or the Uniform Traffic Code and any supplementary ordinances, the Supplemental Ordinances shall prevail.

§70.002 Adoption of Motor Carrier Safety Act

- (A) Adoption of Code. The Motor Carrier Safety Act of 1963 (Public Act 181 of 1963, as amended; being M.C.L.A. §480.11 et seq.), as amended from time to time, and the rules promulgated thereunder, is adopted by reference as herein modified for the purposes of protecting the public. The Motor Carrier Safety Act of 1863, together with the provisions of this section, shall be known and may be cited as the Motor Carrier Safety Act of the City of Marshall. Complete copies of the Act are available at the office of the City Clerk for inspection by the public.
- (B) References in Code. References in the Motor Carrier Safety Act of 1963 to "local authorities" shall mean the City of Marshall.
- (C) Penalty. The penalties provided by the Motor Carrier Safety Act of 1963 are adopted by reference; provided, however, the city may not enforce any provision of the Motor Carrier Safety Act of 1963 for which the maximum period of imprisonment is greater than 93 days, or the maximum fine is greater than \$500, or both, except as provided by the Home Rule City Act.
- (D) Conflict of Laws. In the event of any conflict between the Motor Carrier Safety Act and any supplementary ordinances, the Supplementary Ordinances shall prevail.

§70.003 Adoption of Part 821 of the Natural Resources and Environmental Protection Act

- (A) Adoption of Code. For the purpose of regulating the

operation of snowmobiles in the City, Part 821 of PA of 1994, MCL 324.82101 et seq., as amended ("Part 821"), copies of which are available for inspection by the public in the City Clerk's Office, is adopted by reference, as though set forth herein in full.

- (B) References in Code. References in the Natural Resources and Environmental Protection Act to "local authorities" shall mean the City of Marshall.
- (C) Penalty. The penalties provided by the Natural Resources and Environmental Protection Act are adopted by reference; provided, however, the City may not enforce any provision of the Natural Resources and Environmental Protection Act for which the maximum period of imprisonment is greater than 93 days, or the maximum fine is greater than \$500, or both, except as provided by the Home Rule City Act.
- (D) Conflict of Laws. In the event of any conflict between the Natural Resources and Environmental Protection Act and any supplementary ordinances, the Supplementary Ordinances shall prevail.

§70.004 Additions to Codes

Additional ordinance sections adopted herein shall be considered supplementary to the acts or parts of acts adopted by reference

§70.005 Vehicle Size, Weight and Load

- (A) Maximum Loads. It shall be unlawful for any person to operate any vehicle, trailer or semi-trailer, or any combination thereof, or to permit the operation of any such vehicle, trailer or semi-trailer, or combination thereof, when the wheel and axle load of any such vehicle or unit of a combination of vehicles, with or without a load, exceeds the schedule of weights allowed by the laws of the state, as set forth in the Michigan Vehicle Code (M.C.L.A. §257.722, M.S.A. §9.2422).(Prior Code, §71.080(A))

- (B) Width, Height and Length. It shall be unlawful for any person to operate any vehicle, trailer or semi-trailer, or any combination thereof, or to permit the operation of any such vehicle, trailer or semi-trailer, or combination thereof, when the maximum width, height or length of such vehicle or combination thereof, or unit of a combination of vehicles, and of the load thereon or therein shall exceed the limits fixed by provisions of the Michigan Vehicle Code (M.C.L.A. §§257.717, 257.719, M.S.A. §§9.2417, 9.2419), unless a special permit is issued as provided in M.C.L.A. §257.725, M.S.A. §9.2425. (Prior Code, §71.080(B))
- (C) Applicability. This section shall be operative upon all public streets and highways within the City. (Prior Code, §71.080(C))
- (D) Stopping Vehicles. The Chief of Police or his or her agents, when engaged in the enforcement of this section, or any police officer of the City, may at any time require a vehicle to stop and submit to a weighing of the same by means of either portable or stationary scales either at the location of such stopping or at regularly designated weigh stations of the City for purposes of permitting the officer to ascertain whether the vehicle or part thereof is loaded in conformity with the provisions of the laws of the state and the provisions of this section. (Prior Code, §71.080(D))
- (E) Weigh Stations. The Chief of Police shall be authorized to establish weigh stations, which stations may be located at such places as may, from time to time, be designated by the Chief of Police and which, when and there so designated, are declared to be public weigh stations for the City. (Prior Code, §71.080(E))
- (F) Unloading Access. If it shall be determined upon such weighing that any vehicle or unit of a combination of vehicles is loaded in violation of the terms of this section, it shall be the duty of the driver thereof to forthwith remove so much of such load as will be necessary to reduce the gross weight of such

vehicle to limits permitted under this section. Any material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. If it shall be necessary to store such materials within any portion of a public street or highway, the same shall be stored for not to exceed eight hours, and shall within such period be completely removed from such location by such owner or operator. If such materials are not so removed, the same shall be removed at the expense of the City. Any charges of such removal shall be paid by the owner or operator of such vehicle or the owner of such materials; and the City shall have lien upon such materials in its possession until such charges are fully paid. (Prior Code, §71.080(F))

- (G) Temporary Permits. The City is authorized to temporarily permit the maximum limits set forth in this section to be exceeded. Such exceeding limits of weight shall be authorized only in cases of emergency or upon showing of good cause, and only when the condition of the streets or highways over which such loads are to be carried is such that the same will not be damaged thereby. (Prior Code, §71.080(G))
- (H) Exempt Vehicles. The provisions of this section shall not apply to fire apparatus or to a vehicle operated under the terms of a special permit issued as provided in this section. (Prior Code, §71.080(H))
- (I) Penalty. A person who violates this section shall be subject to the penalties as provided in the Motor Carrier Safety Act of 1963, as amended.

§70.006 Exhibition Driving

- (A) Exhibit driving is the driving of a motor vehicle in such an unusual manner or out of the usual flow of traffic, whether or not other traffic is present, so that it is likely to attract the attention of the public, whether or not there is anyone present, or it shall consist of, any two or more of the following:
 1. Rapid acceleration;
 2. Squealing, peeling or burning of the tires;

3. The swaying of the motor vehicle from side, to side commonly referred to as fish-tailing;
 4. Racing or running of the engine of a motor vehicle at such high revolutions per minute, combined with the engaging of the gears, causing excessive or unusual noise;
 5. Unnecessary and excessive changing of lanes; and/or
 6. The emission of any unreasonably loud or raucous or disturbing and unnecessary noise from the engine or exhaust system of any motor vehicle.
- (B) Any person who engages in exhibition driving on any public street is responsible for a civil infraction.

(Prior Code, §72.096)

§70.007 Clinging to Vehicles

- (A) No person shall cling to, sit, lay or stand on, hang on to or out of a motor vehicle or otherwise attach themselves or another person to the outside of a motor vehicle while it is in operation on any highway, street, alley, parking lot or other place open to the public.
- (B) A person who violates this rule is responsible for a civil infraction.

§70.008 Parking Regulations

- (A) Prohibitions. No persons shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
- (1) Within 200 feet of an accident at which police officers are in attendance;
 - (2) On any unimproved surface within a side yard of a residential lot in a residential zoning district. An unimproved surface is one which is not surfaced with concrete, asphalt, gravel or similar material.

(Prior Code, §73.01(A))

(B) Prohibitions on Specific Streets

- (1) The Traffic Engineer is hereby authorized, with the consent of the City Council by motion, to prohibit or restrict the stopping, standing or parking of vehicles on any street of the city and to erect signs giving notice thereof, where, in his or her opinion, the stopping, standing or parking of vehicles interferes with the movement of traffic thereon.
- (2) With the consent of the City Council, the Traffic Engineer may prohibit or restrict the stopping, standing or parking of vehicles and may direct the erection of signs giving notice thereof in the following places:
 - (a) On city streets and city parking lots; and/or
 - (b) On public or private property when, after consultation with the Fire Chief, he or she has designated the same as a fire lane. Fire lane signs erected on private property shall be at the expense of the owners or persons in charge of the property.

(Prior Code, §73.02)

(C) Parking Limited Between 2:00 a.m. and 6:00 a.m.

- (1) Except as provided in this section, It shall be unlawful for any person to park, allow to be parked or allow to remain parked, any motor vehicle on any paved surface of any public street of the city between the hours of 2:00 a.m. and 6:00 a.m.
- (2) The Traffic Engineer shall erect signs giving notice of the on-street parking prohibition contained in division (1).
- (3) Specific blocks of specific streets may be permitted as exceptions to the foregoing general provisions in division (1), when so designated by the Traffic Engineer with the consent of the City Council.

- (4) Parking on any public street in the City between the hours of 2:00 a.m. and 6:00 a.m. may be permitted for a period of up to three (3) days upon notification to, and approval of, the Marshall Police Department.
- 5) Parking between 2:00 a.m. and 6:00 a.m. may be permitted under the following circumstances:
 - (a) Two permits for parking on the street shall be issued if the Traffic Engineer finds that no vehicles may be legally parked on a lot of record, as defined by §156.003, and that the specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of vehicles.
 - (b) One permit for parking on the street shall be issued if the Traffic Engineer finds that no more than one vehicle may be legally parked on a lot of record, as defined by §156.003, and that the specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of additional vehicles.
 - (c) When issued, a permit for parking on the street shall be valid for a period of time not to exceed one year. Parking permits issued under this subsection shall be issued to the registered owner of a vehicle. Permits shall not be transferrable. Each permit shall be affixed to the front windshield of the vehicle in a location readily visible. There will be an annual fee in the amount established by resolution for each permit issued. All permits will expire each December 31, and must be renewed prior to such date.
 - (d) Permit holders parking on any public street between the hours of 2:00 a.m. and 6:00 a.m. shall park the permitted vehicle on that area of a public street within the lot lines of the lot of record for which the permit

has been issued and on the same side of the street as the lot of record unless on-street parking is permitted only on the opposite side of the street.

- (e) Applications for temporary permits for periods of up to 90 days may be granted for construction, medical services, or other needs, based upon a finding of the Traffic Engineer that a hardship has been sufficiently demonstrated.
- (6) Vehicles parked in violation of division (1) shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Traffic Engineer or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations.
- (7) Vehicle owners holding a permit issued pursuant to division (5) must, upon notice, immediately remove the vehicle from a public street if, in the opinion of the Traffic Engineer or his or her designee, the vehicle is interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations. Vehicles not removed as required in this section shall be subject to immediate impoundment.
- (8) The Traffic Engineer is authorized, with the consent of City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal streets.
- (9) The Traffic Engineer shall erect signs giving notice of the provisions of this section.
- (10) Specific blocks of specific streets may be permitted as exceptions to the foregoing general provisions in division (1), when so designated by the Traffic Engineer with the consent of the City Council.
- (11) Vehicles parked in violation of division (1) shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Director of Public Works or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to street cleaning or snow plowing operations.

(Prior Code, §73.19)

(D) Municipal Lot Parking

- (1) Parking in municipal parking lots is hereby prohibited between the hours of 3:00 a.m. and 6:00 a.m..
- (2) The Traffic Engineer is authorized, with the consent of the City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal parking lots.
- (3) A person who violates subsection (1) without first obtaining a permit or permission pursuant to subsection (2) is responsible for a civil infraction.

(Prior Code, §73.19.1)

(E) Parking or Standing Between Curb or Drainage Line and Sidewalk or Grassy Parkway

No motor vehicle shall be parked or be allowed to stand between the curb or drainage line and the property line, unless expressly permitted by order of the Traffic Engineer, with the consent by motion of the City Council. (Prior Code, §73.22)

(F) Parking of Trailers, House Cars and the Like

- (1) No unattached trailer or semitrailer shall be parked at any time in or upon the public streets of the city, except when it is necessary for loading or unloading.
- (2) No vehicle with a trailer, house car or mobile home attached thereto shall be parked on any public street where angle parking is allowed, nor shall it be parked for a period of more than three hours on any public street in the city.
- (3) No person shall drive upon, park or leave standing any vehicle in the front yard of a residence as defined in § 156.003 or between the curb or curb line and the lot line nearest the street, whether or not any sidewalk or curb is actually installed along the street, except that this provision shall not apply to that portion of land within the front yard and/or between the curb or curb line and the lot line nearest the street upon which there is constructed an improved parking apron or driveway as permitted and provided for in §§ 156.320 et seq. and other applicable sections of the city code of ordinances.
- (4) It shall be unlawful for any person to park or let stand any semi-truck or semitrailer or other commercial vehicle on any private or publicly owned property zoned by these ordinances

as residential, except under temporary circumstances as permitted under this chapter.

- (5) For purposes of division (2) above, a commercial vehicle is defined by reference to the Motor Vehicle Code §257.7 and §257.7a.

(Prior Code, §73.23)

(G) Parking Meters

- (1) The Traffic Engineer is hereby authorized, with the consent of the City Council by motion, to determine and designate metered parking zones, to establish maximum lawful time limits of parking within those zones, and to install and maintain as many parking meters as necessary in such zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles. The parking meters may be of whatever type is determined by the City Council.
- (2) When parking meters are erected adjacent to a space marked for parking, no person shall stop or park a vehicle in the space, or permit the same to remain thereon, unless the proper coin has been deposited in the meter and the meter shows that the allotted time has not expired, except on Sundays and legal holidays.
- (3) Where maximum lawful time limits of parking are established within metered parking zones, no person shall park a vehicle or permit the same to remain within the zone for a time period in excess of the established lawful limit between the hours of 8:00 a.m. and 6:00 p.m. daily, except on Sundays and legal holidays. Each additional expiration of the established lawful maximum time limit for a metered parking zone shall constitute a separate violation.
- (4) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.
- (5) The parking system is hereby authorized to develop and install a program of special meter hoods for tradespersons performing work near metered parking spaces, which work requires that a motor vehicle be immediately available for the performance thereof, such as the delivery and removal of tools, materials and supplies, and for special events or temporary emergency needs, provided no off-street parking is conveniently available. The system is further authorized to

require the deposit of \$3 per hood and to charge such fees for the use thereof as the City Council shall from time to time establish by resolution.

- (6) No person shall place or maintain upon any street any parking meter bearing thereon any commercial advertising.

(Prior Code, §73.24)

§70.09 Stopping, Standing, Loading, Breakdowns, Dismantled and Inoperable Vehicles

- (A) Breakdowns. In case of the breakdown of a vehicle, the driver shall immediately take all reasonable precautions to prevent accidents by warning other drivers thereof by means of flares, lights or other signals. (Prior Code, §73.25)
- (B) Establishment and Use of Curb Loading Zones. No person shall stop, stand or park a vehicle for any purpose or period of time, except for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to the passenger curb loading zone are effective, and then only for a period not to exceed five minutes. (Prior Code, §73.27 (B))
- (C) Loading and Unloading at an Angle to Curb. No person shall stop, stand or park any vehicle at right angles to the curb, for the purpose of loading or unloading merchandise unless signs permitting the same are posted at the place. (Prior Code, §73.28)
- (D) Dismantled or Inoperable Motor Vehicles.
 - (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
 - Dismantled and Partially Dismantled Motor Vehicles. Motor vehicles from which some part or parts which are ordinarily a component of the motor vehicle have been removed or are missing.
 - Inoperable and Partially Dismantled Motor Vehicles. Motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power.
 - Motor Vehicles. Any wheeled vehicles which are self-propelled or intended to be self-propelled.
 - (2) No person shall park or store any dismantled, partially dismantled, unlicensed or inoperable motor vehicle or parts thereof on any premises in the city for a period of more than

seven days continuously, and no person shall permit, any dismantled, partially dismantled or inoperable motor vehicle or parts thereof to remain on any premises in the city for a period of more than seven days continuously.

- (3) This section shall not apply to dismantled, partially dismantled or inoperable motor vehicles or parts thereof stored in a closed building or to dismantled, partially dismantled or inoperable motor vehicles or parts thereof stored on the premises of a person engaged in the used car, junk car or automobile storage business and possessing a current state license for the business.
- (4) Any person owning a dismantled, partially dismantled or inoperable motor vehicle, who is repairing or who is about to have the motor vehicle repaired, may obtain a permit from the Building Inspector to permit the motor vehicle to remain on the premises for a period of an additional ten days. A fee of \$5 for each permit issued shall be collected by the building inspector and paid into the general fund.
- (5) The presence of any dismantled, partially dismantled or inoperable motor vehicle or parts thereof outdoors on any premises in the city is hereby declared to be a public nuisance and is hereby further declared to be offensive to the public health, welfare and safety.
- (6) Vehicles parked in violation of this section shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Director of Public Works or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations.

(Prior Code, §73.31)

§70.010 Parking Violations

(A) Parking Ticket or Notice of Violation

- (1) Whenever any motor vehicle without driver is found parked or stopped in violation of any of the provisions of this chapter or any order promulgated under this chapter, or in violation of state law, the police officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a parking ticket or notice of violation. The City Manager may delegate to other persons

the power to issue and affix the tickets or notices for parking violations, but no other power normally exercised by a police officer in the exercise of his or her normal duties.

- (2) The issuance of a parking ticket or notice of violation by a police officer or other authorized person shall be deemed an allegation of a parking violation. The traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall also indicate the address of the Bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense of the person to whom the ticket was issued and advise that a civil infraction citation will be sought if the person fails to respond within the prescribed time.

(Prior Code, §73.45)

(B) Parking Violations Bureau Generally

- (1) Pursuant to § 8395 of the Revised Judicature Act, State of Michigan, as amended, being M.C.L.A. § 600.8395, the Parking Violations Bureau is hereby established for the purpose of handling alleged parking violations within the city and to collect and retain civil fines and costs prescribed in this chapter.
- (2) The Parking Violations Bureau shall be under the supervision and control of the City Manager.
- (3) The City Manager shall, subject to the approval of the City Council, establish a convenient location for the Parking Violations Bureau, and the City Manager shall appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.
- (4) No violation not scheduled in subsection (C) below shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau, and in any case, the person in charge of the Bureau may refuse to dispose of the violation, in which case, any person having knowledge of the facts may, make a sworn complaint before any court having jurisdiction of the offense as provided by law.
- (5) No violation may be settled at the Parking Violations Bureau, except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person

who denies having committed the offense, and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau, and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof, if he or she so desires. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection accorded to him or her by law.

- (6) The City Council may, by resolution, authorize other persons to enforce the provisions of this section, including the issuance of civil infraction citations.

(Prior Code, §73.47)

(C) Schedule of Fines Payable to Parking Violations Bureau

The schedule of fines payable to the City of Marshall Parking Violations Bureau shall be as follows:

Violation	<i>Fine</i>		
	Paid in Seven Days or Less	Paid After Seven Days	Paid After 30 Days
Loading Zone	\$5	\$7	\$20
15 feet of fire hydrant	\$10	\$12	\$20
Parked in alley	\$5	\$7	\$20
Over one foot from curb	\$5	\$7	\$20
General sign violations			
Parking against traffic	\$10	\$12	\$20
No parking here to corner	\$10	\$12	\$20
No parking anytime	\$10	\$12	\$20
No parking between drives	\$10	\$12	\$20
No parking 2:00 a.m. to 6:00 a.m.	\$10	\$12	\$20
No stopping or standing	\$10	\$12	\$20
No parking between signs	\$10	\$12	\$20
Bus stop	\$10	\$12	\$20
Taxi zone	\$10	\$12	\$20

Double park	\$10	\$12	\$20
Parked on sidewalk	\$10	\$12	\$20
Parked on crosswalk	\$10	\$12	\$20
Blocking drive	\$10	\$12	\$20
Obstructing traffic	\$10	\$12	\$20
Not parked within space	\$5	\$7	\$20
Angle parking violation	\$5	\$7	\$20
Parking within intersections	\$10	\$12	\$20
Blocking emergency exit	\$10	\$12	\$20
Blocking fire escape	\$10	\$12	\$20
Taking two spaces	\$10	\$12	\$20
Beside street excavation when traffic obstructed	\$10	\$12	\$20
Within 25 feet of corner lot lines	\$10	\$12	\$20
Within 50 feet of railroad crossing	\$10	\$12	\$20
Within 20 feet of fire station entrance	\$10	\$12	\$20
Within 75 feet of fire station entrance on opposite side of the street	\$10	\$12	\$20
Within 20 of a crosswalk	\$10	\$12	\$20
Within 15 feet of an intersection	\$10	\$12	\$20
Alternate side of street parking	\$10	\$12	\$20
City vehicle only	\$10	\$12	\$20
No parking, except Sunday	\$10	\$12	\$20
Front yard parking	\$10	\$12	\$20
Other, as described	\$10	\$12	\$20
Handicapped vehicle only	\$50	\$52	\$100
Hotel and center vehicles only	\$10	\$12	\$20
Overnight parking without a valid permit	\$25	\$30	\$50

Expired meter (paid in 48 hours or less)	\$ 1
Expired meter (paid after 48 hours to 17 days)	\$ 5
Expired meter (paid after 17 days up to and until 30 days)	\$10
Expired meter (paid after 30 days)	\$20

(Prior Code, §73.48)

§70.011 Parking or Storage of Motor Vehicles in Required Front Yard in Residential District

- (A) For the purposes of protecting the public health, safety and general welfare, for the enhancement of the visual environment of the city and for the purpose of preserving residential neighborhoods, the parking, storage or leaving unattended of any motor vehicle in any required front yard in any residential district in the city is hereby declared to be a public nuisance and is hereby prohibited.
- (B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Front Yard. The area measured by the full width of the front lot line to a depth measured from such front lot line to the first supporting member of a structure. In the case of corner lots, the *front yard* shall be the area measured by the lot lines on each street to a depth measured from the lot lines to the first supporting member of the structure.

- (C) Nothing in this section shall prohibit the parking of motor vehicle upon driveways. A driveway, for this purpose, shall be surfaced with concrete, asphalt, gravel or similar material and shall lead, from an authorized curb cut to a garage, carport or required parking space.
- (D) A surfaced turnabout area, a circular driveway from an authorized curb cut to another authorized curb cut and auxiliary parking spaces above those required by ordinance shall be permitted under the following conditions.
 - (a) The areas and driveway shall not occupy in excess of 50% of the area of the front yard.
 - (b) The areas shall be surfaced with concrete, asphalt, brick or four-inch solid concrete blocks. Where the brick or solid concrete block surface is to be used, the sod and topsoil shall be removed and a sand subbase shall be provided.

(Prior Code, §73.49)

§70.012 Snowmobiles

- (A) Registration. No snowmobile shall be operated within the City unless it is currently registered as required by State law. (Prior Code, §74.01)
- (B) Operation on City-Owned Property. No person shall operate a snowmobile in any City park or golf course or on any other City-owned property, except that the City in its discretion, may allow the operation for special events, when the permission is requested by a reputable organization or individual. (Prior Code, §74.04)
- (C) Operation on Streets or Highways. No person shall operate a snowmobile upon the traveled portion of any public roadway, except as follows:
 - (1) Owners of properly registered snowmobiles may cross public streets or highways, with the exception of limited access highways and freeways; and
 - (2) Snowmobiles may be operated on a street or highway during a period of emergency, when the emergency has been declared by the City.

(Prior Code, §74.05)

§70.013 Bicycles

- (A) The hands of the operator of a bicycle shall be on the handle bars at all times, except when he or she is in the act of signaling. (Prior Code, §75.30)
- (B) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Prior Code, §75.31)
- (C) Riding on Sidewalks or Certain Streets Generally.
 - (1) No person shall ride any bicycle upon any sidewalk, part of sidewalk or street where signs have been erected prohibiting bicycle riding. Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.
 - (2) No person shall ride a bicycle, unicycle, tricycle, skateboard, roller blades, roller skates or similar device upon any sidewalk adjacent to Michigan Avenue between Grand Street and Exchange Street at any time, nor on any sidewalk in any city park adjacent to Michigan Avenue including, but not limited to Carver and Brooks Memorial Parks, at any time, nor shall any person under the age of 12 years of age ride a bicycle in the street on Michigan Avenue between Grand Street and Exchange Street; provided, however, that, the person may ride across Michigan Avenue where it intersects with Grand, Eagle, Jefferson, Madison, Hamilton, High or Exchange Streets; nor shall any person ride a skateboard or other similar device on city-owned parking Lot No. 2 (also called Myers' Lot) or city-owned parking Lot No. 10 (also called Schuler's Lot) or city-owned alleyways, at any time; nor shall any person, except on Sundays and legal holidays, ride a skateboard or similar device on any other city-owned parking lot between 8:00 a.m. and 6:00 p.m. daily, except Fridays, which activity is prohibited between 8:00 a.m. and 9:00 p.m.

(Prior Code, §75.35)

- (D) When signs are erected on any sidewalk or street which prohibit the riding of bicycles thereon by any person, no person shall disobey the signs. (Prior Code, §75.36)
- (E) No person shall stand or park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic. (Prior Code, §75.37)

§70.014 License Required

- (A) No person shall ride a bicycle on any street in the city unless the bicycle has been licensed and a license plate attached to the bicycle as provided in this section. (Prior Code, §75.50)
- (B) Application for a bicycle license shall be made to the Chief of Police. (Prior Code, §75.51)
- (C) A license fee under this chapter shall be as presently established or as hereafter adopted by resolution. (Prior Code, §75.52)
- (D) The Chief of Police shall issue the license and the license plate, both bearing the same number. The plate shall be kept attached to the bicycle at all times. (Prior Code, §75.53)
- (E) The license under this chapter is valid for the life of the bicycle. (Prior Code, §75.54)
- (F) Any sale or transfer of a licensed bicycle shall be reported to the Chief of Police and the license transferred to the new owner. There is no fee for the transfer. (Prior Code, §75.55)
- (G) The Chief of Police shall keep a record of all licenses and transfers of licenses under this chapter. (Prior Code, §75.56)

SECTION (3) This Ordinance (or a summary thereof as permitted by MCL 125.2401) shall be published in the *Marshall Ad-Visor*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

SECTION (4) This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2013.

James L. Dyer, Mayor

Trisha Nelson, Clerk-Treasurer

I, Trisha Nelson, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on _____, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.



**ADMINISTRATIVE REPORT
MAY 20, 2013 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Set public hearing for June 17, 2013 to Disseminate Information on Rental Rehabilitation Grant as required by MSHDA

BACKGROUND: Pertaining to the Rental Rehabilitation Grant being sought for Mr. Stuart's property at 121 ½ W. Michigan Avenue, MSHDA requires that the City legislative body hold a public hearing on proposed activities. During the public hearing, staff will describe the proposed activities, how the grant will be funded, the date the application will be submitted and the requested amount of federal funds. Also according to MSHDA requirements, staff will discuss how the proposed activity will benefit people with low and moderate income renting at 121 ½ W. Michigan Avenue, and the general nature of the activities associated with this grant.

RECOMMENDATION: Staff recommends that City Council set a public hearing for June 17, 2013 to hear public comment and staff discussion on the Rental Rehabilitation grant as required by MSHDA.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Huestis
Director of Community Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



ADMINISTRATIVE REPORT
MAY 20, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager

SUBJECT: Request to apply for Rental Rehabilitation grant through Michigan State Housing Development Authority

BACKGROUND: The City of Marshall was approached by local business owner, Mark Stuart, over a year ago regarding his desire to remodel and rehabilitate the upper floors of his building at 121 ½ W. Michigan Avenue. During that time, Mr. Stuart, City of Marshall staff, and our third party administrator, Bruce Johnston has been working with the Michigan State Housing Development Authority (MSHDA) personnel to acquire a Rental Rehabilitation grant for his property.

Mr. Stuart has proposed two units be completely rehabilitated in his building to become affordable housing apartments within the downtown district. If approved, this MSHDA grant would supply up to \$35,000 of matching funds to Mr. Stuart's own funds per apartment. The City, with the help of Bruce Johnston (Revitalize, LLC), will apply for and administer this grant for use at this address.

Both the second and third floor apartments will be one bedroom and approximately 800+ square feet. Mr. Stuart has planned to acquire façade funds through the DDA to help with the exterior of the property and has hired a local contractor to refinish the windows in these apartments. The project will be coordinated with the State Historic Preservation Office (SHPO) to insure that all improvements meet historic guidelines.

Several communities in Michigan have used these funds to rejuvenate vacant spaces in their downtowns including Mason, Ionia, and Flint. If approved, Mr. Stuart plans to have these apartments ready to rent by the New Year. He is willing to hold an open house upon completion to highlight the benefits of this grant program to other downtown owners.

RECOMMENDATION: It is recommended that City Council approve the request for staff to apply for the Rental Rehabilitation Grant through MSHDA.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Huestis
Director of Community Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

City of Marshall
RESOLUTION # 2013-
Approval of Submittal of MSHDA Grant Application

WHEREAS, affordable housing has been a goal of the City of Marshall, and is listed in the Main Street and Plan and the Downtown Development Authority Plan, and;

WHEREAS, the City of Marshall Main Street Program, states that safe and affordable rental housing is a definite need in the City, and;

WHEREAS, the second, third, and fourth floors of the buildings located in the downtown are currently being under utilized, as it has been and continues to be very cost prohibitive to rehab these structures, and;

WHEREAS, if approved, a grant from the Michigan State Housing Development Authority would help to meet the housing needs in the City, while offering assistance to downtown property owners, and;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall supports the proposed Rental Rehabilitation Program for the downtown, and;

BE IT FURTHER RESOLVED that the City Council of the City of Marshall hereby approves the submission of the grant application to the Michigan State Housing Development Authority.

Ayes _____

Nays _____

Dated _____

Trisha Nelson, City Clerk

I, Trisha Nelson, hereby certify that the above Resolution No. 2013- was adopted by the Marshall City Council at a Regular Meeting of the Council held on May 20, 2013

Trisha Nelson, City Clerk

CALL TO ORDER

IN REGULAR SESSION Monday, May 6, 2013 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Dyer, Mankerian, Metzger, Miller, Reed, Revore, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige of Cross Roads Church & Ministries gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Reed, to approve the agenda with the addition of item 16– Closed Session to discuss pending litigation. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Martin Overhiser spoke regarding the prior referendum in the City and the sufficiency of the petitions turned in.

John Merucci expressed his disappointment with the unanimous vote of the Council on the HCOD.

Shane Stadtmiller encouraged the Council to move forward and allow the people to vote on the issue.

Phil Nager inquired regarding the number of Emergency Room visits to help with determining the number of parking spaces needed by the hospital.

Bob Mees addressed the Council's decision on the HCOD.

CONSENT AGENDA

Moved Miller, supported Williams, to approve the Consent Agenda:

- A. Schedule a public hearing for May 20, 2013 to hear public comment on the proposed FY 2014 General Fund, Special Revenue Funds,

- Enterprise Funds, and Internal Service Funds budgets;
- B. Accept the low bid in the amount of \$48,426.63 from Quality Asphalt Paving Inc. of Homer for the 2013 Local Road Rehabilitation project;
 - C. Approve minutes of the City Council Work Session held on Saturday, April 13, 2013 and Regular Session held on Monday, April 15, 2013;
 - D. Approve city bills in the amount of \$ 518,943.50.

On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Revore, Williams, and Mayor Dyer; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

An event report was provided for the Experimental Aircraft Association (EAA).

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Hospital Campus Overlay District (HCO) Referendum Petition:

No action taken.

B. Michigan Main Street Program Community Requirements and Expectations Agreement:

Moved Williams, supported Metzger, to authorize the Clerk to sign the agreement with Michigan Main Street. On a roll call vote – ayes: Metzger, Miller, Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

C. Resolution Supporting PA 152 of 2011 Hard Cap:

Moved Metzger, supported Williams, to approve the resolution supporting the decision to keep the current benefit and contribution levels which comply with the Hard Cap set in PA 152 of 2011. On a roll call vote – ayes: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

D. City Manager Evaluation:

Moved Miller, supported Reed, to accept the evaluation of the City Manager and place in his personnel file. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

Moved Williams, supported Mankerian, to appoint Paul Beardslee, John Sullivan, and John Brundage and City Attorney's; Judy Nelson as City Assessor; Trisha Nelson as City Clerk; and Michelle Leibold as City Treasurer. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Ryan Mead requested approval for a plaque to be placed on bench at the fountain as a memorial for his sister.

Bob Mees inquired of the Council where the money for any litigation would come from.

Brian Munger expressed his objection to the formation of the Hospital & Neighborhood Committee.

COUNCIL AND MANAGER COMMUNICATIONS

CLOSED SESSION

Moved Mankerian, supported Reed, to enter into closed session under section 8 (e) of the Michigan Open Meetings Act to discuss pending litigation. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, Metzger, Miller, and Reed; nays: none. **MOTION CARRIED.**

Enter into closed session at 8:03 p.m.

Return to open session at 8:41 p.m.

Council discussed placement of memorial plaques in the City.

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 05/23/2013 - 05/23/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
10000330	ALEXANDER CHEMICAL CO	DEPOSIT REFUND	(1,000.00)
130410587	AMBS CALL CENTER	ANSWERING SERVICE	175.08
1020506	ARGUS-HAZCO	GD34-073-B-34A	249.52
31785	ARROW ENERGY	100LL FUEL	31,698.17
11-948266	ARROW UNIFORM	CUST #010198-05	20.00
11-948264	ARROW UNIFORM	CUST #010198-04	62.30
11-948259	ARROW UNIFORM	CUST #010198-01	26.37
11-940631	ARROW UNIFORM	CUST #010198-02	54.56
11-948265	ARROW UNIFORM	CUST #010198-03	135.58
11-948263	ARROW UNIFORM	CUST #010198-02	54.56
11-940634	ARROW UNIFORM	CUST #010198-05	20.00
11-940632	ARROW UNIFORM	CUST #010198-04	62.30
11-940633	ARROW UNIFORM	CUST #010198-03	135.58
11-940627	ARROW UNIFORM	CUST #010198-01	26.37
388-103994-01	AUSTIN-BATTERIES PLUS	175 W MH LAMP	791.64
388-153875	AUSTIN-BATTERIES PLUS	FLUORESCENT LAMPS	114.50
388-153822	AUSTIN-BATTERIES PLUS	BULB RECYCLING	55.05
388-153118	AUSTIN-BATTERIES PLUS	BACK-UPS ES 550	129.90
388-103992-01	AUSTIN-BATTERIES PLUS	BACK-UPS ES 550	64.95
225-322839	AUTO VALUE MARSHALL	GREASE, ELEKTROCUT CLOTH	125.90
225-323329	AUTO VALUE MARSHALL	HUB ASSY, U-JNT, STEERING STABILIZER	507.84
225-323512	AUTO VALUE MARSHALL	U-JOINT	13.39
225-323865	AUTO VALUE MARSHALL	OIL FOR BOAT	13.96
225-323563	AUTO VALUE MARSHALL	EXP PLUGS 5	3.43
91089	B S & A SOFTWARE	ASSESSING SYSTEM ANNUAL SERVICE FEE	1,150.00
90482	B S & A SOFTWARE	TAX SYSTEM ANNUAL SERVICE FEE	1,015.00
89736	B S & A SOFTWARE	DEL PERS PROP SYS SERVICE FEE	325.00
517	BACK ALLEY CYCLE SHOP	SUPPLIES	207.90
050213	BAKER TOOL RENTAL & S	MINI BOTHBUCK	625.00
494173	BANDIT INDUSTRIES INC	AUTO CLUTCH	798.54
040513	BONNIE'S TAILORING	SHIRT CHG PATCHES	4.00
65571	BOSHEARS FORD SALES I	2011 FORD CROWN VIC	659.33
65466	BOSHEARS FORD SALES I	2011 FORD CROWN VIC	381.11
56092	C2AE	MARSHALL FIRE STATION, PROJECT 12-0108	5,599.10
171652	CITY OF ALBION	WOW! INTERNET	127.49
26317	CLASSIC DRY CLEANING&	LAUNDRY, DRY CLEANING	305.20
85234	COMPLETE ELECTRIC	COOLING TOWER #6	1,446.81
IN26944	CORNERSTONE OFFICE SY	COPIER	256.14
8311	COURTNEY & ASSOCIATES	APRIL RETAINER	250.00
82375	CRT, INC	CABLE CAT5 YELLOW	14.00
043013	CRYSTAL FLASH ENERGY	CREDIT ISSUED FUEL/REGULATORY CHG	(8.44)
1155180-0413	CULLIGAN	ACCT #1155180	29.00
114172	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES	69.54
114173	D & D MAINTENANCE SUP	LINERS	315.00
64615	DADOW POWER EQUIPMENT	BLADES	323.76
64634	DADOW POWER EQUIPMENT	BLADES	128.34
427726	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS	7.49
427827	DARLING ACE HARDWARE	POOL CHLOR TABS	64.99
427693	DARLING ACE HARDWARE	PRUNING SEALER	7.49
428029	DARLING ACE HARDWARE	FOUNTAIN CHEMICALS	34.97
427166	DARLING ACE HARDWARE	C+K EXT PPL SG MDTN GL	35.99
427044	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS	1.32
427280	DARLING ACE HARDWARE	CLOROX CLEANUP, KEYS	11.96
427429	DARLING ACE HARDWARE	SCREWDRIVERS, STRIPPER SIDE ACTION WRE	60.93
427430	DARLING ACE HARDWARE	STRIPPER SIDE ACTION WRE RPLC	(5.00)
427417	DARLING ACE HARDWARE	STIHL REPAIR	126.96
427418	DARLING ACE HARDWARE	TOOLS	55.46
427326	DARLING ACE HARDWARE	PLANTER	2.50
427398	DARLING ACE HARDWARE	PLUMBING REPAIR	21.98
426997	DARLING ACE HARDWARE	LEVER SIDE FLUSH CHROME	9.49
426801	DARLING ACE HARDWARE	ROPE	34.93
21107	DIAMOND MANUFACTURING	CABINET LOCK	71.25
MIMA145305	FASTENAL COMPANY	RUBBER BANDS	352.73
MIMA145556	FASTENAL COMPANY	STAINLESS HARDWARE	1.97
MIMA145494	FASTENAL COMPANY	COVERALL, CABLE TIES	5.92
13-2563	FIRST DUE FIRE SUPPLY	HP-BFL-X BEN LOW RIDER, FF SHIELD	346.98
100-051013	GET ER DONE CONSTRUCT	LABOR TO RPR WATER LEAKS IN MAINT HANGA	500.00
105648648	GLOBAL EQUIPMENT COMP	PICNIC TABLES	3,330.11
1383	GOODWIN'S PLUMBING, L	STUART'S LANDING REPAIRS	257.68
67703	HERMANS MARSHALL HARD	SEMI GLOSS, OIL DRI	84.77
67564	HERMANS MARSHALL HARD	WASHERS	1.79
67521	HERMANS MARSHALL HARD	COVERS	1.99
67983	HERMANS MARSHALL HARD	FORK	31.49
67627	HERMANS MARSHALL HARD	HALOGEN BULB	6.79
67624	HERMANS MARSHALL HARD	TAPE MEASURES	24.99
67628	HERMANS MARSHALL HARD	SCREWDRIVERS	11.98
67656	HERMANS MARSHALL HARD	HOSE	1.80

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EXP CHECK RUN DATES 05/23/2013 - 05/23/2013

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
67633	HERMANS MARSHALL HARD	WASTE BAGS	19.58
67673	HERMANS MARSHALL HARD	CLARIFIER REPAIR SUPPLIES	24.77
1251	HIDDEN SAVANNA NURSER	PLANTS FOR BROOKS NATURE AREA	197.60
2084	HOEKSTRA ROOFING COMP	PSB ROOF REPAIRS	5,881.00
267894181	IDEXX DISTRIBUTION CO	WATER TESTING SUPPLIES	178.63
042913	ISAAC & SONS	APT 221	70.00
285223	ITRON INC	HARDWARE & SOFTWARE MAINT AGREEMENT	562.48
82541	J & K PLUMBING SUPPLY	BREWER ST LS REPAIR	5.70
82507	J & K PLUMBING SUPPLY	HOSE ADPT SWIV	3.30
82539	J & K PLUMBING SUPPLY	BREWER ST LS REPAIR SUPPLIES	50.29
A63832	JACK DOHENY SUPPLIES	CHAIN SAW	1,279.74
050113	JIMMY'S JOHNS	BROOK'S NATURE WALK SERVICE	90.00
94	JOHN D BRUNDAGE &	MARCH CHARGES	3,170.00
4637	JS BUXTON	BULK LIME BLANKET PO FOR FY2013	1,098.32
161343	K & H CONCRETE CUTTIN	12 X 12 SQUARE	175.00
5157	KELLOGG'S REPAIR GARA	GRASSHOPPER PARTS	14.95
5145	KELLOGG'S REPAIR GARA	GRASSHOPPER PARTS	528.80
S101560600.002	KENDALL ELECTRIC INCO	CAPITAL OUTLAY - VFD BOX	55.57
S101560600.003	KENDALL ELECTRIC INCO	RETURN RELAYS	(75.36)
S101560600.001	KENDALL ELECTRIC INCO	LINE REACTOR, RELAYS	208.35
693668D	KIESLER'S POLICE SUPP	AMMUNITION	185.44
478427	KUSTOM SIGNALS INCORP	SERVICE CALL	154.92
479331	KUSTOM SIGNALS INCORP	SERVICE CALL	159.68
477563	KUSTOM SIGNALS INCORP	SERVICE CALL	178.84
25809	LAKELAND ASPHALT CORP	COLD PATCH	185.50
25843	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	789.67
9301617782	LAWSON PRODUCTS	HEAT SEAL BUTT, SOLDER SEAL	134.99
1026412	LEGG LUMBER	SPF, STAKES	14.06
1026404	LEGG LUMBER	WOOD STAKES, EXT SCR STAR DR	15.98
1026407	LEGG LUMBER	SPF	40.56
1026385	LEGG LUMBER	WOOD STAKES	8.99
1026384	LEGG LUMBER	#2 & BTR, SPF	134.52
1026291	LEGG LUMBER	PLYWOOD, SCREWS	20.15
1026137	LEGG LUMBER	GRAVEL MIX	8.58
1026277	LEGG LUMBER	PLYWOOD	44.99
8341	LEWEY'S SHOE REPAIR	ED MILLER - BOOT ALLOWANCE	145.00
291643	MARSHALL FEED & GRAIN	12-12-12	69.00
050113	MARSHALL PUBLIC SCHOO	WINTER GYM USE	3,349.78
7249	MARSHALL TIRE CITY	TURFMASTER LRB TBL5	197.14
6955	MARSHALL TIRE CITY	CAR TURF PRO, RINGUARD, LABOR	1,016.01
88877	MICHIGAN METER TECHNO	2" TURBINE METER W/SPACER	829.00
15007	MILES PETROLEUM INC	90 OCT FUEL	14,284.20
1205021	MILLER CANFIELD PADDO	SERVICES THROUGH 04/30/13	962.50
1204413	MILLER CANFIELD PADDO	HCOD ORD CHG THRU 04/30/13	2,257.50
17184573	MSC INDUSTRIAL SUPPLY	GREEN MARKING PAINT	167.76
15723813	MSC INDUSTRIAL SUPPLY	DO NOT ENTER SIGNS	19.86
C14026533	MSC INDUSTRIAL SUPPLY	BLUE MARKING PAINT	251.64
INV65191	MUNICIPAL SUPPLY CO.	VALUE BOX TOP SECTIONS	861.50
5791781X	NATIONAL FIRE PROTECT	NATIONAL FIRE CODES SUBSCRIPTION	1,165.50
320489	NORTH CENTRAL LABORAT	LABORATORY SUPPLIES BLANKET FOR FY2013	743.82
417615	NYE UNIFORM COMPANY	BOOTS	146.12
417616	NYE UNIFORM COMPANY	ASP SIDEBREAK SCABBARD	59.93
2554	OERTHERS	SOIL MOISTURE	21.18
113128235	PHYSIO CONTROL	ELECTRODE ASSY	59.20
114003426	PHYSIO CONTROL	ELECTASSY-AED INFANT/CHILD	117.00
5729454	POWER LINE SUPPLY	RUBBER GLOVES	47.00
5730448	POWER LINE SUPPLY	CONCH	1,280.00
5730447	POWER LINE SUPPLY	5/8" X 12" M BOLT	109.67
5730626	POWER LINE SUPPLY	RATCHET WRENCH	96.26
5730446	POWER LINE SUPPLY	5/8" X 14" M BOLT	62.10
5730445	POWER LINE SUPPLY	#6 CU TIE WIRE	235.08
5723401	POWER LINE SUPPLY	GRAY SPOOL	11.55
5723398	POWER LINE SUPPLY	146 LED / 400 COBRA HEAD	4.00
5723400	POWER LINE SUPPLY	POLE TOP PIN	80.80
5729295	POWER LINE SUPPLY	GLOVE RETURN	(530.00)
5728644	POWER LINE SUPPLY	METER READER INTERFACE CABLE	277.79
5728642	POWER LINE SUPPLY	METER SOCKET	182.69
376985	PURITY CYLINDER GASES	OXY-ACETYLENE GASES	49.19
381	QUALITY LAWN CARE	GRASS CUTTING AT AIRPORT	430.00
11820	RADIO SHACK	CAMERAS FOR TRUCKS	199.98
050113	ROBERT W. BAIRD & CO.	2013 MI TRNSPRTN FUND BONDS	16,400.00
7151774966	SCHINDLER ELEVATOR CO	SERVICE CALL AT PSB	597.35
21063-0513	SPARTAN STORES	APRIL CHARGES	140.98
26697	STANDARD PRINTING & O	TOWN CRIER	324.97
26632	STANDARD PRINTING & O	DELIVERY FEE	7.00
26623	STANDARD PRINTING & O	BUSINESS CARDS	51.36
175623	STANLEY LAWN & GARDEN	.095 X 1410 FT	107.98

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
681246	STANTEC CONSULTING MI	MANSION ST. WATER MAIN CONST. ENGINEERI	1,035.75
681244	STANTEC CONSULTING MI	2012 WATER MAIN IMPROVEMENTS	15,589.58
551-394030	STATE OF MICHIGAN	LIVE SCAN -- THOMAS, HEATHER ANN	46.50
043013	THE FLOWER HAUS	CUENDET	53.50
042913	WEBERLING SERVICE LLC	APRIL CHARGES	171.85
			132,468.63



MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD • LITCHFIELD, MICHIGAN 49252
 PHONE (517) 542-2346 • FAX (517) 542-3049
 www.msopa.net

ORIGINAL INVOICE

MARSHALL CITY ELECTRIC DEPARTMENT
 323 WEST MICHIGAN AVENUE
 MARSHALL, MICHIGAN 49068
 Attn: Mr. Tom Tarkiewicz

Invoice Date: 15-May-13
 Due Date: 31-May-13
 Service From: 01-Apr-13
 To: 30-Apr-13

Peak Demand 15,738 kw
 Total Energy Received 8,559,300 kWh
 Hydro Generation 140,921 kWh
 Net Billing kWh's 8,418,379 kWh

Debt Service
 Costs
 and Capacity
 Credits

Area	Entitlement %	Operating and Maintenance Costs	Debt Service Costs and Capacity Credits	Total
PROJECT 1-ENDICOTT	24.0%	285,217.80	-	285,217.80
PROJECT 2	18.0%	-	-	-
PROJECT 3	20.2%	-	-	-
PRAIRIE STATE	16.7%	41,838.61	28,126.11	69,964.72
MENOMINEE HYDRO	24.0%	7.53	-	7.53
AFEC	15.6%	109,540.37	31,486.99	141,027.36
AMP CONTRACTS	11.5%	124,994.24	-	124,994.24
CVEC	0.0%	-	-	-
MISO PURCHASES	12.1%	115,806.85	-	115,806.85
MISO SALES	10.6%	(52,071.03)	-	(52,071.03)
TRANSMISSION	27.5%	(53,884.07)	-	(53,884.07)
MISO	16.6%	4,472.95	-	4,472.95
SUBSTATION	34.4%	998.25	-	998.25
ADMINISTRATION	16.6%	27,388.59	-	27,388.59
MEMBER	15.6%	2,642.50	-	2,642.50
MEMBER HYDRO	0.0%	-	-	-
CAPACITY	15.6%	-	-	-
RATE STABILIZATION		-	-	-
TOTAL COST				
	\$	606,952.59	59,613.10	666,565.69
	\$/kWh	0.07210	0.00708	0.07918
CREDITS				
	\$	(5,307.45)	-	(5,307.45)
	\$/kWh	(0.00063)	0.00000	(0.00063)
NET COST				
	\$	601,645.14	59,613.10	661,258.24
	\$/kWh	0.07147	0.00708	0.07855

Subtotal	\$	661,258.24
Prior Month Credit		(619.93)
Pay this amount	\$	660,638.31

Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid.

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 05/03/2013 - 05/03/2013

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OFFICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
30-027500-24	AUSTIN POE	REFUND UTILITY DEPOSIT	9.15
MAY 2013	BATTLE CREEK UNLIMITE	MAY SERVICES	2,083.33
042213	BEARDSLEE LAW OFFICES	SERVICES THRU 04/22/13	2,058.75
043013	BLUE CROSS BLUE SHIEL	INSURANCE--HINDENACH, BUSH	1,365.45
MAY 2013	CALHOUN COUNTY EQUALI	MAY SERVICES	2,122.00
042513	CARL COMMUNICATIONS	PLACED CAT5 WIRE, RPLCD ETHERNET CORD	141.00
37849528	CITGO	FLEET #132271610	12,073.35
601633	COMMERCIAL OFFICE PRO	TONER	329.97
602393	COMMERCIAL OFFICE PRO	OFFICE SUPPLIES	187.72
601385	COMMERCIAL OFFICE PRO	WALL PLANNER	23.56
201269489367	CONSUMERS ENERGY	1000 0033 5602	3,506.01
050213	COULTER, JOHN	MISC REIMBURSEMENTS	1,071.46
041613	COULTER, JOHN	TRAVEL EXPENSE REIMBURSEMENT	644.99
31-081000-01	DANKENBRING, TUNISHIA	REFUND UTILITY DEPOSIT	41.92
426010	DARLING ACE HARDWARE	SUPPLIES	131.96
426284	DARLING ACE HARDWARE	SUPPLIES	31.99
426426	DARLING ACE HARDWARE	KEYS	9.95
29-014200-12	DEBOW, AMBER	REFUND UTILITY DEPOSIT	87.74
043013	DELTA DENTAL PLAN OF	M. HINDENACH, E. BUSH	134.28
2979	GLGC PLUMBING COMPANY	RPLCD STOPS & INSTALLED NEW PIPE	239.60
82084	J & K PLUMBING SUPPLY	SUPPLIES	126.61
042613	JAMES SCHWARTZ	MACP CONFERENCE	245.00
5-026800-08	JULIANA GILGER	REFUND UTILITY DEPOSIT	87.60
8152	KITCHEN SHOP OUTLET	COUNTRY WOOD CIDER	145.00
042613	LAKE MICHIGAN MAILERS	POSTAGE FOR ACCT #M323	500.00
30-059400-22	MCCORMICK, JAMES	REFUND UTILITY DEPOSIT	48.94
042513	MCDONALDS	ENERGY OPTIMIZATION - PKNG LOT LIGHTING	1,320.00
042913	MIKE HINDENACH	REIMBURSE FOR 80% OF INSURANCE EXPENSES	1,599.31
340048	NAPA OF MARSHALL	REMAN AIR DRYER, CORE DEP, FREIGHT	443.99
340488	NAPA OF MARSHALL	AIR DRYER	(426.30)
345366	NAPA OF MARSHALL	BATTERY	178.35
24781	R & M LOCK SHOP	KEYS, CYLS REPINNED	132.00
042813	ROBERT MCCAIN	EXPENSE REIMBURSEMENT	358.98
13	SMALL BUSINESS ASSOC	LIFE & DI	305.42
043832-084	SPRINT	ACCT #224843832	393.70
26456	STANDARD PRINTING & O	KEY FOR STEELCASE CABINET	11.75
38-6004708-0413	STATE OF MICHIGAN	FIN #38-6004708, SLS TAX, APR 2013	25,607.91
042213	STATE OF MICHIGAN	FILING FEE	336.00
30-051800-16	STAUFFER, CHARLES	REFUND UTILITY DEPOSIT	66.56
			57,775.00

87.60 +
 239.60 +
 1,599.31 +
 126.51 +
 145.00 +
 500.00 +
 358.98 +
 48.94 +
 1,320.00 +
 443.99 +
 426.30 -
 178.35 +
 9.15 +
 132.00 +
 245.00 +
 305.42 +
 393.70 +
 11.75 +
 336.00 +
 25,607.91 +
 66.56 +
 57,775.00 *

EXP CHECK RUN DATES 05/10/2013 - 05/10/2013
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
6100458-000-0513	AD-VISOR & CHRONICLE	APRIL ADS	1,864.18
73807	ALL-TRONICS INC	MAEDA SERVICE CALL	652.00
29-010700-08	ANDERSON, AMANDA	REFUND UTILITY DEPOSIT	30.23
050713	BARTELL, AARON	ELECTION INSPECTOR	120.00
050213	BEDROCK EXCAVATING &	BEACH SAND FOR VOLLEYBALL COURTS	600.00
050713	BEGG, CHERYL	ELECTION INSPECTOR	120.00
29-001700-22	BENNETT, HOPE	REFUND UTILITY DEPOSIT	31.07
27-054400-01	BOLTON, JAMES & LOUET	REFUND UTILITY OVERPAYMENT	66.13
31-011600-23	BRIAN CHARBONNEAU	REFUND UTILITY OVERPAYMENT	32.20
050713	COLE, ASHLEY	SOFTBALL FEE REFUND	56.00
602718	COMMERCIAL OFFICE PRO	CRDGS, PAPER, RECPT BOOK, PENCILS	222.46
603064	COMMERCIAL OFFICE PRO	CURRENCY STRAPS, RBN, INK RLLR, PNCL SH	108.03
27-014200-01	CONLEY, JAMES	REFUND UTILITY OVERPAYMENT	85.32
22-030600-05	CRUSCIEL, CONNIE	REFUND UTILITY DEPOSIT	17.34
6-018400-16	DAN DEGOOD	REFUND UTILITY OVERPAYMENT	45.86
050713	DAVIS, JON E	FURNACE, A/C & THERMOSTAT	315.00
050713	DAY, SUSAN	ELECTION INSPECTOR	155.00
050213	DEAN TRAILWAYS OF MIC	DEPOSIT FOR TIGERS TRIP IN SEPT	100.00
050513	FISHER, CHARLIE	BOOT ALLOWANCE	200.00
050713	FISHER, CHARLIE	SCHOOL LUNCH	13.52
1036438	GRIFFIN PEST SOLUTION	900 S MARSHALL	44.00
1036437	GRIFFIN PEST SOLUTION	323 W MICHIGAN	32.00
041713	HAGERTY, KAREN	TRAVEL EXPENSE REIMBURSEMENTS	1,107.19
050713	HAGERTY, MELISSA	ELECTION INSPECTOR	120.00
050713	HAGERTY, PHILLIP	ELECTION INSPECTOR	120.00
050613	KEIBALA, JOSEPH	REFUND UTILITY OVERPAYMENT	49.92
99007320395-0213	LOWE'S	ACCT #9900 732038 7	404.80
82130231059095-051	LOWES BUSINESS ACCOUN	ACCT #821 3023 105909 5	96.59
050713	MACHATA, ROBERTA	ELECTION INSPECTOR	124.00
2013	MICHIGAN CHAPTER IAAI	2013 ARSON SCHOOL	200.00
7-006000-15	MORRISON, SHARON & JO	REFUND UTILITY OVERPAYMENT	20.00
345516	NAPA OF MARSHALL	CORE DEPOSIT	(12.00)
342876	NAPA OF MARSHALL	STEERING WHEEL COVER	6.96
53462	O'LEARY WATER CONDITI	WATER DELIVERED	36.00
25-000900-02	RANDALL, JEANNETTE	REFUND UTILITY OVERPAYMENT	63.64
050713	REDDICK, KENNETH E	ELECTION INSPECTOR	124.00
050713	REDDICK, PAULINE	ELECTION INSPECTOR	64.00
249-003761848	REPUBLIC SERVICES #24	ACCT #3-0249-1022021	607.07
020213	ROMANOWSKI, PATRICIA	REFUND OF DEPOSIT AND RENT	290.00
13-011000-04	STUCK, DEBBIE	REFUND UTILITY DEPOSIT	4.07
25-018000-02	SWEET, KAREN	REFUND UTILITY OVERPAYMENT	52.45
050713	TICE, LUCAS	SCHOOL LUNCH	9.84
050713	WALBECK, DEB	ELECTION INSPECTOR	155.00
050713	WALBECK, RICHARD	ELECTION INSPECTOR	16.00
100176	WORKSQUARED	CHAMBER MOVE TO CITY HALL	4,815.00
10040269-0413	WOW! BUSINESS	ACCT #010040269	377.82
10058364-0413	WOW! BUSINESS	ACCT #010058364	32.97

13,795.66

Prescription reimbursements 263.27

Total Cash Disbursements \$14,058.93

EVENT REPORT

EVENT: Memorial Day Parade

EVENT LOCATION: Michigan Avenue

SPONSOR: Stanley E Lamb Post 79 American Legion

EVENT DATE: Friday, May 31, 2013

EVENT TIMEFRAME: 8:30am – 11am

MDOT PERMIT REQUIRED: Yes

MDOT PERMIT GRANTED: Yes

ROAD CLOSURE TIMEFRAME: 8:30am to 11am

EVENT CLOSURE DETAIL: Michigan Avenue from West Drive to Liberty.

DETOUR DETAIL: Eastbound Michigan Avenue will be directed south at West Drive to Hanover Street then east to Kalamazoo Avenue, then north to Green Street, then east to Liberty Street, then north to Michigan Avenue.

Westbound Michigan Avenue will be directed north at Liberty Street to Mansion Street then west to Verona Road then west to West Drive, then south on West Drive to Michigan Avenue.

EVENT DETAIL: Parade will have vehicles and walkers.

COUNCIL NOTIFICATION DATE: May 20, 2013



ADMINISTRATIVE REPORT
May 20, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: East Prospect Street Vacation Request

BACKGROUND: Attached to this report is a letter from Oaklawn Hospital with a request to vacate East Prospect Street from North Madison Street to High Street. The letter details their reasoning for the request. Consumer's Energy, AT&T, Midwest Communication Services, and Wide Open West have been contacted about the potential vacation. The City of Marshall will retain easements to allow water, sewer, and electric infrastructure to remain in this area.

According to the study done by URS during May 11-15, 2011, the highest number of vehicles this section of street experienced was 425 during a 24 hour period, with a peak of 43 vehicles during the 9:00 AM hour on May 12, 2011.

The section of roadway is classified as a local street and is eligible to receive Act 51 money based on a formula that utilizes both city population and miles of roadway. It is estimated that our Local Street revenue line item 203-000-549 State-Local would be reduced by approximately \$300 annually under the existing formula if the vacation request was honored.

The planning commission has received a site plan and is under review that would utilize this space.

The City Attorney has been involved in the drafting of the attached resolution.

RECOMMENDATION: After hearing public comment it is recommended that City Council adopt the attached resolution vacating East Prospect Street between North Madison Street and High Street, contingent on approval of the site plan.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Director of Public Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

RESOLUTION TO VACATE A SECTION OF PROSPECT STREET

WHEREAS, a request has been received to vacate a portion of the right-of-way of Prospect Street between North Madison Street and North High Street in an unplatted portion of the City of Marshall, and

WHEREAS, the City has the authority to vacate streets within the City under Article 7, Section 31 of the Michigan Constitution of 1963, and under Section 4h of Michigan's Home Rule City Act, and Section 2.23 of the City of Marshall Charter, as amended, and

WHEREAS, the City has conducted hearings on vacating the said portion of the said street, and has determined that there are other adequate public means of ingress and egress to the properties affected by the vacation, and has further determined that the police and fire departments believe that the vacation will not adversely affect public safety, and

WHEREAS, Notice of the Public Hearing for vacating a portion of East Prospect Street between North Madison Street and High Street was published by the City of Marshall on April 20, 2013, with a notice of the hearing mailed via first class mail to all property owners of record for any property adjoining the parcel in question; and

WHEREAS, the City has determined that the street right of way recommended for vacation is not needed by the city by Department of Public Services, Department of Public Works, or Public Safety Department.

NOW THEREFORE BE IT RESOLVED, the City of Marshall hereby vacates that portion of Prospect Street between North Madison Street and North High Street more particularly described as:

Land situated in Marshall City, Part of Section 25, Town 2 South, Range 6 West, commencing at the intersection of the North line of Prospect Street with the East line of Madison Street; running thence Easterly along the North line of Prospect Street to the West line of High Street; then Southerly to a point where the West line of High Street intersects the South line of Prospect street, then Westerly along the South line of Prospect Street to the point where the South line of Prospect street intersects the East line of Madison street, then Northerly to the point of beginning.

Subject to easements of record and reserving unto the City of Marshall a non-exclusive perpetual easement for the existing water main, electrical lines, and sanitary sewer lines over, upon, across, in, through, and under the described real property and to enter upon sufficient land adjacent to said water main, electrical lines and sanitary sewer lines for the purpose of exercising the rights and privileges reserved herein. The City of Marshall may install, repair, replace, improve, modify and maintain water main lines, electrical lines and sanitary sewer lines and all necessary

appurtenances, within this easement. Further, the title owner of record, its successors and assigns, shall not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that subject to the City of Marshall's approval as part of an approved site plan, the then title owner of record may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the water main, electrical lines and sanitary sewer lines in the easement areas. This instrument shall run with the land first described above and shall be binding upon and inure to the benefit of the City of Marshall, and its, representatives, successors and assigns.

BE IT FURTHER RESOLVED, that the vacated right-of-way shall be divided along the centerline and become part of the adjacent properties; and

BE IT FURTHER RESOLVED, that the city Clerk shall be, and hereby is, authorized for and on behalf of the city to execute and deliver any documents necessary or appropriate.

Dated: May 20, 2013

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this twenty day of May, 2013.

Trisha Nelson, City Clerk



*Advancing medicine.
Compassionate care.* April 2, 2013

Tom Tarkiewicz, City Manager
City of Marshall
Town Hall
323 W. Michigan Ave.
Marshall, MI 49068

Dear Mr. Tarkiewicz:

Among Oaklawn Hospital's goals for 2013 is to ease the ongoing challenge of providing adequate parking for patients and for those who visit here. As you know, this topic has been discussed at many public meetings in recent years, especially as it related to Hospital and Neighborhood Committee process.

To help address this need, Oaklawn will be seeking to construct a new parking lot on property it owns north of Prospect Street between Madison and High streets. For this plan to go forward, we ask the Marshall City Council to approve that the segment of Prospect between Madison and High Streets be vacated. Oaklawn owns all of the properties included in the plan, on both sides of this segment of Prospect. The enclosed rendering of the Site Plan indicates this segment of Prospect no longer will function as a street.

On Monday night, thanks to nearly three years of combined efforts of the community, our neighbors, city representatives, and Oaklawn's leadership, the Hospital Campus Overlay District (HCOB) was approved by City Council. At times throughout the process, various potential needs were imagined for that portion of the HCOB north of Prospect, including a multi-story structure as would be allowable under the provisions for the new District.

However, as we evaluate our patients' most pressing needs and priorities for the start of our new fiscal year that began April 1, it has become increasingly clear that the most immediate need for raising the level of patient care here is parking, especially in the proximity of the Emergency Department.

Utilizing Prospect Street in a new way will be an important part of the project, as it will have a significant positive effect overall:



Highest award for nursing excellence worldwide.

- It will allow the creation of 24 parking spaces closer to the Emergency Department for those in greatest need than would otherwise be possible.
- It will greatly promote better pedestrian safety by eliminating all through traffic as a potential hazard. Many people coming to the Emergency Department are vulnerable to such risks.
- By shifting some patient parking spaces to the north, fewer such spaces will be needed in the parking ramp. This will allow hospital employees who are currently parking in distant downtown parking lots to park on hospital property, and open up additional parking for the growth of our downtown retail trade.

As illustrated on the rendering, the lot will be accessible from both the east and west, for hospital patrons, emergency vehicles and other deliveries. Access from the east will be addressed with a traffic-calming island, which is expected to decrease hospital and ambulance traffic through the historic High Street neighborhood because it would be less convenient to use this entrance.

The rendering also shows considerable landscaping, including terraced walls, designed to serve as a buffer to adjacent properties.

Oaklawn has experienced a 20 percent increase in visits to its Emergency Department since 2006, while inpatient admissions to the hospital from the Emergency Department have increased 34 percent during the same period. We now have more than 22,000 Emergency Department visits per year. That's more than double the number of ED visits in the year the parking ramp was constructed.

In addition, projected figures for fiscal year 2013, based on actual Emergency Department visits from April through September 2012, indicate a steep recent rise in such visits by individuals seeking immediate treatment – 7.1 percent for just a single year.

Therefore, it's vital that Oaklawn address the issues of adequate parking and pedestrian safety on its north side. In times of crisis, our visitors need to be able to come to that portion of the hospital and find adequate parking and safe conditions for pedestrians.

Part of the work of the Mayor's Hospital and Neighborhood Committee involved research into this situation, and a study was commissioned from Walker Parking Consultants. Walker's report in July 2011 showed that Oaklawn already had been operating under a shortage of 93 parking spaces, not including about 20 spaces sacrificed when Oaklawn's Surgery Center was completed in early 2012. Walker also determined 480 new parking spaces are required to support Oaklawn's growth for the next 20 years.

During this period of study, city staff verified that 768 parking spaces were required under the city's parking ordinance for the Wright Medical Building and the main hospital, but that only 404 spaces were available -- a shortfall of 364 spaces that remains current.

By providing 182 new parking spaces, this project would resolve some of the current shortage of spaces. This preparation would reduce the amount and frequency of construction the neighborhood would have to endure. With the availability of parking near the ED, some patients would shift from using the parking ramp and other surface lots surrounding the hospital, which are often at or near capacity. This then would allow our employees who currently park in distant downtown parking lots to become consolidated in the parking ramp, thus freeing up additional parking for the growth of downtown businesses.

The national traffic consultant URS Corporation conducted a study that also was commissioned by the Hospital and Neighborhood Committee and released in July 2011. In that study, they determined that Prospect Street, between Madison and High, had by far the least amount of traffic. Traffic volume on Prospect would drop as the number of residents on that block is reduced.

Prospect operates at about 5% of its capacity. Marshall Avenue operates at 42% percent of its capacity, Mansion Street operates at 38% of its capacity and Madison Street operates at 25% percent of capacity. Therefore, nearby streets have sufficient capacity to absorb the relatively low volume of traffic from Prospect.

Prospect Street's zigzag layout over several blocks has prevented it from becoming a thoroughfare for uninterrupted traffic flow. It is expected that any impediment to general traffic by limiting access to this block of Prospect would be inconsequential. Any traffic diverted from this segment of Prospect most likely will go to Forest Street, Mansion Street and Michigan Avenue.

At the time of its initial study, URS did not analyze the possible closure of Prospect Street as a stand-alone closure. However, the attached document submitted March 11, 2013, by URS analyst Matt Wiersma provides this analysis.

We understand that Marshall's Fire Department will require assurances that all of its equipment, including the aerial fire truck, will have appropriate access to the project area. During construction, Oaklawn's staff will work with city and Fire Department staff to make certain this access is provided at all times.

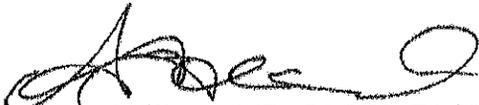
Oaklawn is arranging for appropriate quit-claim deeds to rectify right-of-way issues involving abutting Oaklawn-owned properties, in preparation for the necessary consolidation of parcels involved.

As always, Oaklawn's goal is to shape a hospital campus that is convenient, safe, practical, and esthetically pleasing for its patients and the neighborhood. We are confident this proposal accomplishes these goals.

Oaklawn continues to work to meet the healthcare needs of our community. With support of this project, the City will be supporting the healthcare needs of the community as well, through safe and appropriate parking for patients and visitors.

Thank you for your thoughtful consideration of this request.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ginger Williams', with a large, stylized flourish at the end.

Ginger Williams, MD, FACEP, FACHE
President and CEO
Oaklawn Hospital



**PROJECT
MEMORANDUM**

Client: **Oaklawn Hospital**
Project Name: **Traffic Impact Study**
Location: **Marshall, MI**
Project Number: **12943065**
Issue Date: **March 11, 2013**

TO: John Sherwood
FROM: Matt Wiersma, PE PTOE
**SUBJECT: Prospect Street Closure
Opinion of Potential Traffic Re-Routing**

Oaklawn Hospital is investigating the possible future closure of Prospect Street, between Madison Street and High Street, adjacent to the north side of the hospital. The possible future closure of Prospect Street was included in Alternatives 2, 3 and 4 in the City of Marshall Oaklawn Hospital Traffic Impact Study, prepared by URS in July 2011, but was not analyzed as a stand-alone closure. This memo provides a brief opinion of potential traffic re-routing associated with the possible future closure of Prospect Street.

EXISTING CONDITIONS WITH PROSPECT STREET

URS collected traffic volume data on Prospect Street and at the Madison Street/Prospect Street and High Street/Prospect Street intersections in May 2011. The average daily traffic (ADT) on Prospect Street is approximately 430 vehicles per day. Prospect Street has offset intersections at Division Street, High Street, and Marshall Avenue and lacks a direct connection to Michigan Avenue, reducing its ability to efficiently service through traffic. The users of this segment of Prospect Street are vehicles accessing the Oaklawn Hospital Emergency Department and a small number of residences.

Vehicles can access this segment of Prospect Street via six different routes:

From the west -

- Westbound Prospect Street
- Northbound High Street
- Southbound High Street

From the east -

- Eastbound Prospect Street
- Northbound Madison Street
- Southbound Madison Street

EXISTING CONDITIONS WITH PROSPECT STREET CLOSED

It is estimated that approximately 430 vehicles per day would seek alternate routes if Prospect Street were closed to through traffic between Madison Street and High Street. Since this portion of the city of Marshall incorporates a grid work of north-south and east-west streets, motorists would have several streets available to use as an alternate to Prospect Street. While motorists would choose the alternate route that presents the least delay to their individual trip, the following routes are believed to be the most likely to be used if Prospect Street were closed between Madison Street and High Street.

- Traffic turning onto Prospect Street from southbound Madison Street and southbound High Street would likely use Forest Street or Mansion Street instead of Prospect Street. While Michigan Avenue would also provide a connection between Madison Street and High Street, southbound motorists can

experience delays at the Madison Street/Michigan Avenue Intersection due to traffic volumes on Michigan Avenue.

- Traffic on eastbound and westbound Prospect Street would likely use Mansion Street Instead of Prospect Street since It is only one city block south of Prospect Street.
- Traffic turning onto Prospect Street from northbound Madison Street and northbound High Street would likely use Mansion Street or Michigan Avenue Instead of Prospect Street as the two streets are only one and two blocks, respectively, from Prospect Street.

CONCLUSION

Prospect Street currently has several offset intersections and lacks a direct connection to Michigan Avenue on the east side of Marshall, reducing its ability to efficiently service through traffic. Should Prospect Street be closed to through traffic, traffic that currently uses Prospect Street between Madison Street and High Street would have at least three alternate routes to choose from in close proximity to Prospect Street: Forest Street, Mansion Street, and Michigan Avenue.



ADMINISTRATIVE REPORT
May 20, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Sandra Bird, Finance Director
Tom Tarkiewicz, City Manager

SUBJECT: FY 2014 Proposed Budget – Budget Amendments

BACKGROUND: The purpose of the budget amendments is to adjust the FY 2014 Proposed Budget for the line items affected by the amendments.

Budget Amendment 1: Increase General Fund Millage Rate, Property Tax Revenue, and Non-Departmental Transfers to Other Funds Expenditure. At the March 18, 2013 Regular Council meeting, the Council authorized a notice of intent to sell bonds for the regional law enforcement building and fire station/city hall renovations project. The referendum period closed on May 14, 2013, no petition was received and Council is proceeding with a truth in taxation in the budget public hearing to increase the General Fund Operating Millage up to a maximum of 1.7000 mills. By raising the current millage rate by 1.7000, approximately \$330,610 of additional revenue will be generated to offset the project debt service payment. The increase in millage rate for a home with a value of \$100,000 will cost the taxpayer approximately \$85 per year.

RECOMMENDATION: To adopt the attached resolution to amend the FY 2014 Proposed Budget for the following:

1) Increase the General Fund Operating Millage rate by 1.7000, increase Current Property Taxes revenue budget by \$330,610 for the additional revenue generated from the millage rate increase and to increase the Non-Departmental Transfers to Other Funds expenditure budget by \$330,610 for the project debt service payment.

FISCAL EFFECTS:

1) Increase General Fund Current Property Taxes revenue budget 101-000-402.00 by \$330,610 and increase Non-Departmental Transfers to Other Funds expenditure budget 101-294-999.00 by \$330,610 for the project debt service payment.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Respectfully Submitted,

Sandra Bird
Finance Director

Tom Tarkiewicz
City Manager

CITY OF MARSHALL, MICHIGAN
RESOLUTION #13-

City of Marshall Authorizing Resolution
To Amend FY 2014 Proposed Budget

Budget Amendment 1

Increase the General Fund Operating Millage Rate by 1.7000, Increase the General Fund Property Tax Revenue Budget by \$330,610 for the Proposed Millage Rate Increase, and Increase the General Fund Non-Departmental Transfers to Other Funds Expenditure Budget by \$330,610 for the Debt Service Payment for the Regional Law Enforcement Center Building and Fire Station/City Hall Renovations Project.

WHEREAS, the FY 2014 Proposed Budget includes projected General Fund Current Property Tax revenue based on a millage rate of 15.4629, and a 1.7000 rate increase would raise the millage rate to 17.1629, which is below the maximum allowable of 18.7874. The new authorized millage rate would increase revenue by approximately \$330,610;

WHEREAS, by raising the current millage rate, approximately \$330,610 of additional revenue will be generated to pay for the debt service payment of the regional law enforcement building and fire station/city hall renovations project

THEREFORE, BE IT RESOLVED, to increase the General Fund millage rate by 1.7000 and increase Current Property Taxes revenue budget by \$330,610 for the additional revenue generated from the millage rate increase and to increase the Non-Departmental Transfers to Other Funds expenditure budget by \$330,610 for the project debt service payment.

As Amended, May 20, 2013

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 20, 2013 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson, City Clerk



ADMINISTRATIVE REPORT
May 20, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Sandra Bird, Finance Director
Tom Tarkiewicz, City Manager

SUBJECT: Budget Public Hearing & Resolution to Adopt City of Marshall Budget and Related Property Tax Millage Rates for Fiscal Year 2014.

BACKGROUND: The budget public hearing is scheduled for this meeting. Attached for your review and action is the resolution for the FY 2014 Budget that totals \$29,061,821 and is in compliance with the City Charter. This budget resolution reflects the proposed budget delivered to you on April 1, 2013. Budget Amendments authorized at tonight's Council meeting will be updated in the final Adopted Budget document.

RECOMMENDATION: After hearing public comments, it is recommended that the Council adopt the attached resolution to approve the City of Marshall budget and related property tax millage rates for Fiscal Year 2014.

FISCAL EFFECTS: Establish the budget for the funds in the amounts set forth in the attached resolution:

Respectfully Submitted,

Sandra Bird
Finance Director

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-

THE CITY OF MARSHALL
GENERAL APPROPRIATION ACT AND TAX LEVY RESOLUTION
July 1, 2013 – June 30, 2014

THE CITY OF MARSHALL RESOLVES that the expenditures for the fiscal year, commencing July 1, 2013, and ending June 30, 2014, are hereby appropriated on a departmental and fund total basis as follows:

GENERAL FUND REVENUES

Taxes	\$3,207,445
Licenses and Permits	33,500
Intergovernmental Revenues	759,384
Charges for Services	78,600
Fines and Forfeits	118,075
Interest	20,000
Miscellaneous	259,950
Other Financing Sources	978,644
Recreation	401,923
Composting	62,254
Airport	<u>170,440</u>
Total Revenues	\$6,090,215

GENERAL FUND EXPENDITURES

City Council	\$3,408
City Manager	129,981
Assessor	83,299
Attorney	65,000
Human Resources	63,512
Clerk	54,494
Finance/Treasurer	229,280
City Hall	84,971
Chapel	2,400
Other City Property	44,850
Cemetery	204,975
Non-Departmental	767,805
Police	1,468,223
Crossing Guards	17,782
Dispatch	109,000
Fire	797,859
Inspection	91,007
Planning/Zoning	94,713
Streets	778,245
Engineering	18,540

PSB Operations	103,347
Community Development	14,861
Parks	87,140
Capital Improvements	140,906
Recreation	410,623
Composting	57,560
Airport	<u>170,440</u>
Total Expenditures	\$6,094,221

Fund balance reserves shall be decreased by (\$4,006) based on the FY 2014 revenues and expenditures for the General Fund budget. There is a \$4,006 planned use of fund balance for Recreation capital purchases.

The City Council does hereby levy a tax of 15.4629 mills for the period of July 1, 2013, through June 30, 2014 on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City of Marshall and is levied pursuant to Section 8.01, Article 8 of the Charter of the City of Marshall.

The City Council does hereby levy a tax of .5000 mills for the period of July 1, 2013, through June 30, 2014, on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Leaf, Brush and Trash Removal Services of the City of Marshall as authorized by a vote of the citizens on November 6, 2012.

The City Council does hereby levy a tax of .4840 mills for the period of July 1, 2013, through June 30, 2014, on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied to operate the Dial-A-Ride Transportation System in the City of Marshall as authorized by a vote of the citizens on August 5, 1975.

The City Council does hereby levy a tax of .9393 mills for the period of July 1, 2013, through June 30, 2014, on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Recreation Department of the City of Marshall as authorized by a vote of the citizens on April 4, 1959.

The City Council does hereby levy a tax of 1.6129 mills for the period of July 1, 2013, through June 30, 2014, on all real and personal taxable property in the City of Marshall, according to the valuation of the same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the cost of the Downtown Development Authority.

	PROPOSED	ACTUAL	DIFFERENCE
	<u>FY 2014</u>	<u>FY 2013</u>	
General Operating	15.4629	15.4629	0.0000
Leaf, Brush and Trash Removal Services	.5000	.0000	0.5000
Recreation	.9393	.9393	0.0000
Dial-A-Ride	.4840	.4840	0.0000
Downtown Development Authority	1.6129	1.6129	0.0000
TOTAL	<u>18.9991</u>	<u>18.4991</u>	<u>0.5000</u>

The City Manager is authorized to make budgetary transfers within the appropriation centers established through this budget, and that all transfers between appropriations may be made by the City Manager in an amount not to exceed \$10,000 per year without prior Council approval pursuant to Section 19.2 of the provisions of the Michigan Uniform Accounting and Budgeting Act.

The City Council establishes the budget for the period of July 1, 2013, through June 30, 2014 for the following funds in the amounts set forth below:

ALL FUNDS REVENUES

General Fund	\$6,090,215
MVH-Major & Trunkline	423,277
MVH-Local	326,067
Leaf, Brush and Trash Removal	98,811
Local Development Finance	460,566
Downtown Development	222,000
Marshall Area Econ. Develop.	653,619
Special Projects	20,373
Marshall House	581,660
Electric	13,708,310
Dial-a-Ride	359,690
Wastewater	1,587,500
Water	1,601,900
Data Processing	147,378
Motorpool	745,550
Safety	400
Total Revenues	\$27,027,316

ALL FUNDS EXPENDITURES

General Fund	\$6,094,221
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MVH-Major & Trunkline	442,156
MVH-Local	340,117
Leaf, Brush and Trash Removal	98,811
Local Development Finance	386,521
Downtown Development	246,253
Marshall Area Econ. Develop.	653,619
Special Projects	19,651
Marshall House	698,901
Electric	15,280,065
Dial-a-Ride	417,794
Wastewater	1,839,032
Water	1,395,493
Data Processing	165,272
Motorpool	980,515
Safety	3,400
Total Expenditures	\$29,061,821

Fund balance reserves shall be decreased by (\$2,034,505) based on the FY 2014 revenues and expenditures for All Funds.

Amendments: (TBD)

The City Council of the City of Marshall did give notice of the time and place when a public hearing on adoption of the budget would be held in accordance with Public Act 43 of 1963, proof of publication of the Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith. A copy of the budget proposal was on file with the City Clerk and available for public inspection for at least one week prior to adoption of the budget; and

Further, the City Council of the City of Marshall did give notice of the time and place when a public hearing would be held in conformity with the provisions of Public Act 5 of 1982 authorizing a tax rate in excess of the present authorized tax rate for General Operating, Recreation, Dial-A-Ride and Downtown Development Authority tax levies, proof of publication of Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith; and

This Resolution shall take effect July 1, 2013.

Dated: May 20, 2013

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the City Clerk for the City of

Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 20, 2013 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Trisha Nelson, City Clerk



ADMINISTRATIVE REPORT
May 20, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Referendum on Reconsideration of Ordinance No. 2013-02 & 2013-03

BACKGROUND: On April 1, 2013, the Council approved Ordinance No. 2013-02 and 2013-03 relating to the Hospital Campus overlay District. On May 6, 2013, the Council received a Certificate of Sufficiency for a Referendum petition on the ordinance. Both ordinances are both suspended at this time.

Section 5.06 of the City Charter requires the City Council to promptly reconsider the referred ordinances. If the Council fails to repeal Ordinance No. 2013-02 and/or Ordinance No. 2013-03, the question of the repeal shall be put to a vote of the citizens. Further, if an election is required it shall be held no sooner than thirty (30) days and not later than one (1) year from the date the Council's reconsideration. Since there is no regular City election to be held within this time period, "Council shall provide for a special election." The consolidated election law effective January 1, 2005 allows for a special election on any of the following dates: August 6, 2013, November 5, 2013, February 18, 2014 or May 6, 2014. Should an election be necessary, the following ballot language would be presented:

Hospital Campus Overlay District Ordinance (Approval)

Shall ordinance number 2013-02, adopted by the Marshall City Council on April 1, 2013, adding new Section 156.184 to the Marshall City Code to add definitions and establish a new Hospital Campus Overlay District be approved?

YES []
NO []

Zoning Map Amendment Ordinance (Approval)

Shall ordinance number 2013-03, adopted by the Marshall City Council on April 1, 2013, amending the zoning map to accompany the Hospital Campus Overlay District Ordinance be approved?

YES []
NO []

RECOMMENDATIONS: In separate action, the Council must make a motion to repeal Ordinance No. 2013-02 and a motion to repeal Ordinance No. 2013.03. An affirmative vote will repeal the ordinance, with a negative vote the ordinance remains in effect (but suspended due to the referendum filing). If the ordinances are not repealed, the Council must take action to set the date for a special election.

FISCAL EFFECTS: The referendum election is estimated to cost \$ 4,705.

Respectfully Submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com



ADMINISTRATIVE REPORT
May 20, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Marshall Area Economic Development Alliance - Partner Agreement

BACKGROUND: The Marshall Area Economic Development Alliance (MAEDA) was formed to deliver services to the City, the Marshall Area Chamber of Commerce, the Downtown Development Authority and the Local Development Finance Authority. To formalize the relationship between MAEDA and each of the Partners, the attached Management and Administrative Services Agreement was developed. Each Board is being requested to approve their Partner Agreement.

RECOMMENDATION: It is recommended that the Council authorize the City Clerk to sign the Management and Administrative Services Agreement with the Marshall Area Economic Development Alliance.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

MANAGEMENT AND ADMINISTRATIVE SERVICES AGREEMENT

THIS MANAGEMENT AND ADMINISTRATIVE SERVICES AGREEMENT ("Agreement") is entered into and shall become effective on July 1, 2013 ("Effective Date"), by and between Marshall Area Economic Development Alliance, a Michigan Non-Profit Corporation, with principal offices located at 323 West Michigan Avenue, Marshall, Michigan 49068 ("MAEDA") and Marshall Area Chamber of Commerce, Marshall Downtown Development Authority, the City of Marshall, and Marshall Local Development Finance Authority, all with principal offices located at 323 West Michigan Avenue, Marshall, Michigan 49068 ("Partnering Organization")

RECITALS

WHEREAS, the parties have formed a collaborative relationship to facilitate a resource environment providing coordinated services to promote and sustain community vitality and economic success with several Partnering Organizations;

WHEREAS, Partnering Organization provides economic development services.

WHEREAS, MAEDA is a Michigan Non-Profit Corporation which intends to seek recognition of exemption under 501(c)(3) of the Internal Revenue Code and, among other things, provide general management, advisory, and administrative services ("Services") to the Partnering Organization; and

WHEREAS, Partnering Organization, in order to further its intended purpose and services and to carry out the parties' collaborative intentions, is in need of such services and desires to engage MAEDA to perform certain services on its behalf.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, Partnering Organization hereby agrees to purchase the services herein described, and MAEDA agrees to provide such services on the terms and conditions provided in this Agreement.

ARTICLE I DEFINITIONS

1.1 **"Services"** shall mean the services provided by MAEDA to Partnering Organization pursuant to the terms of this Agreement, including those identified in Article III of this Agreement.

1.2 **"Mission"** shall mean the enterprise and mission exclusively operated and carried out by the Partnering Organization through its board of directors, as amended from time to time, including, but not limited to, collection of membership dues, taxes or other moneys directed to the Partnering Organization as may be restricted or governed by any local, state and federal laws applicable to governmental bodies or non-profit organizations as defined in the Internal Revenue Code.

1.3 **“Proportionate Share”** shall mean the proportionate share of Service Costs to be paid by the Partnering Organizations that are identified in the table attached hereto as Exhibit 1 (the “Allocation Table”) for which each Partnering Organization shall be responsible for reimbursing MAEDA, as herein defined.

1.4 **“Partnering Organization Specific Service Costs”** shall mean the total costs expended by MAEDA (other than the Excluded Costs) in providing Partnering Organization Specific Services, if any, to Partnering Organization.

1.5 **“Excluded Costs”** shall mean (A) costs reimbursed by insurance proceeds, warranties or any third parties, (B) collection costs and legal fees paid in disputes with other Partnering Organizations, and (C) amounts payable by MAEDA which constitute a fine, interest or penalty that are not payable as a result of any act or omission of MAEDA.

1.6 **“Service Costs”** shall mean the total costs of whatever nature (other than the Excluded Costs) incurred by MAEDA in providing the Services to the Partnering Organizations. The Service Costs include, without limitation, the cost of the wages, salaries and benefits of the personnel hired by or contracted for by MAEDA, the cost of all contracts entered into by MAEDA in connection with the Services, the costs related to equipment utilized by MAEDA in connection with the Services, the cost of rent and common area expenses of the space occupied by MAEDA in any building shared by the parties, costs to maintain and operate the entity that is MAEDA, any sales, use, consumption, service, personal property, value-added or other taxes assessed in connection with the Services, and any other expenses incurred by MAEDA in connection with the Services.

ARTICLE II **RELATIONSHIP OF THE PARTIES AND TERM**

2.1 **Engagement to Provide Services.** Partnering Organization retains MAEDA to perform Services, and MAEDA hereby agrees to provide Services subject to all terms, conditions and provisions of this Agreement.

2.2 **Partnering Organization’s control and Authority.** Notwithstanding Paragraph 2.1 and other provisions of this Agreement, Partnering Organization shall retain the control and authority to carry out all aspects of its Mission. Nothing in this Agreement shall be construed to alter or in any way affect the relationship between Partnering Organization and its board, members, or others it serves pursuant thereto.

2.3 **Term of Agreement.** This Agreement shall commence on July 1, 2013 and shall end upon the termination hereunder pursuant to Article VI, as applicable (the “Term”). Notwithstanding the foregoing, Partnering Organization acknowledges and agrees that MAEDA may not provide all of the Services beginning on July 1, 2013. MAEDA agrees to use commercially reasonable efforts to commence the Services as soon as practicable.

ARTICLE III
SERVICES TO BE PROVIDED BY MAEDA

3.1 Services. Subject to the terms and conditions of this Agreement, MAEDA agrees to provide the following services to the Partnering Organization:

- (a) **Tourism**
- (b) **Member Services**
- (c) **Project Management**

3.2 Clerical Services. MAEDA shall arrange for any necessary postage and duplication and any other clerical services necessary to the operation of the Mission of the Partnering Organization requested by the Partnering Organization. Said clerical services may be contracted out to a third party by MAEDA. MAEDA shall invoice Partnering Organization at its actual cost or any vendor's charge for all postage, duplication and other clerical expenses provided by any third party or entity.

3.3 Expansion/Contraction of Services. At least ninety (90) days prior to the annual anniversary of the Effective Date of this Agreement, Partnering Organization may elect by written communication to utilize or exclude any number or combination of the Services provided by MAEDA as set forth in this Agreement. If Partnering Organization elects to alter the services provided by MAEDA, it shall submit to MAEDA a written proposal with the Services accepted or selected for that contract year.

3.4 Exclusivity. Partnering Organization agrees that it shall not seek any of the Services offered by MAEDA from any third party, unless such services have been terminated pursuant to this Agreement.

ARTICLE IV
FEES

Subject to the terms of this Article IV, MAEDA has the right to recalculate Partnering Organization's Proportionate Share either on a periodic basis or if MAEDA determines in good faith that such recalculation is necessary as a result of circumstances that may have materially altered Partnering Organization's proportionate share of the cost for Services as set forth in the Allocation Table. If MAEDA recalculates the Partnering Organization's Proportionate Share, MAEDA shall notify Partnering Organization in writing of the revised Proportionate Share as set forth in Paragraph 4.2 below.

4.1 Payment of Quarterly Service Fees. Commencing on July 1, 2013 and for the remainder of the Term, Partnering Organization shall pay to MAEDA the Partnering Organization's Proportionate Share of the Service Costs as provided in the Allocation Table attached hereto as Exhibit 1. On or before June 1 of each calendar year during the Term, MAEDA will reasonably estimate the Service Costs for the following calendar year and advise each Partnering Organization in writing (the "Annual Estimate") of a Partnering Organization's

Proportionate Share of such estimated Service Costs, including a breakdown of Partnering Organization's Proportionate Share of Service Costs related to the Services provided. The form of the Annual Estimate shall be the same or substantially similar to the Allocation Table attached hereto as Exhibit 1. If Partnering Organization does not reject the Annual Estimate pursuant to paragraph 4.3 below, the annual estimated amount of Partnering Organization's Proportionate Share of the Service Costs set forth in the Annual Estimate shall be payable to MAEDA in equal quarterly installments (the "Quarterly Service Fees"), in advance, on the first (1st) day of each quarter, without notice, demand, deduction or set-off. Notwithstanding the foregoing, any failure by MAEDA to deliver the Annual Estimate by June 1 of any calendar year shall not relieve Partnering Organization of its obligation to continue to pay Partnering Organization's Proportionate Share of the Service Costs at the rate then in effect under this Agreement.

4.2 Adjustment of Partnering Organization's Proportionate Share. If MAEDA determines in good faith that the Annual Estimate should be revised prior to distribution of the Annual Estimate for the subsequent year, MAEDA shall have the right, subject to the terms of paragraph 4.3 below, to recalculate the Partnering Organization's Proportionate Share of the Service Costs set forth in the Annual Estimate by written notice (each, an "Adjustment Notice") to each Partnering Organization setting forth one or more Partnering Organization's revised Proportionate Shares of the Service Costs (including a breakdown of Partnering Organization's Proportionate Share of Service Costs related to all Services) and the date (the "Adjustment Date") such revised Partnering Organization's Proportionate Share shall become effective for purposes of calculating the Quarterly Service Fees. The Adjustment Date shall occur on the first day of a quarter and shall not occur less than ten (10) days from the date that Partnering Organization approves the Adjustment Notice pursuant to paragraph 4.3 below.

4.3 Approval of Annual Estimate or Adjustment of Partnering Organization's Proportionate Share. Partnering Organization shall have the right to reject the Annual Estimate and/or revised proposed Proportionate Share identified in the Adjustment Notice in writing within thirty (30) days from the date of the notice. A rejection shall constitute a notice of termination pursuant to Article VI, paragraph 6.1(b) below.

4.4 Reconciliation. As soon as reasonably practicable after the end of each calendar year, MAEDA will furnish to Partnering Organization a statement showing in reasonable detail the actual amount of Service Costs and the Partnering Organization's Proportionate Share of such actual Service Costs for the preceding calendar year. Any deficit will be paid by Partnering Organization within sixty (60) days after demand by MAEDA. In the absence of a default by Partnering Organization hereunder, any surplus will be credited to Partnering Organization's next payment or, if the term has expired prior to such reconciliation, refunded to Partnering Organization within ninety (90) days after MAEDA determines the actual Service Costs for the prior calendar year.

4.5 Payment of Partnering Organization Specific Service Costs. If MAEDA agrees to provide any Partnering Organization Specific Services to Partnering Organization, Partnering Organization and MAEDA shall enter into an amendment to this Agreement or a separate written agreement to memorialize the obligations of MAEDA and Partnering Organization with respect to such Partnering Organization Specific Services.

ARTICLE V
RESPECTIVE RESPONSIBILITIES AND OBLIGATIONS OF
MAEDA AND PARTNERING ORGANIZATION

5.1 Services. MAEDA shall be responsible for providing Partnering Organization with Services as set forth in Article III of this Agreement in a timely, effective and competent manner.

5.2 Payment. Partnering Organization shall be responsible for paying for Services in a timely manner for the Services provided consistent with Article IV of this Agreement and pursuant to Exhibit 1.

5.3 Obligations Relative to Provision of Services. Partnering Organization shall supervise and maintain custody and ownership of all files and records relating to the Mission of the Partnering Organization. Notwithstanding the foregoing, MAEDA shall assist Partnering Organization in the maintenance and management of all files and records and, in providing such assistance, shall comply with applicable state and federal statutes and regulations. Partnering Organization furthermore agrees to cooperate with MAEDA in any way reasonably necessary to facilitate the provision of Services under this Agreement, including but not limited to: (i) providing any and all financial information reasonably required by MAEDA to perform the Services requested by Partnering Organization in a timely manner; (ii) providing MAEDA with the names of each employee of the Partnering Organization; (iii) promptly updating MAEDA upon the addition or removal of Partnering Organization employees; (iv) providing any and all information necessary to determine the Partnering Organization's Proportionate Share in a timely manner; and (v) complying with the rules and guidelines established by MAEDA.

5.4 Records and Audit. MAEDA agrees to maintain books of record and account, recording the quantities and costs of Services provided by MAEDA to Partnering Organization under this Agreement. MAEDA agrees to maintain financial statements, records, accounts, back-up support and original documentation that is adequate to fairly reflect the accuracy of the Services provided under this Agreement and to comply with applicable law. From time to time as agreed by the parties, Partnering Organization, at its sole cost, shall have the right to have an independent certified public accounting firm mutually agreed upon by the parties, audit MAEDA's books of account and other records pertaining to a dispute arising from the Services provided under this Agreement for a period of one (1) year following the end of the calendar year in which the disputed Services were rendered. Upon completing its audit, such certified public accounting firm shall give an opinion on the accuracy of the Services and related financial statements, records and accounts. Notwithstanding the above rights, MAEDA shall have the right to redact, from auditable records, information that is unrelated to the provision of Services to Partnering Organization.

5.5 Responsibility. Except as provided in Paragraph 5.6 below, neither party hereto shall be liable for defending or for the expense of defending the other party, its agents or employees against any claim, legal action, dispute resolution or administrative or regulatory proceeding arising out of or related to such other party's actions or omissions under this Agreement. No party hereto shall be liable for any liability of any other party, its agents or

employees, whether resulting from judgment, settlement, award, fine or otherwise, which arises out of such other party's actions or omissions under this Agreement.

5.6 Indemnification. Partnering Organization and MAEDA hereby agree to indemnify, hold harmless and defend the other against any and all loss, injury, liability, claim, damage, cause of action or expense suffered by the other party resulting directly or indirectly, from any of the following:

a. any breach or failure to perform any of its responsibilities or obligations under this Agreement; or

b. any liability, damages, or injuries to other persons or the other party or to the property of other persons or to the other party caused by acts, omissions, ordinary or gross negligence, or intentional acts of the indemnifying party, its employee, agent or representative; or

c. any inaccuracy in, or breach of, any of the representations, warranties, covenants or agreements made by it in this Agreement.

The indemnification protection provided by this Paragraph shall extend not only to the parties themselves but also to their officers, directors, shareholders and employees. Further, the indemnification protection provided by this Paragraph shall include, without limitation, reasonable attorneys' fees, interest, court costs and other reasonable costs and expenses incident to proceedings, investigations or the defense of settlements paid arising from any such claims.

ARTICLE VI TERMINATION

6.1 Termination by Partnering Organization. Partnering Organization may terminate this Agreement upon notification to MAEDA as follows:

a. Termination for Cause. In the event MAEDA shall materially default in the performance of any duty or obligation imposed upon it by this Agreement and such default shall continue for a period of thirty (30) days after written notice thereof has been given to MAEDA by Partnering Organization, Partnering Organization may terminate this Agreement without further notice.

i. In the event of the filing of a petition in voluntary bankruptcy or an assignment for the benefit of creditors by MAEDA, or upon other action taken or suffered, voluntarily or involuntarily, under any federal or state law for the benefit of debtors of MAEDA, except for the filing of a petition in involuntary bankruptcy against MAEDA which is dismissed within thirty (30) days thereafter.

ii. In the event of a change in the controlling ownership of MAEDA not consented to in advance by Partnering Organization.

iii. In the event of MAEDA's failure to maintain insurance in compliance with the terms of this Agreement.

b. Termination Without Cause. The Partnering Organization may terminate this Agreement without cause by providing MAEDA ninety (90) days advance written notice of its intention to terminate this Agreement. In recognition of the fact that MAEDA has made a commitment of resources by entering this Agreement, Partnering Organization agrees that if it terminates this Agreement without cause during the first year of the Term, then Partnering Organization shall pay MAEDA a termination fee equal to the aggregate Proportionate Share of the Partnering Organization Service Costs.

6.2 Termination by MAEDA. MAEDA may terminate this Agreement upon notification to Partnering Organization as follows:

a. Termination for Cause. In the event Partnering Organization shall materially default in the performance of any duty or obligation imposed upon it by this Agreement and such default shall continue for a period of thirty (30) days after written notice thereof has been given to Partnering Organization by MAEDA, MAEDA may terminate this Agreement without further notice.

i. In the event of the filing of a petition in voluntary bankruptcy or an assignment for the benefit of creditors by Partnering Organization, or upon other action taken or suffered, voluntarily or involuntarily, under any federal or state law for the benefit of debtors of Partnering Organization, except for the filing of a petition in involuntary bankruptcy against Partnering Organization which is dismissed within thirty (30) days thereafter.

ii. In the event of a change in the controlling ownership of Partnering Organization.

iii. In the event of Partnering Organization's failure to maintain insurance in compliance with this Agreement.

b. Termination without Cause. MAEDA may terminate this Agreement without cause by providing Partnering Organization ninety (90) days advance written notice of its intention to terminate this Agreement. In recognition of the fact that the Partnering Organization has made a commitment of resources by entering this Agreement, MAEDA agrees that if it terminates this Agreement without cause during the first year of the Term, then MAEDA shall pay the Partnering Organization a termination fee equal to the aggregate Proportionate Share of the Partnering Organization Service Costs.

6.3 Actions after Termination. Upon termination of this Agreement pursuant to Paragraphs 6.1 or 6.2 above, Partnering Organization shall pay to MAEDA any and all sums then accrued as Management Fees.

6.4 Limitation of Liability. In no event will either party to this Agreement be liable for consequential, incidental, indirect, punitive, exemplary or special damages (including, without limitation lost profits), however caused and based on any theory of liability arising out

of or relating to this Agreement, even if a party has been advised of the possibility of such damages. In no event shall the aggregate liability of either party to the other party under this Agreement exceed the aggregate Proportionate Share of the Partnering Organization Service Costs. This limitation applies irrespective of the nature of the cause of action, damage or claim, including breach of contract, warranty, condition, negligence, tort or any other legal theory. The provisions of this Paragraph shall survive the termination or expiration of this Agreement and remain in full force and effect indefinitely.

ARTICLE VII
GENERAL PROVISIONS

7.1 Assignment. Neither party shall assign its respective rights and obligations hereunder without the written consent of the other.

7.2 Notices. All notices required or permitted by this Agreement shall be in writing and shall be deemed given if sent, postage prepaid, certified mail, return receipt requested, to the applicable address set forth below:

To MAEDA:

Chief Executive Officer and MAEDA Board Chair
Marshall Area Economic Development Alliance
323 West Michigan Avenue
Marshall, Michigan 49068

To one or more of the Partnering Organizations:

Chair of the Board of Directors	Chair of the Board of Directors
Marshall Area Chamber of Commerce	Marshall Downtown Development Authority
323 West Michigan Avenue	323 West Michigan Avenue
Marshall, Michigan 49068	Marshall, Michigan 49068

Chair of the Board of Directors
Marshall Local Finance Development Authority
323 West Michigan Avenue
Marshall, Michigan 49068

or to such other address as either party shall indicate to the other in accordance with the provisions of this Paragraph.

7.3 Independent Contractor. In the provision of the Services, MAEDA is and shall be an independent contractor, and nothing herein shall be deemed to cause this Agreement to create an agency, partnership, employment relationship or joint venture between MAEDA and Partnering Organization. No officer, manager, director, employee, agent, affiliate or contractor of MAEDA will be deemed to be an employee, agent or contractor of Partnering Organization. Neither party will have any right, power or authority, express or implied, to bind the other.

7.4 Binding on Successors. This Agreement shall be binding upon the parties hereto and their successors and assigns.

7.5 Waiver of Provisions. Any waiver of any terms and conditions hereof must be in writing and signed by the parties hereto. The waiver of any of the terms and conditions of this Agreement shall not be construed as a waiver of any other terms and conditions hereof.

7.6 Governing Law. This Agreement and all disputes arising out of or relating hereto shall be governed by and construed in accordance with the laws of the State of Michigan.

7.7 Severability. The provisions of this Agreement shall be deemed severable, and if any portion shall be held invalid, illegal or unenforceable for any reason, the remainder of this Agreement shall be effective and binding upon the parties hereto.

7.8 Additional Documents. Each of the parties hereto agrees to execute any document or documents that may reasonably be requested from time to time by the other party to implement or complete such party's obligations under this Agreement.

7.9 Remedies Cumulative. No remedy set forth in this Agreement or otherwise conferred upon or reserved to any party shall be considered exclusive of any other remedy available to any party.

7.10 No Obligation to Third Parties. The terms of this Agreement are intended to be solely for the benefit of MAEDA and Partnering Organization and their successors and assigns, and none of the obligations and duties of MAEDA or Partnering Organization under this Agreement shall in any way or in any manner be deemed to create any obligation of MAEDA or Partnering Organization to, or any rights in, any person or entity not a party to this Agreement.

7.11 Entire Agreement. This Agreement sets forth the entire understanding between the parties and there are no other agreements or arrangements, either written or oral, between the parties. The Agreement cannot be amended except by a writing signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

MARSHALL AREA ECONOMIC
DEVELOPMENT ALLIANCE

By: _____
John Coulter
Its: CEO

MARSHALL AREA CHAMBER
OF COMMERCE

By: _____
Mark O'Connell
Its: Chair of the Board

MARSHALL DOWNTOWN
DEVELOPMENT AUTHORITY

By: _____
Susan Damron
Its: Chair of the Board

MARSHALL LOCAL DEVELOPMENT
FINANCE AUTHORITY

By: _____
James Pardoe
Its: Chair of the Board

CITY OF MARSHALL

By: _____
Trisha Nelson
Its: City Clerk



ADMINISTRATIVE REPORT
May 20, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Alec Egnatuk, Wastewater Superintendent
Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Industrial Park Lift Station Rehabilitation

BACKGROUND: The City of Marshall retained Stantec Consulting Inc. to prepare and submit a Project Plan to the Michigan Department of Environmental Quality to be ranked on the State's annual Project Priority List for obtaining low-interest loans from the Clean Water State Revolving Fund (SRF). The SRF Loan was NOT pursued due to a relatively low bond market. After construction bids were opened, the Industrial Park Lift Station portion of the project was put on hold to allow for contingencies. With the remaining portion of the project nearing completion, the City requested that the general contractor, Davis Construction, re-submit a price to complete the rehabilitation at the Industrial Park lift station. Davis was able to hold the price originally submitted in August 2012. This price is \$305,301. This portion of the project will not begin until after July 1, 2013. The project was included in the FY14 budget with a source of fund reserves at a cost of \$345,500.

It is the opinion of Stantec Consulting and City Staff that the price would increase if put back out to bid. This is anticipated due to the fact that Davis will not have to remobilize as they are currently working on the other portions of the project.

RECOMMENDATION: It is recommended that City Council award Davis Construction the rehabilitation of the Industrial Road Lift Station at a cost of \$305,301.

FISCAL EFFECTS: To appropriate \$305,301 from the FY 2014 Wastewater Capital Outlay expenditure budget line item 590-900-970.00 for the proposed rehabilitation of the Industrial Road Lift Station by Davis Construction.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Alec Egnatuk
Wastewater Superintendent

Carl Fedders
Director of Public Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com



ADMINISTRATIVE REPORT
May 20, 2013 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Tracy Hall, HR Coordinator

SUBJECT: Annual Compensation of Administrative Officials,
Department Heads, and Salaried Personnel

BACKGROUND: The charter of the City of Marshall, Section 2.27, Annual Compensation states "The city council shall set the salaries of all administrative officials, department heads and salaried personnel by June 30 of every year, except as provided by State law. Such salaries shall be included in the annual budget..."

Attached is a listing, by job title, of the proposed wages for the administrative officials, department heads and salaried personnel. Three of these position reflect a market increase while all other wages reflect a 1%. These proposed wages are contained within the overall proposed FY14 budget for the City of Marshall. As indicated by Charter, the wages must formally approved by Council.

Due to the upcoming retirement of the Fire Chief, the positions of Director of Public Safety, Deputy Police Chief, and Deputy Fire Chief have been added to the list of wages. The City will not fill these positions until after the retirement of the Fire Chief.

RECOMMENDATION: Approve the proposed FY 2014 wages for the administrative officials, department heads and salaried personnel as presented.

FISCAL EFFECTS: The wages as shown on the attached listing, have been included in the proposed FY 2014 budget to be adopted by the Marshall City Council.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

Tracy L. Hall
HR Coordinator

323 W. Michigan Ave.
Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

Non-Union Salaried Positions 2013-2014 Wages

	Position	Wages
1	Clerk	42,872.89
2	HR Coordinator	43,301.61
3	Marshall House Administrator	44,818.09
4	Treasurer	47,867.78
5	DPW Superintendent	52,104.84
6	Recreation Superintendent	55,274.29
7	Water Superintendent	57,000.00
8	Waste Water Superintendent	57,000.00
9	Deputy Fire Chief	62,000.00
10	Fire Chief	66,213.63
11	Director of Community Services	67,118.96
12	Finance Director	67,118.96
13	Deputy Police Chief	68,000.00
14	Police Chief	69,720.47
15	Electric Superintendent	70,194.03
16	Director of Public Services	76,000.00
17	Director of Public Safety	80,000.00
18	City Manager	106,023.86



ADMINISTRATIVE REPORT
May 20, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Appointments to the Local Development Finance Authority

BACKGROUND: According to LDFA by-laws Article II, Section 2, the Board (LDFA) shall consist of eleven members, seven of which shall be appointed by the City Manager of the City of Marshall, subject to the approval of the Marshall City Council. Mark Oerther, John Tracy, Steve Dodge, J.P. Walters and Monica Anderson terms expire on June 2, 2013. Monica Anderson has requested to not be reappointed. The other members have requested to be reappointed.

Wendee Woods was appointed to the LDFA Board to represent Calhoun County, her former employer. The County would like to appoint Richard Lindsey, Calhoun County Corporate Counsel to their seat. Due to Mrs. Woods experience on the Board, I desire to appoint her to replace Ms. Anderson. Also, the terms need to be staggered so, we do not have five of the seven terms expiring in one year.

RECOMMENDATIONS: It is recommended that the City Council approve the reappointment of Mark Oerther with a term expiring on June 2, 2014, John Tracy with a term expiring on June 2, 2016, Steve Dodge with a term expiring on June 2, 2017, J.P. Walters with a term expiring on June 2, 2015 and Wendee Woods with a term expiring on June 2, 2017 to the Local Development Finance Authority in accordance with Act 281, Public Acts of 1986.

Respectfully Submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com