



# MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

June 17, 2013

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Dennis Croy, Marshall Wesleyan 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. Schedule Public Hearing – J & L Manufacturing IFT Application P. 4

City Council will consider the recommendation to schedule a public hearing for July 1, 2013 to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for J & L Manufacturing.

B. Schedule Public Hearing – Progressive Dynamics, Inc. IFT Application P. 7

City Council will consider the recommendation to schedule a public hearing for July 1, 2013 to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Progressive Dynamics, Inc.

C. Renewable Energy Plan – Biennial Filing P. 10

City Council will consider the recommendation to schedule a public hearing for July 1, 2013 to hear public comment on the proposed Renewable Energy Plan – Biennial Filing.

D. Chain of Command P. 18

City Council will receive for information the FY 2014 Administrative Chain of Command Appointments.

E. City Council Minutes P. 19

Regular Session..... Monday, June 3, 2013

F. City Bills P. 27

Regular Purchases .....	\$ 319,931.66
Weekly Purchases –5/31/13.....	\$ 4,648.87
Weekly Purchases –6/7/13 .....	\$ 46,026.95
<b>Total.....</b>	<b>\$ 370,607.48</b>

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. Event Report – Home Tour P. 31

**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



## 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

- A. **Public Hearing - Rental Rehabilitation Grant** P. 32  
City Council will hear public comment on the proposed application for the Rental Rehabilitation Grant through MSHDA and consider the recommendation to adopt the Fair Housing Policy, Program Guidelines, Section 3 Policy and appoint Revitalize LLC as Section 3 coordinators as required by MSHDA.
- B. **Public Hearing – Proposed Text Changes to §156.231: Wireless Communications Facilities and Services** P. 62  
City Council will hear public comment on the proposed text changes to §156.231: Wireless Communications Facilities and Services.
- C. **Public Hearing – Shearman Park Rezoning** P. 65  
City Council will hear public comment on 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).
- D. **Public Hearing – Shearman Park Designation** P. 70  
City Council will hear public comment on the proposed changes to the City of Marshall – Code of Ordinances; Chapter 91 Parks and Recreation.
- E. **Public Hearing – Motor Vehicle Code** P. 76  
City Council will hear public comment on the proposed changes to the City of Marshall Traffic Code and consider the recommendation to adopt the Motor Vehicle Code (MVC), Uniform Traffic Code (UTC), Motor Carrier Safety Act (MCSA), and Part 821 of the Natural Resources and Environmental Protection Act.

## 11) OLD BUSINESS

## 12) REPORTS AND RECOMMENDATIONS

- A. **Bid Award – Division Street Improvements** P. 105  
City Council will consider the recommendation to accept the low bid from Hunter-Prell Co. of Battle Creek, Michigan in the amount of \$206,662 for the Division Street Improvements Project.
- B. **Kalamazoo River Watershed Stormwater Project** P. 106  
City Council will consider the recommendation to authorize the Clerk to sign the Kalamazoo River Watershed Stormwater Project Partnership Agreement.
- C. **Fire Department Building Project – Owner’s Representative Services** P. 108  
City Council will consider the recommendation to retain William R. Wheeler of Ann Arbor to provide Owner's Representative services for the Fire Department Building Project.
- D. **Renewal of Employee Leasing Agreement and Assessing Services Agreement** P. 112  
City Council will consider the recommendation to approve the agreements with Calhoun County for (1) the assessing clerk leasing arrangement and (2) the City assessing services agreement and authorize the Clerk to sign the agreements.

June 17, 2013

Page 2



**13) APPOINTMENTS / ELECTIONS**

**A. Downtown Development Authority – Main Street Board**

**P. 121**

**Appointment**

City Council will consider the recommendation to approve the appointment of Jill Koyl to the DDA/Main Street Board with a term expiring December 31, 2016.

**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 cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager



**ADMINISTRATIVE REPORT**  
**June 17, 2013 – City Council Meeting**

**REPORT TO:** Honorable Mayor and Council Members

**FROM:** Tom Tarkiewicz, City Manager  
Mike Hindenach, Industrial Manager, MAEDA

**SUBJECT:** J&L Manufacturing, 1507 George Brown Drive,  
Industrial Facilities Tax Exemption

**BACKGROUND:** The City of Marshall has received a request from J&L Manufacturing for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider a \$450,028.00 building addition. J&L Manufacturing is located in the LDFA district.

**RECOMMENDATION:** Schedule a Public Hearing for July 1, 2013 as required by the Industrial Facilities Tax Exemption Certificate Application.

**FISCAL EFFECTS:** If the IFT is granted, the LDFA will forego an estimated \$22,800 in taxes over the next 12 years. J&L Manufacturing will receive an estimated \$59,000 in tax savings over the next 12 years.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz  
City Manager

Michael D. Hindenach  
Industrial Manager

323 W. Michigan Ave.

Marshall, MI 49068

**p** 269.781.5183

**f** 269.781.3835

**cityofmarshall.com**

# Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Trista Nelson</i>	Date received by Local Unit <i>6/3/2013</i>
STC Use Only	
Application Number	Date Received by STC

**APPLICANT INFORMATION**  
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) <b>J&amp;L Manufacturing</b>	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <b>3610</b>	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>1507 George Brown Drive</b>	1d. City/Township/Village (indicate which) <b>Marshall</b>	1e. County <b>Calhoun</b>
2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))	3a. School District where facility is located <b>Marshall</b>	3b. School Code <b>13110</b>
4. Amount of years requested for exemption (1-12 Years) <b>12</b>		

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

**17,000 square foot building addition**

6a. Cost of land and building improvements (excluding cost of land) ..... * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	▶ <u>\$450,028.00</u> Real Property Costs
6b. Cost of machinery, equipment, furniture and fixtures ..... * Attach itemized listing with month, day and year of beginning of installation, plus total	▶ <u>\$0.00</u> Personal Property Costs
6c. Total Project Costs ..... * Round Costs to Nearest Dollar	▶ <u>\$450,028.00</u> Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶	<u>6/1/13</u>	<u>5/31/15</u>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption.     Yes     No

9. No. of existing jobs at this facility that will be retained as a result of this project. <b>0</b>	10. No. of new jobs at this facility expected to create within 2 years of completion. <b>9</b>
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) \_\_\_\_\_

b. TV of Personal Property (excluding inventory) \_\_\_\_\_

c. Total TV \_\_\_\_\_

12a. Check the type of District the facility is located in:

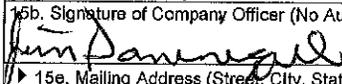
Industrial Development District       Plant Rehabilitation District

12b. Date district was established by local government unit (contact local unit) <b>2/3/97</b>	12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name <b>David Stiles</b>	13b. Telephone Number <b>(269) 789-1507</b>	13c. Fax Number <b>(269) 789-1578</b>	13d. E-mail Address <b>david@jlmanufacturing.com</b>
14a. Name of Contact Person <b>David Stiles</b>	14b. Telephone Number <b>(269) 789-1507</b>	14c. Fax Number <b>(269) 789-1578</b>	14d. E-mail Address <b>david@jlmanufacturing.com</b>
▶ 15a. Name of Company Officer (No Authorized Agents) <b>Jim Dominique</b>			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number <b>(269) 789-1578</b>	15d. Date
▶ 15e. Mailing Address (Street, City, State, ZIP Code) <b>1507 George Brown Drive</b>		15f. Telephone Number <b>(269) 789-1507</b>	15g. E-mail Address <b>jim@jlmanufacturing.com</b>

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit <input type="checkbox"/> Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code	16d. School Code
17. Name of Local Government Body	▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission  
Michigan Department of Treasury  
P.O. Box 30471  
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal



**ADMINISTRATIVE REPORT**  
**June 17, 2013 – City Council Meeting**

**REPORT TO:** Honorable Mayor and Council Members

**FROM:** Tom Tarkiewicz, City Manager  
Mike Hindenach, Industrial Manager, MAEDA

**SUBJECT:** Progressive Dynamics, Inc., 507 Industrial Road,  
Industrial Facilities Tax Exemption

**BACKGROUND:** The City of Marshall has received a request from Progressive Dynamics, Inc. for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider a \$213,500 investment in equipment.

**RECOMMENDATION:** Schedule a Public Hearing for July 1, 2013 as required by the Industrial Facilities Tax Exemption Certificate Application.

**FISCAL EFFECTS:** If the IFT is granted, the City will forego an estimated \$5,600 in taxes over the next 12 years. J&L Manufacturing will receive an estimated \$14,430 in tax savings over the next 12 years. This assumes that personal property will remain taxable.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

A handwritten signature in cursive script, appearing to read "Michael D. Hindenach".

Michael D. Hindenach  
Industrial Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

# Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

**INSTRUCTIONS:** File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk <i>Trisha Nelson</i>	Date received by Local Unit <i>6/3/2013</i>
STC Use Only	
Application Number	Date Received by STC

**APPLICANT INFORMATION**  
All boxes must be completed.

▶ 1a. Company Name (Applicant must be the occupant/operator of the facility) <b>Progressive Dynamics, Inc.</b>		▶ 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <b>3679</b>	
▶ 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>507 Industrial Road, Marshall, MI 49068</b>		▶ 1d. City/Township/Village (indicate which) <b>Marshall</b>	▶ 1e. County <b>Calhoun</b>
▶ 2. Type of Approval Requested <input checked="" type="checkbox"/> New (Sec. 2(4)) <input type="checkbox"/> Transfer (1 copy only) <input type="checkbox"/> Speculative Building (Sec. 3(8)) <input type="checkbox"/> Rehabilitation (Sec. 3(1)) <input type="checkbox"/> Research and Development (Sec. 2(9))		▶ 3a. School District where facility is located <b>Marshall</b>	▶ 3b. School Code <b>13110</b>
		▶ 4. Amount of years requested for exemption (1-12 Years) <b>12</b>	

5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed.

Purchase of a sequencer/insertor to replace a similar machine that is 25 years old and becoming increasingly difficult to find parts to maintain. The machine is used to insert electrical components into circuit boards.

6a. Cost of land and building improvements (excluding cost of land) .....	▶ <b>\$0.00</b>
* Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.	
6b. Cost of machinery, equipment, furniture and fixtures .....	▶ <b>\$213,500.00</b>
* Attach itemized listing with month, day and year of beginning of installation, plus total	
6c. Total Project Costs .....	▶ <b>\$213,500.00</b>
* Round Costs to Nearest Dollar	
<b>Total of Real &amp; Personal Costs</b>	

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements ▶	_____	_____	▶ <input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	<b>5/1/13</b>	<b>6/30/13</b>	▶ <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased

▶ 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption.  Yes  No

▶ 9. No. of existing jobs at this facility that will be retained as a result of this project. <b>1</b>	▶ 10. No. of new jobs at this facility expected to create within 2 years of completion. <b>0</b>
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11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation.

a. TV of Real Property (excluding land) .....	_____
b. TV of Personal Property (excluding inventory) .....	_____
c. Total TV .....	_____

▶ 12a. Check the type of District the facility is located in:

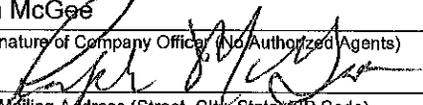
Industrial Development District       Plant Rehabilitation District

▶ 12b. Date district was established by local government unit (contact local unit) <b>3/19/12</b>	▶ 12c. Is this application for a speculative building (Sec. 3(8))? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

**APPLICANT CERTIFICATION - complete all boxes.**

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name <b>Tom Phlipot</b>	13b. Telephone Number <b>(269) 781-4241</b>	13c. Fax Number <b>(269) 781-7802</b>	13d. E-mail Address <b>thphlipot@progressivedyn.com</b>
14a. Name of Contact Person <b>Tom Phlipot</b>	14b. Telephone Number <b>(269) 781-4241</b>	14c. Fax Number <b>(269) 781-7802</b>	14d. E-mail Address <b>thphlipot@progressivedyn.com</b>
▶ 15a. Name of Company Officer (No Authorized Agents) <b>Ralph McGee</b>			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number <b>(269) 781-7802</b>	15d. Date <b>6-3-2013</b>
▶ 15e. Mailing Address (Street, City, State, ZIP Code) <b>507 Industrial Road, Marshall, MI 49068</b>		15f. Telephone Number <b>(269) 781-4241</b>	15g. E-mail Address <b>rmcgee@progressivedyn.com</b>

**LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.**

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▶ 16. Action taken by local government unit  <input type="checkbox"/> Abatement Approved for ____ Yrs Real (1-12), ____ Yrs Pers (1-12) After Completion <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:  <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Original Application plus attachments, and one complete copy <input type="checkbox"/> 2. Resolution establishing district <input type="checkbox"/> 3. Resolution approving/denying application. <input type="checkbox"/> 4. Letter of Agreement (Signed by local unit and applicant) <input type="checkbox"/> 5. Affidavit of Fees (Signed by local unit and applicant) <input type="checkbox"/> 6. Building Permit for real improvements if project has already begun <input type="checkbox"/> 7. Equipment List with dates of beginning of installation <input type="checkbox"/> 8. Form 3222 (if applicable) <input type="checkbox"/> 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit <b>Check or Indicate N/A if Not Applicable</b> <input type="checkbox"/> 1. Notice to the public prior to hearing establishing a district. <input type="checkbox"/> 2. Notice to taxing authorities of opportunity for a hearing. <input type="checkbox"/> 3. List of taxing authorities notified for district and application action. <input type="checkbox"/> 4. Lease Agreement showing applicants tax liability.	16c. LUCI Code
17. Name of Local Government Body <b>City of Marshall</b>	16d. School Code <b>13110</b>  ▶ 18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk 	19b. Name of Clerk <b>Trisha Nelson</b>	19c. E-mail Address <b>tnelson@cityofmarshall.com</b>
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) <b>323 W Michigan Ave, Marshall, MI 49068</b>		
19e. Telephone Number <b>(269) 781-5183</b>	19f. Fax Number <b>(269) 781-3835</b>	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

**State Tax Commission  
Michigan Department of Treasury  
P.O. Box 30471  
Lansing, MI 48909-7971**

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal



**ADMINISTRATIVE REPORT**  
**June 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council  
**FROM:** Carl Fedders, Director of Public Services  
Tom Tarkiewicz, City Manager  
**SUBJECT:** Renewable Energy Plan – Biennial Filing

**BACKGROUND:** In order to remain complainant with the Clean, Renewable, and Efficient Energy Act the City of Marshall must make our renewable energy plan available for public comment. This plan includes all of the Michigan South Central Power Agency members and includes the following:

- The strategy for meeting the Renewable Portfolio Standard (RPS) of 10%. This strategy includes local hydro projects in Marshall and Union City and hydro projects on the Ohio River and in the Upper Peninsula.
- The RPS requirement will be based on the average of the last three years of megawatt hour sales of electricity.
- The expected incremental cost of compliance which have been determined to be zero.

The plan is attached and can be viewed at [www.cityofmarshall.com](http://www.cityofmarshall.com). Comments can also be filed with the Department of Public Services for 30 days.

**RECOMMENDATION:** It is recommended that the City Council set a public hearing for July 1, 2013 to hear public comment on the proposed Renewable Energy Plan – Biennial Filing.

**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](http://cityofmarshall.com)

**Municipal Electric Provider**

**Joint Submittal by the Michigan South Central Power Agency**

**Renewable Energy Plan - Biennial Filing  
Under PA 295**

**On Behalf of Its Members; the**

**Village of Clinton – MPSC Case No. U-16603,**

**City of Coldwater – MPSC Case No. U-16604,**

**City of Hillsdale – MPSC Case No. U-16616,**

**City of Marshall – MPSC Case No. U-16622, and the**

**Village of Union City – MPSC Case No. U-16636**

**July 1, 2013**

This joint filing by the Michigan South Central Power Agency (MSCPA) on behalf of its Members, the Village of Clinton, the City of Coldwater, the City of Hillsdale, the City of Marshall, and the Village of Union City, complies with Public Act 295 of 2008 (the Act), the related December 4, 2008 Michigan Public Service Commission Order (MPSC Case No. U-15800), and the related October 4, 2011 Michigan Public Service Commission Orders (MPSC Case No. U-16603, U-16604, U-16616, U-16622, U-16636).

Part 2, Section 25, of the Act requires municipal utilities to file a twenty year plan to achieve renewable energy credit portfolio standards that are specified in Section 27. The plan must be filed with the MPSC with 120 days of the MPSC's temporary order, issued pursuant to Section 191. Each electric providers plan must do the following:

- a) Describe how the provider will meet the RPS standards;
- b) Specify whether the number of megawatt hours of electricity used in the calculation of the renewable energy credit portfolio will be weather normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state;
- c) Include the expected incremental cost of compliance with the renewable energy standards;
- d) Describe the manner in which the provider will allocate costs.

This document and its attachments satisfy all of the requirements of Section 25 (2) for the twenty year period running from 2009 through 2028.

**Section 25 (2) (a) "Describe how the provider will meet the renewable energy standards"**

The MSCPA, on behalf of its Members, will meet the renewable energy standards through the use of:

- a) Existing hydro resources for the City of Marshall and the Village of Union City; *(Section 11, (i), (iv), (B) of the Act)*
- b) New hydro resources under purchase power agreements with N.E.W. Hydro, LLC; *(Section 11, (i), (iv), (B) of the Act)*
- c) New hydro resources currently under development through AMP; *(Section 11, (i), (iv), (B) and Section 29, (2), (f) of the Act)*

The above described resources are further described in Attachment A.

**Section 25 (2) (b) “Specify whether the number of megawatt hours of electricity used in the calculation of the renewable energy credit portfolio will be weather normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state”**

The MSCPA, and each of its Members, will be calculating their renewable energy credit portfolio requirements based on the average number of megawatt hours of electricity sold by each member annually during the previous three years to retail customers in this state.

**Section 25 (2) (c) “Include the expected incremental cost of compliance with the renewable energy standards”**

Following the *Filing Requirements and Instructions for Renewable Energy Plans for Municipally-Owned Electric Utilities* provided in Attachment C of the MPSC Order to implement PA 295, we have provided *Attachment B – Renewable Energy Plan Surcharge Summary* which details the compliance cost for each MSCPA Member. As shown in each Member’s *Attachment B*, MSCPA Members do not anticipate any additional costs of compliance associated with the renewable energy standards. Production costs for both the current and future hydro are not expected to add to MSCPA’s energy supply costs.

**Section 25 (2) (d) “Describe the manner in which the provider will allocate costs”**

Due to the fact that no additional cost of compliance is anticipated, there will be no charges allocated to MSCPA Member customers.

## Attachment A – MSCPA Member Renewable Energy Resources

### Existing Hydro Resources

City of Marshall – Owns and operates an existing run-of-the-river hydro facility consisting of two units with a combined capacity of 0.319 MW. During the past three years, this facility generated a total of 4,088 megawatt hours, an annual average of 1,363 megawatt hours, which equates to an average annual capacity factor of 55%.

Village of Union City – Owns and operates an existing run-of-the-river hydro facility consisting of two units with a combined capacity of 0.375 MW. During the past three years, this facility generated a total of 4,439 megawatt hours, an annual average of 1,480 megawatt hours, which equates to an average annual capacity factor of 50%.

### New Hydro Resources

The MSCPA Members have committed to purchase 8.56 MW of two hydro units located at Menominee, Michigan and Oconto Falls, Wisconsin under a twenty-year PPA with N.E.W. Hydro, LLC. These units are currently in operation and MSCPA will begin receiving power on July 1, 2013 from these units. The units have an installed capacity of 8.56 MW and an anticipated annual capacity factor of 55%.

The allocation of interest in these projects for the participating MSCPA members is as follows:

Member	Capacity (MW)	Expected Annual Energy (MWh)
Village of Clinton	0.56	2,197
City of Coldwater	3.43	13,523
City of Hillsdale	2.18	8,621
City of Marshall	2.06	8,114
Village of Union City	.34	1,353

Four of the five MSCPA Members have also committed to purchase 13.4 MW of a hydro development project through AMP, an Ohio corporation that provides energy related services to, at present, 130 municipal members located in seven states. The original hydro project consists of the development of three hydro generation stations at existing lock and dam facilities located on the Ohio River. The units were originally scheduled to be online in 2012, but with construction delays the first project is now scheduled to be on line by late-2014 with the final two units to be on line in 2015. Collectively, these units are expected to have an installed capacity of 206 MW, with an anticipated annual capacity factor of 55%.

The allocation of interest in this project for the participating MSCPA members is as follows:

Member	Capacity (MW)	Expected Annual Energy (MWh)
Village of Clinton	0.7	3,373
City of Coldwater	6.5	31,317
City of Hillsdale	3.4	16,381
City of Marshall	2.8	13,490

# MUNICIPALLY OWNED ELECTRIC UTILITIES - RENEWABLE ENERGY PLAN SURCHARGE AND COMPLIANCE SUMMARY

**Attachment B - Renewable Energy Plan Surcharge Summary**  
**City of Marshall - MPSC Case U-16622**

	Units	2009	2010	2011	2012	2013	2014	2015	2016
<b>Annual Retail Sales (Actual/Forecast 2011-2020)</b>	MWH	103,128	107,090	110,018	108,940	108,485	110,032		
<b>Sales Forecast (3-yr running average)</b>	MWH				107,012	108,949	109,461	108,486	
<b>RPS Renewable Energy Credit Compliance Requirement</b>									
RE Portfolio (Sales Forecast Multiplied by 10%)	REC				10,701	10,895	10,948	10,949	10,949
Baseline (REC from existing RE Supply (Pre RPS))	REC				1,318	1,318	1,318	1,318	1,318
Additional REC necessary to meet Compliance (RE Portfolio Less Baseline)	REC				9,383	9,577	9,630	9,631	9,631
RPS Requirements Adder (2012: 20%, 2013: 33%, 2014: 50%, 2015: 100%) (ie: 20% of Additional REC necessary)	REC	0%	0%	0%	20%	33%	50%	100%	100%
REC's Required due to RPS Requirements Adder	REC	-	-	-	1,877	3,181	4,815	9,631	9,631
Compliance Requirement (Sum of RPS Requirements Adder above and Baseline)	REC	-	-	-	3,195	4,479	6,133	10,949	10,949
<b>REC Inventory</b>									
REC Obtained:									
<u>Generation Based</u>									
Banked from Prior Year	REC		1,843	3,508	5,193	8,591	-	-	-
Future Year REC's (up to 120 days)	REC								
Future Year Incentive REC's (up to 120 days)	REC								
Less: REC's Allocated to Prior Year	REC								
Less: Incentive REC's Allocated to Prior Year	REC								
Build/BOT	REC	1,875	1,512	1,531	1,045	1,300	1,300	1,300	1,300
PPA N.E.W. Hydro, LLC	REC	-	-	-	-	3,209	8,114	8,114	8,114
PPA AMP Hydros	REC	-	-	-	-	-	1,691	9,308	13,481
<b>Subtotal (1)</b>	REC	1,875	3,355	5,039	6,238	13,100	11,105	18,722	22,895
Purchase	REC	-	-	-	6,406	-	-	-	-
Incentive (SB 213 Sec 39 (2))	REC	188	153	154	101	407	934	1,544	1,878
<b>Subtotal (2)</b>	REC	1,843	3,508	5,193	12,745	13,507	12,039	20,266	24,773
Less: Sold	REC	-	-	-	(959)	(9,026)	(5,906)	(9,317)	(13,824)
Less: Retired for Compliance	REC	-	-	-	(3,195)	(4,479)	(6,133)	(10,949)	(10,949)
Less: Expired	REC	-	-	-	-	-	-	-	-
<b>Year-End REC Balance</b>	REC	1,843	3,508	5,193	8,591	-	-	-	-
<b>RPS Renewable Energy Credit Compliance Requirement</b>									
Compliance Requirement	REC				3,195	4,479	6,133	10,949	10,949
Retired for Compliance	REC				3,195	4,479	6,133	10,949	10,949
REC Compliance Percentage (Retired for Compliance/Sales Forecast)	%				2.99%	4.11%	5.60%	10.00%	10.00%
<b>Revenue Requirement (Renewable only)</b>									
Build/BOT	\$s				-	-	-	-	-
PPA	\$s				-	157,241	582,051	1,468,000	1,947,001
REC Purchases (Sales) 2012 Actual, Remainder @ \$3 Estimated per REC	\$s				1,528	(27,084)	(17,718)	(27,651)	(41,472)
<b>Total</b>	\$s				1,528	130,157	674,333	1,440,055	1,905,429
<b>\$ Per MWH/ (\$ Per REC If no Build/BOT or PPA for that year)</b>	\$MWH or \$REC				-	26	48	71	77
<b>Forecasted Transfer Price</b>	\$/MWH				133	133	133	133	133
<b>Amount recovered through PSCR (transfer price * volume of energy or REC's)</b>	\$s				990,983	599,697	1,476,985	2,490,026	3,045,035
<b>Incremental Cost of Compliance</b>	\$s				1,528	-	-	-	-

## MUNICIPALLY OWNED ELECTRIC UTILITIES - RENEWABLE ENERGY PLAN SURCHARGE AND COMPLIANCE SUMMARY

**Attachment B - Renewable Energy Plan Surcharge Summary**  
**City of Marshall - MPSC Case U-16622**

	Units	2017	2018	2019	2020	2021	2022	2023
<b>Annual Retail Sales (Actual/Forecast 2011-2029)</b>	MWH							
<b>Sales Forecast (3-yr running average)</b>	MWH							
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
RE Portfolio (Sales Forecast Multiplied by 10%)	REC	10,949	10,949	10,949	10,949	10,949	10,949	10,949
Baseline (REC from existing RE Supply (Pre RPS))	REC	1,318	1,318	1,318	1,318	1,318	1,318	1,318
Additional REC necessary to meet Compliance (RE Portfolio Less Baseline)	REC	9,631	9,631	9,631	9,631	9,631	9,631	9,631
RPS Requirements Adder (2012: 20%, 2013: 33%, 2014: 50%, 2016: 100%) (ie: 20% of Additional REC necessary)	REC	100%	100%	100%	100%	100%	100%	100%
REC's Required due to RPS Requirements Adder	REC	9,631	9,631	9,631	9,631	9,631	9,631	9,631
Compliance Requirement (Sum of RPS Requirements Adder above and Baseline)	REC	10,949	10,949	10,949	10,949	10,949	10,949	10,949
<b>REC Inventory</b>								
<b>REC Obtained:</b>								
<u>Generation Based</u>								
Banked from Prior Year	REC	-	-	-	-	-	-	-
Future Year REC's (up to 120 days)	REC	-	-	-	-	-	-	-
Future Year Incentive REC's (up to 120 days)	REC	-	-	-	-	-	-	-
Less: REC's Allocated to Prior Year	REC	-	-	-	-	-	-	-
Less: Incentive REC's Allocated to Prior Year	REC	-	-	-	-	-	-	-
Build/BOT	REC	1,300	1,300	1,300	1,300	1,300	1,300	1,300
PPA N.E.W. Hydro, LLC	REC	8,114	8,114	8,114	8,114	8,114	8,114	8,114
PPA AMP Hydros	REC	13,481	13,481	13,481	13,481	13,481	13,481	13,481
<i>Subtotal (1)</i>	REC	22,895	22,895	22,895	22,895	22,895	22,895	22,895
Purchase	REC	-	-	-	-	-	-	-
Incentive (SB 213 Sec 39 (2))	REC	1,878	1,878	1,878	1,878	1,878	1,878	1,878
<i>Subtotal (2)</i>	REC	24,773	24,773	24,773	24,773	24,773	24,773	24,773
Less: Sold	REC	(13,824)	(13,824)	(13,824)	(13,824)	(13,824)	(13,824)	(13,824)
Less: Retired for Compliance	REC	(10,949)	(10,949)	(10,949)	(10,949)	(10,949)	(10,949)	(10,949)
Less: Expired	REC	-	-	-	-	-	-	-
Year-End REC Balance	REC	-	-	-	-	-	-	-
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
Compliance Requirement	REC	10,949	10,949	10,949	10,949	10,949	10,949	10,949
Retired for Compliance	REC	10,949	10,949	10,949	10,949	10,949	10,949	10,949
REC Compliance Percentage (Retired for Compliance/Sales Forecast)	%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
<b>Revenue Requirement (Renewable only)</b>								
Build/BOT	\$s	-	-	-	-	-	-	-
PPA	\$s	1,947,901	1,947,901	1,947,901	1,947,901	1,947,901	1,947,901	1,947,901
REC Purchases (Sales) 2012 Actual, Remainder @ \$3 Estimated per REC	\$s	(41,472)	(41,472)	(41,472)	(41,472)	(41,472)	(41,472)	(41,472)
<b>Total</b>	\$s	1,906,429	1,906,429	1,906,429	1,906,429	1,906,429	1,906,429	1,906,429
<b>\$ Per MWH/ (\$ Per REC if no Build/BOT or PPA for that year)</b>	\$MWH or \$REC	77	77	77	77	77	77	77
<b>Forecasted Transfer Price</b>	\$/MWH	133	133	133	133	133	133	133
<b>Amount recovered through PSCR (transfer price * volume of energy or REC's)</b>	\$s	3,045,035	3,045,035	3,045,035	3,045,035	3,045,035	3,045,035	3,045,035
<b>Incremental Cost of Compliance</b>	\$s	-	-	-	-	-	-	-

# MUNICIPALLY OWNED ELECTRIC UTILITIES - RENEWABLE ENERGY PLAN SURCHARGE AND COMPLIANCE SUMMARY

**Attachment B - Renewable Energy Plan Surcharge Summary**  
**City of Marshall - MPSC Case U-16622**

	Units	2024	2025	2026	2027	2028	2029	Total/Plan to Date
<b>Annual Retail Sales (Actual/Forecast 2011-2029)</b>	MWH							
<b>Sales Forecast (3-yr running average)</b>	MWH							
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
RE Portfolio (Sales Forecast Multiplied by 10%)	REC	10,049	10,949	10,949	10,949	10,949	10,949	
Baseline (REC from existing RE Supply (Pre RPS))	REC	1,318	1,318	1,318	1,318	1,318	1,318	
Additional REC necessary to meet Compliance (RE Portfolio Less Baseline)	REC	9,631	9,631	9,631	9,631	9,631	9,631	
RPS Requirements Adder (2012: 20%, 2013: 33%, 2014: 50%, 2015: 100%) (ie: 20% of Additional REC necessary)	REC	100%	100%	100%	100%	100%	100%	
REC's Required due to RPS Requirements Adder	REC	9,631	9,631	9,631	9,631	9,631	9,631	
Compliance Requirement (Sum of RPS Requirements Adder above and Baseline)	REC	10,949	10,949	10,949	10,949	10,949	10,949	178,042
<b>REC Inventory</b>								
<b>REC Obtained:</b>								
<u>Generation Based</u>								
Banked from Prior Year	REC	-	-	-	-	-	-	
Future Year REC's (up to 120 days)	REC	-	-	-	-	-	-	
Future Year Incentive REC's (up to 120 days)	REC	-	-	-	-	-	-	
Less: REC's Allocated to Prior Year	REC	-	-	-	-	-	-	
Less: Incentive REC's Allocated to Prior Year	REC	-	-	-	-	-	-	
Build/BOT	REC	1,300	1,300	1,300	1,300	1,300	1,300	27,863
PPA N.E.W. Hydro, LLC	REC	8,114	8,114	8,114	8,114	8,114	8,114	133,033
PPA AMP Hydros	REC	13,481	13,481	13,481	13,481	13,481	13,481	198,733
<b>Subtotal (1)</b>	REC	22,895	22,895	22,895	22,895	22,895	22,895	306,629
Purchase	REC	-	-	-	-	-	-	6,408
Incentive (SB 213 Sec 39 (2))	REC	1,878	1,878	1,878	1,878	1,878	1,878	29,763
<b>Subtotal (2)</b>	REC	24,773	24,773	24,773	24,773	24,773	24,773	306,758
Less: Sold	REC	(13,824)	(13,824)	(13,824)	(13,824)	(13,824)	(13,824)	(218,746)
Less: Retired for Compliance	REC	(10,949)	(10,949)	(10,949)	(10,949)	(10,949)	(10,949)	(178,042)
Less: Expired	REC	-	-	-	-	-	-	(306,758)
Year-End REC Balance	REC	-	-	-	-	-	-	-
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
Compliance Requirement	REC	10,949	10,949	10,949	10,949	10,949	10,949	
Retired for Compliance	REC	10,949	10,949	10,949	10,949	10,949	10,949	178,042
REC Compliance Percentage (Retired for Compliance/Sales Forecast)	%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	
<b>Revenue Requirement (Renewable only)</b>								
Build/BOT	\$s	-	-	-	-	-	-	-
PPA	\$s	1,947,901	1,947,901	1,947,901	1,947,901	1,947,901	1,947,901	29,487,912
REC Purchases (Sales) 2012 Actual, Remainder @ \$3 Estimated per REC	\$s	(41,472)	(41,472)	(41,472)	(41,472)	(41,472)	(41,472)	(651,833)
<b>Total</b>	\$s	1,906,429	1,906,429	1,906,429	1,906,429	1,906,429	1,906,429	28,836,079
<b>\$ Per MWH/ (\$ Per REC if no Build/BOT or PPA for that year)</b>	\$/MWH or \$/REC	77	77	77	77	77	77	
<b>Forecasted Transfer Price</b>	\$/MWH	133	133	133	133	133	133	
<b>Amount received through PSCR (transfer price * volume of energy or REC's)</b>	\$s	3,045,035	3,045,035	3,045,035	3,045,035	3,045,035	3,045,035	48,188,161
<b>Incremental Cost of Compliance</b>	\$s	-	-	-	-	-	-	1,528



**ADMINISTRATIVE REPORT**  
**June 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Chain of Command Appointments

**BACKGROUND:** Article III, Section 3.03 (a) of the City Charter requires the City Manager to file with the City Clerk a list, by name and title, of three qualified city administrative officials to exercise the powers and perform duties in his absence. The city administrative officials must be listed in order by which each shall be designated to temporarily assume the City Manager's duties. This list has been updated annually.

For the 2013/2014 Fiscal Year, here is the list of administrative officials in the chain of command in ranking order:

- Carl Fedders, Public Services Director
- Jim Schwartz, Police Chief
- Natalie Huestis, Community Services Director

**RECOMMENDATION:** This is an informational report and no action is necessary

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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cityofmarshall.com

**CALL TO ORDER**

IN REGULAR SESSION Monday, June 3, 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 Pro-Tem Williams.

**ROLL CALL**

Roll was called:

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

Also Present: City Manager Tarkiewicz.

Absent: Mayor Dyer and Council Member Revore.

**Moved** Mankerian, supported Reed, to excuse the absence of Mayor Dyer and Council Member Revore. On a voice vote – **MOTION CARRIED.**

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Williams led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Miller, supported Metzger, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Metzger, supported Mankerian, to approve the Consent Agenda:

- A. Authorized the Clerk to sign the agreement with the Michigan Department of Transportation for the AWOS replacement project at Brooks Field;
- B. Approve the resolution authorizing staff to execute a purchase order with Lawson Fisher Associates, PC for \$20,500 for the 2013 Nuisance plant monitoring for the Marshall Hydroelectric project;
- C. Approve the resolution authorizing staff to execute a purchase order with Civil Engineers, Inc. for the \$19,700 for the Hughes Street Rehabilitation project design engineering services;
- D. Approve minutes of the City Council Regular Session held on Monday, May 20, 2013;
- E. Approve city bills in the amount of \$ 553,821.25.

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

**PRESENTATIONS AND RECOGNITIONS**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. FY 2013 Year-End Budget Amendments:**

**Moved** Metzger, supported Mankerian, to adopt the resolution to amend the FY 2013 Adopted Budget. On a roll call vote – ayes: Miller, Reed, Williams, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2013-26  
**THE CITY OF MARSHALL**  
**AMENDED GENERAL APPROPRIATION ACT RESOLUTION**  
**July 1, 2012 – June 30, 2013**

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2012, and ending June 30, 2013, are hereby amended on a departmental and fund total basis as follows:

<b><u>General Fund Revenues</u></b>	<b><u>Adopted</u></b>	<b><u>Amended Mid-Year</u></b>	<b><u>Amended June, 2013</u></b>	<b><u>Change</u></b>
Taxes	3,102,960	3,102,960	3,164,160	61,200
Licenses and Permits	33,600	33,600	38,200	4,600
Intergovernmental Revenues	759,729	759,729	795,029	35,300
Charges for Services	63,800	63,800	67,800	4,000
Fines and Forfeits	63,320	63,320	88,320	25,000
Interest	10,000	10,000	10,000	
Miscellaneous	278,843	278,843	349,843	71,000
Other Financing Sources	1,108,644	1,108,644	1,108,644	
<b>Total Revenues</b>	<b>5,420,896</b>	<b>5,420,896</b>	<b>5,621,996</b>	<b>201,100</b>

Marshall City Council, Regular Session  
Monday, June 3, 2013  
Unofficial

<b>General Fund Expenditures</b>				
City Council	3,777	3,757	3,757	
City Manager	120,350	120,287	120,287	
Assessor	77,528	77,279	77,279	
Attorney	55,000	55,000	60,000	5,000
Human Resources	62,535	62,477	62,477	
Clerk-Treasurer	292,532	292,377	292,377	
City Hall	85,526	85,136	85,136	
Chapel	2,850	2,850	2,850	
Other City Property	41,350	41,350	47,050	5,700
Cemetery	187,884	186,451	200,951	14,500
Non-Departmental	690,746	619,644	673,744	54,100
Police	1,493,600	1,489,267	1,489,267	
Crossing Guards	12,053	15,539	15,539	
Dispatch	201,934	201,934	201,934	
Fire	785,470	779,637	809,637	30,000
Inspection	90,163	89,657	84,657	-5,000
Planning/Zoning	92,261	92,192	87,692	-4,500
Streets	688,352	766,434	825,434	59,000
Engineering	19,776	19,196	19,196	
Public Svcs. Build Operations	108,976	108,746	108,746	
Community Development	14,556	14,556	14,556	
	<b>Adopted</b>	<b>Amended Mid-Year</b>	<b>Amended June, 2013</b>	<b>Change</b>
Parks	90,221	87,472	84,472	-3,000
Capital Improvements	193,758	193,758	253,758	60,000
Total Expenditures	5,411,198	5,404,996	5,620,796	215,800
GF Net Surplus/(Deficit)	9,698	15,900	1,200	-14,700

<b>GF - Recreation</b>				
Revenues	381,133	381,133	385,533	4,400
Expenditures	410,630	408,497	410,247	1,750
Net Surplus/(Deficit)	-29,497	-27,364	-24,714	2,650

<b>GF - Composting</b>				
Revenues	24,200	24,200	20,450	-3,750
Expenditures	58,504	57,714	67,714	10,000
Net Surplus/(Deficit)	-34,304	-33,514	-47,264	-13,750

<b>GF - Airport</b>				
Revenues	165,028	165,028	175,028	10,000
Expenditures	165,028	164,481	175,028	10,547

Net Surplus/(Deficit)	0	547	0	-547
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<b><u>MVH-Major &amp; Trunkline</u></b>				
Revenues	1,953,400	1,953,400	2,003,400	50,000
Expenditures	1,701,179	1,700,497	1,705,997	5,500
Net Surplus/(Deficit)	252,221	252,903	297,403	44,500

<b><u>MVH-Local</u></b>				
Revenues	1,414,150	1,414,150	1,024,150	-390,000
Expenditures	879,608	879,176	657,176	-222,000
Net Surplus/(Deficit)	534,542	534,974	366,974	-168,000

<b><u>Drug Law Enforcement</u></b>				
Revenues			6,590	6,590
Expenditures			6,360	6,360
Net Surplus/(Deficit)	0	0	230	230

<b><u>Local Develop. Finance Auth.</u></b>				
Revenues	459,327	459,327	503,827	44,500
Expenditures	372,910	372,910	397,260	24,350
Net Surplus/(Deficit)	86,417	86,417	106,567	20,150

	<b><u>Adopted</u></b>	<b><u>Amended Mid-Year</u></b>	<b><u>Amended June, 2013</u></b>	<b><u>Change</u></b>
<b><u>Downtown Develop. Auth.</u></b>				
Revenues	263,109	413,109	533,909	120,800
Expenditures	256,565	405,513	526,313	120,800
Net Surplus/(Deficit)	6,544	7,596	7,596	0

<b><u>MAEDA</u></b>				
Revenues			115,000	115,000
Expenditures			88,925	88,925
Net Surplus/(Deficit)	0	0	26,075	26,075

<b><u>Special Projects</u></b>				
Revenues	20,373	20,373	108,845	88,472
Expenditures	17,873	17,873	107,313	89,440
Net Surplus/(Deficit)	2,500	2,500	1,532	-968

<b><u>Marshall House</u></b>				
Revenues	594,500	594,500	566,000	-28,500

Expenditures	670,172	668,338	585,538	-82,800
Net Surplus/(Deficit)	-75,672	-73,838	-19,538	54,300

<b>Electric</b>				
Revenues	12,463,000	12,463,000	12,068,500	-394,500
Expenditures	13,705,301	13,902,050	13,866,790	-35,260
Net Surplus/(Deficit)	-1,242,301	-1,439,050	-1,798,290	-359,240

*Electric expenditures exclude debt service*

<b>Dial-A-Ride</b>				
Revenues	360,489	360,489	361,579	1,090
Expenditures	422,304	421,705	418,950	-2,755
Net Surplus/(Deficit)	-61,815	-61,216	-57,371	3,845

<b>Wastewater</b>				
Revenues	1,540,854	3,740,854	3,798,274	57,420
Expenditures	3,521,084	3,664,544	3,620,394	-44,150
Net Surplus/(Deficit)	-1,980,230	76,310	177,880	101,570

*Wastewater expenditures exclude debt service*

<b>Water</b>				
Revenues	1,414,534	3,054,534	3,037,844	-16,690
Expenditures	1,844,631	3,583,320	3,104,760	-478,560
Net Surplus/(Deficit)	-430,097	-528,786	-66,916	461,870

*Water expenditures exclude debt service*

	<b>Adopted</b>	<b>Amended Mid-Year</b>	<b>Amended June, 2013</b>	<b>Change</b>
<b>Data Processing</b>				
Revenues	139,752	139,752	145,152	5,400
Expenditures	164,751	164,605	170,005	5,400
Net Surplus/(Deficit)	-24,999	-24,853	-24,853	0

<b>Motorpool</b>				
Revenues	691,700	691,700	664,025	-27,675
Expenditures	1,002,521	893,698	815,998	-77,700
Net Surplus/(Deficit)	-310,821	-201,998	-151,973	50,025

<b>Safety</b>				
Revenues	600	600	600	0
Expenditures	3,472	3,472	3,472	0
Net Surplus/(Deficit)	-2,872	-2,872	-2,872	0

RESOLVED, the use of prior year's fund balance reserves is not reflected in a Fund's revenue figure above, and that the source of funding for a Fund's Net Loss/(Deficit) shall be the use of prior year's fund balance reserves;

This Resolution shall take effect upon adoption.  
Dated June 3, 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 June 3, 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

**B. Resolution Supporting the Application for a D.O.J. Byrne Grant to Support a School Resource Officer:**

**Moved** Miller, supported Reed, to approve the resolution supporting the application for a D.O.J. Byrne Grant to support a School Resource Officer. On a roll call vote – ayes: Metzger, Miller, Reed, Williams, and Mankerian; nays: none.  
**MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION NO. 2013-25**

**RESOLUTION FOR SUPPORT TO APPLY FOR FUNDS UNDER THE  
UNITED STATES DEPARTMENT OF JUSTICE COPS BYRNE GRANT**

WHEREAS, the City of Marshall Police Department has the responsibility to identify, protect, and respond to calls for service at the Marshall Public Schools; and

WHEREAS, the City of Marshall Police Department has limited funds and ability to provide a police officer to the Marshall Public Schools; and

WHEREAS, it is the desire of the City of Marshall to pursue funding under the Department of Justice Community Policing Byrne Justice Grant; and

WHEREAS, the Marshall City Council supports the purpose of the grant to promote cooperation between the Marshall Public Schools and to facilitate a safe environment for students and faculty to promote education, officer/student relationships and community support;

NOW THEREFORE, BE IT RESOLVED, that the Marshall City Council hereby resolves and authorizes the City Clerk to sign all contracts associated with this grant and the City Manager to sign the grant application(s).

AYES, Council members: Mankerian, Metzger, Miller, Reed, and Williams

NAYES, Council members: None.

ABSTAIN, Council members: None.

RESOLUTION DECLARED ADOPTED.

#### CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on June 3, 2013. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 3rd day of June A.D.2013

---

Trisha Nelson, CLERK

#### APPOINTMENTS / ELECTIONS

##### **A. Parks and Recreation Board:**

**Moved** Miller, supported Mankerian, to approve the reappointment of Mark Gilbert and Lisa Sands to the Parks and Recreation Board with terms expiring July 1, 2016. On a voice vote – **MOTION CARRIED.**

##### **B. Brooks Nature Area Advisory Board:**

**Moved** Reed, supported Metzger, to approve reappointment of Ben Lark and Vicki Knickerbocker to the Brooks Nature Area Advisory Board with terms

expiring August 15, 2016. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

City Council discussed the tax foreclosure on the Golden Rule LLC Property.

**ADJOURNMENT**

The meeting was adjourned at 7:35 p.m.

\_\_\_\_\_  
James L. Dyer, Mayor

\_\_\_\_\_  
Trisha Nelson, City Clerk

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 06/20/2013 - 06/20/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
I-3870	ABLE HEATING & COOLIN	YORK HVAC SYSTEM	
116811	ADRIAN COMMUNICATIONS	PROGRAMMING RADIOS	5,400.00
9909806156	AIRGAS USA LLC	CYLINDER RENTAL	296.00
130510616	AMBS CALL CENTER	ANSWERING SERVICE	88.41
11-971163	ARROW UNIFORM	CUST #010198-01	143.10
11-978884	ARROW UNIFORM	CUST #010198-01	26.37
11-978890	ARROW UNIFORM	CUST #010198-04	26.37
11-978892	ARROW UNIFORM	CUST #010198-05	62.30
11-971168	ARROW UNIFORM	CUST #010198-04	20.00
11-971170	ARROW UNIFORM	CUST #010198-05	62.30
11-971167	ARROW UNIFORM	CUST #010198-02	20.00
11-971169	ARROW UNIFORM	CUST #010198-03	54.56
11-978891	ARROW UNIFORM	CUST #010198-03	135.58
11-978889	ARROW UNIFORM	CUST #010198-02	135.58
388-153876	AUSTIN-BATTERIES PLUS	BATTERIES	54.56
388-104039-01	AUSTIN-BATTERIES PLUS	GRP 65 AGM DUAL X2 AUTO	223.00
I019443	AUTO GLASS SOLUTIONS,	RPLC BROKEN WINDOW	451.00
225-324453	AUTO VALUE MARSHALL	DIG. INSPECT CMRA	335.00
225-324540	AUTO VALUE MARSHALL	12V 700 CCA	149.95
225-323783	AUTO VALUE MARSHALL	12V TRACTOR BATT	98.99
225-324270	AUTO VALUE MARSHALL	FLASHER RELAY	44.99
225-324533	AUTO VALUE MARSHALL	12V 630 CCA	21.79
225-323782	AUTO VALUE MARSHALL	MINI LAMP, BLADE, FILTER, MOTOR TUNE-UP	89.99
225-325054	AUTO VALUE MARSHALL	X BOUND COVER-GR	68.87
225-324772	AUTO VALUE MARSHALL	FUEL FILTERS	31.99
225-324247	AUTO VALUE MARSHALL	WIRE SET, SPRK PLG, ROTOR, CAP, MAX MUF	5.76
225-325851	AUTO VALUE MARSHALL	NON-CHL BRAKE CL	118.98
225-325139	AUTO VALUE MARSHALL	FORD BLUE	38.28
225-325114	AUTO VALUE MARSHALL	FORD BLUE, EXTEND RUST TREAT	35.95
225-325115	AUTO VALUE MARSHALL	HALOGEN CAPSULE	32.96
225-325372	AUTO VALUE MARSHALL	RELAY	59.52
225-325701	AUTO VALUE MARSHALL	TENSIONER	55.95
225-325100	AUTO VALUE MARSHALL	HALOGEN HEADLAMP	41.39
225-325113	AUTO VALUE MARSHALL	HALOGEN HEADLAMP RETURN	35.80
225-325540	AUTO VALUE MARSHALL	3-STUD REPL LAMP	(35.80)
225-324775	AUTO VALUE MARSHALL	FUEL FILTER	84.60
052313	BONNIE'S TAILORING	SHIRT ALTERATION	(3.07)
56099	BOSHEARS FORD SALES I	09 FORD E450	12.00
100139	BUD'S WRECKER SERVICE	DODGE RAM TOWED TO COLE'S	289.25
13-023	CALHOUN COUNTY CONS D	JULY THROUGH SEPTEMBER SERVICE	45.00
053113	CARL COMMUNICATIONS	RPLCD DEFECTIVE PLUG WITH JACK	26,720.00
13-2442	CB HALL ELECTRIC COMP	CHECK WIRING AT MARSHALL HOUSE #203	25.00
95224	CHEMCO PRODUCTS INC	FREIGHT CHARGE FOR POLYMER	100.00
STREETS-2013-00000	CITY OF BATTLE CREEK	QTRLY TRAFFIC SIGNAL MAINT JAN-MAR	495.00
26323	CLASSIC DRY CLEANING&	LAUNDRY, CLEANING	26.09
5002314	COLE CHRYSLER DODGE J	FRONT SEAT CUSHION	309.80
060513	COLLINS PROFESSION TR	GROUND LARGE STUMP	101.08
8411	COURTNEY & ASSOCIATES	MAY RETAINER	200.00
82609	CRT, INC	PRINTER LJ PRO200 COLOR	250.00
82627	CRT, INC	BACKUP DR APPLIANCE SERVICE	231.00
610806007	CRYSTAL FLASH ENERGY	FUEL	339.00
3-89928	CUMMINS BRIDGEWAY	SERVICE CALL LESS SALES TAX	1,085.94
114668	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES	1,115.53
427759	DARLING ACE HARDWARE	FLOWERS FOR CEMETERY	96.76
429483	DARLING ACE HARDWARE	KEY	1,387.00
429648	DARLING ACE HARDWARE	CLOTHESLINE	1.99
428766	DARLING ACE HARDWARE	NUTS & BOLTS FOR BATTERY CHARGER	9.98
428940	DARLING ACE HARDWARE	NUTS & BOLTS FOR BATTERY CHARGER	3.90
429347	DARLING ACE HARDWARE	TURNBKL	15.32
429441	DARLING ACE HARDWARE	LABOR - SAW BLADE	7.98
428745	DARLING ACE HARDWARE	LP GAS	5.00
428319	DARLING ACE HARDWARE	CALBE TIES	27.97
429849	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS	8.99
429584	DARLING ACE HARDWARE	FOUNTAIN CHEMICALS	23.91
552316	DAVID REED	REPAIRS AT HONOLULU HOUSE	77.97
2075107905-4	DAVIS CONSTRUCTION IN	2012 WASTEWATER SYSTEM IMPROVEMENTS	3,000.00
15425	DELTA MOBILE TESTING	DIELECTRIC TESTING	182,824.72
061013	DEPPE ENTERPRISES, LI	STORM WINDOW #16	3,808.50
W17523320101	DISCOUNT SCHOOL SUPPL	PLAYGROUND SUPPLIES	353.58
INV11363	DORNBOS SIGN & SAFETY	SIGNS	323.37
INV11489	DORNBOS SIGN & SAFETY	SIGNS--SCHOOL, CROSSWALK, AHEAD...	565.90
060313	DOWELL PLASTERING INC	PLASTER WALL	354.80
MIMA145752	FASTENAL COMPANY	TOOLS	400.00
MIMA145942	FASTENAL COMPANY	SUPPLIES	573.73
MIMA146222	FASTENAL COMPANY	HARDWARE	6.80
MIMA146232	FASTENAL COMPANY	FLOOR MATS	9.15
207992	FIRE EXTINGUISHER SER	TESTS, AIR TANK RPLCMT VALVE	551.66
			204.00

EXP CHECK RUN DATES 06/20/2013 - 06/20/2013  
 UNJOURNALIZED  
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
285077	FISHBECK THOMPSON CAR	MARSHALL DRAINAGE DESIGN	
2839	GRAND RIVER BUILDERS	CHIMNEY WORK AT HONOLULU HOUSE	2,182.82
1677	GUTTERS R US	CLEAN & INSPECT GUTTERS	7,100.00
68821	HERMANS MARSHALL HARD	TAPE RULES	90.00
68836	HERMANS MARSHALL HARD	TAPCONS	41.48
68800	HERMANS MARSHALL HARD	ELBOW, NIPPLE	6.49
68946	HERMANS MARSHALL HARD	LAWN MOWER BLADE	6.20
68899	HERMANS MARSHALL HARD	BROOM	18.99
508840	IRVIN'S HARDWARE	CHAINSAW	22.49
032013	ISAAC & SONS	APT #424	1,000.88
052813	ISAAC & SONS	APTS #214, 325, 405, 412	70.00
83129	J & K PLUMBING SUPPLY	SUPPLIES	280.00
82995	J & K PLUMBING SUPPLY	PIPE FITTINGS	27.38
83022	J & K PLUMBING SUPPLY	PIPE FITTINGS	107.74
053113	JIMMY'S JOHNS	COMPOST CENTER	5.52
52326	JWC ENVIRONMENTAL	REPLACEMENT HOUSING FOR TWO MUFFIN MONS	90.00
133996	KAR LABORATORIES INC	CYANIDE ANALYSIS	4,335.49
133585	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
51745	KEDS INC	2012 LOCAL ROAD RESURFACING	100.80
5270	KELLOGG'S REPAIR GARA	GRASS HOPPER STARTER	207.49
693668F	KIESLER'S POLICE SUPP	AMMO	287.40
KAL00797689	KONECRANES INC	ANNUAL INSPECTION	505.20
L3213	LAFLEUR LANDSCAPE & D	LANDSCAPING AT HONOLULU HOUSE	640.80
25914	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	2,676.00
25927	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	63.67
1026821	LEGG LUMBER	LANDSCAPE TIES, TREATED 2X4X8	112.35
1026689	LEGG LUMBER	GRAVEL MIX	37.29
1026734	LEGG LUMBER	FLYWOOD	12.87
1635	LENAAEE RADIATOR SERV	RADIATOR REPAIR	31.99
26940	MMEA	CONFERENCE - TOM TARKIEWICZ	189.00
675577	MODERNISTIC	CARPET CLEANING	30.00
19585523	MSC INDUSTRIAL SUPPLY	GLOVES	350.00
346566	NAEA OF MARSHALL	SHOP TOOLS	48.90
713436	NELSON TREE SERVICE I	TREE TRIMMING	112.48
713437	NELSON TREE SERVICE I	TREE TRIMMING	1,834.40
13-250	NU-TWIST SCREEN PRINT	T- SHIRTS	2,970.24
13-209	NU-TWIST SCREEN PRINT	T-SHIRTS	420.00
13-309	NU-TWIST SCREEN PRINT	T-SHIRT	367.50
060313	OVERHISER, MARTIN	HERITAGE ROUTE BYWAYS GRANT PHS II	12.00
5728244	POWER LINE SUPPLY	URD MARKING FLAGS	1,435.00
5720190	POWER LINE SUPPLY	#2 ALUMINUM TRIPLEX	201.24
5735619	POWER LINE SUPPLY	GROUND ROD	631.10
5735620	POWER LINE SUPPLY	MOULDING	291.40
5735852	POWER LINE SUPPLY	BUG WRENCH	162.00
1732513	POWER LINE SUPPLY	NUT RUNNER	19.45
5737623	POWER LINE SUPPLY	STEEL LINE PINS	138.63
5737622	POWER LINE SUPPLY	3 GANG METER SOCKET	229.50
4548	PRECISION LAWN CARE	MOW & TRIM AT INDUSTRIAL PARK	271.62
70480894	ROSE PEST SOLUTIONS	PEST CONTROL AT MH	1,280.00
7100244026	SCHINDLER ELEVATOR CO	INFRARED SAFETY EDGE	55.00
40005	SCHULER'S RESTAURANT	MANUFACTURERS APPRECIATION	2,016.00
241697	SOLOMON CORPORATION	WWTP TRANSFORMER	1,110.91
21063-0613	SPARTAN STORES	MAY CHARGES	15,770.00
26962	STANDARD PRINTING & O	FY 2014 ADOPTED BUDGET	144.71
688183	STANTEC CONSULTING MI	CONSTRUCTION ENGINEERING SERVICES	563.14
7000655527	STAPLES CONTRACT & CO	TONER	17,631.00
7000655526	STAPLES CONTRACT & CO	TONER, DVDS, INK	87.54
97491	STEENSMA	72" & 48" JD MOWERS	511.85
053013	THE TOWER CLOCK COMPA	SERVICED #15-TRAIN SETH THOMAS CLOCK	15,307.00
INV046439	UNITED LABORATORIES	NUTRACKER, VANDALISM MARK REMOVER	500.00
11392750	UNIVERSAL ADVERTISING	ADVERTISING FOR DART	308.15
P27980	VERMEER OF MICHIGAN,	SCREWS-HCS	83.00
053113	WEBERLING SERVICE LLC	MAY CHARGES	84.50
			105.90
			319,931.66

EXP CHECK RUN DATES 07/01/2012 - 05/31/2013  
 UNJOURNALIZED  
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
052913	APWA-SOUTHWEST BRANCH	JUNE MEETING - MIKE HACKWORTH	
052513	BALLARD, FRANK R	BUILDING INSPECTOR PAY	20.00
27-000500-02	BRIAN L SIMON	REFUND UTILITY OVERPAYMENT	1,014.15
MAY 2013	CALHOUN COUNTY TREASU	MAY TRAILER FEES	76.19
604852	COMMERCIAL OFFICE PRO	FILE FOLDERS	80.00
205541347999	CONSUMERS ENERGY	1000 0916 3203	17.63
202070476633	CONSUMERS ENERGY	1000 5741 9077	88.65
203049432554	CONSUMERS ENERGY	1000 0916 3708	12.92
203049432553	CONSUMERS ENERGY	1000 0916 3435	67.30
203049432555	CONSUMERS ENERGY	1000 0916 3971	219.16
206876137471	CONSUMERS ENERGY	1000 6710 1772	495.06
202337447550	CONSUMERS ENERGY	1000 0759 4680	40.02
052513	DEVENEY, JAMES R	INSPECTOR PAY	142.06
052513	GANO, DARYL	ELECTRICAL INSPECTOR PAY	365.00
052513	GROSS, JOHN	INSPECTOR PAY	362.50
052413	LEACH, DOUG	BOOT ALLOWANCE	120.00
9421-0513	MARSHALL COMMUNITY CU	9421 - SEARS	130.00
2113-0513	MARSHALL COMMUNITY CU	2113 - TRUDEAU	70.90
S3394784.001	MEDLER ELECTRIC COMPA	UNISTRUT	423.17
053013	MSHDA	SECTION 3 IMPLEMENTATION PLAN TRAINING	109.80
8-002800-11	OLSEN, LORI	REFUND UTILITY SECURITY DEPOSIT	10.00
52413	SEARS, THERESA	REIMBURSE PETTY CASH & COIN CHANGER MAC	3.55
052813	TRUDEAU, TERI	TIE-DYE SUPPLIES	258.84
26-015400-02	WOOLLEY, THOMAS	REFUND UTILITY OVERPAYMENT	21.98
10040269-0513	WOW! BUSINESS	ACCT #010040269	110.78
			372.82
			4,632.48
		Prescription reimbursement	16.39
		Total Cash Disbursements	\$4,648.87

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 06/07/2013 - 06/07/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
053113	AFFORDABLE HANDYMEN	PAINTING, INSTALL TOILET, BABY CHG STAT	475.00
29-009100-23	AMBLER, CATHERINE	REFUND UTILITY DEPOSIT	60.81
29-006700-26	CACIOPPPO, CHRISTOPHER	REFUND UTILITY DEPOSIT	25.53
060613	CHRIS BOWHUIS	TAE KWON DO INSTRUCTOR - SPRING	327.52
38119419	CITGO	FLEET #132271610	12,826.87
605539	COMMERCIAL OFFICE PRO	MAILERS, PCKG TAPE, HIGHLIGHTERS	75.84
201180550883	CONSUMERS ENERGY	1000 0033 5602	1,590.91
060213	GREG MCCOMB	EXPENSE REIMBURSEMENT	85.08
060413	HAGERTY, KAREN	EXPENSE REIMBURSEMENT	171.59
060313	JERRY HUTCHISON	CLEANING SUPPLIES FOR BUSES	11.13
1615	LAKELAND ASPHALT CORP	REFUND BALANCE OF HYDRANT DEPOSIT	208.00
25-027600-09	MCLANE, JODIE & RYAN	REFUND UTILITY DEPOSIT	34.06
051613	MEYER, STEVE	EXPENSE REIMBURSEMENT	18.00
060613	MICHIGAN ECONOMIC DEV	BROOKS INDUSTRIAL & RESEARCH PARK	250.00
700600015	MORRISON, SHARON & JO	REFUND UTILITY OVERPAYMENT	30.00
347553	NAPA OF MARSHALL	GAUGE	105.79
5868	QUALITY ENGRAVING SER	AWARD FOR JIM PARDOE	23.00
249-003797163	REPUBLIC SERVICES #24	ACCT # 3-249-1022021	789.31
060213	ROBERT MCCAIN	GATORADE FOR HOUSE BURNING	30.03
38-6004708-0513	STATE OF MICHIGAN	38-6004708, MAY 2013, SALES TAX	28,342.09
052313	STEVEN KELLY	EXPENSE REIMBURSEMENT	372.22
060413	THOMPSON, ROBERT	CENTRAL AIR TUNE-UP	50.00
052313	TROY DEKRYGER	EXPENSE REIMBURSEMENT	9.20
229096078	U.S. BANK EQUIPMENT F	LEXMARK COPIER LEASE	63.67
			45,975.65

Prescription reimbursements 51.30

Total Cash Disbursements \$46,026.95

## EVENT REPORT

**EVENT:** 50<sup>th</sup> Marshall Historical Society's Annual Historic Home Tour and Civil War Ball

**EVENT LOCATION:** Multiple locations

**SPONSOR:** Marshall Historical Society and the Marshall Area Historical Re-enactors Society

**EVENT DATE:** Saturday and Sunday, September 7<sup>th</sup> and 8<sup>th</sup>

**EVENT TIMEFRAME:** see detail

**MDOT PERMIT REQUIRED:** No

**MDOT PERMIT GRANTED:** NA

**ROAD CLOSURE TIMEFRAME:** Saturday 5:30am to Sunday at 7:00pm

**ROAD CLOSURE DETAIL:** N. Kalamazoo Avenue from Michigan Avenue to Mansion Street.

**EVENT CLOSURE DETAIL:** Closure will be used for passenger loading, pedestrian safety, and the civil war ball

**DETOUR DETAIL:** No posted detours

**EVENT DETAIL:**  
Homes on the Tour:

224 W Prospect  
410 N Eagle  
400 N Kalamazoo  
303 Division  
603 N Kalamazoo  
414 W. Mansion  
609 N Kalamazoo

Civil War Ball on Saturday Night from 7pm to 10pm

**PARKING PROHIBITION:** Mansion Street from Sycamore Street to Kalamazoo Avenue and in front of and across from each home that is on the tour

**COUNCIL NOTIFICATION DATE:** June 17, 2013



**ADMINISTRATIVE REPORT**  
**JUNE 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members  
**FROM:** Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager  
**SUBJECT:** Public Hearing to Disseminate Information on Rental Rehabilitation Grant as required by MSHDA and Adoption of Action Items as Required by MSHDA

**BACKGROUND:** Pertaining to the Rental Rehabilitation Grant being sought for Mr. Stuart's property at 121 1/2 W. Michigan Avenue, MSHDA requires that the City legislative body hold a public hearing on proposed activities. During the public hearing, the City's third party administrator, Revitalize LLC and 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, discussion will be held on how the proposed activity will benefit people with low and moderate income renting at 121 1/2 W. Michigan Avenue, and the general nature of the activities associated with this grant.

Along with the public hearing, MSHDA is requiring that City Council adopt the following items:

- Fair Housing Policy-This policy establishes the contact person for Fair Housing issues within the City of Marshall, describes how complaints are handled and ensures standards for equal opportunity.
- Program Guidelines-These are the guidelines established for the Rental Rehabilitation Program and set forth the "rules" for participation. The guidelines presented are standard in all communities that are participating with this program.
- Section 3 Policy and Handbook-Compliance with Section 3, under the Housing and Urban Development Act of 1968, is required by HUD for all recipients of their financial assistance.
- Appointing Revitalize LLC as Section 3 Coordinators-The staff of Revitalize LLC has already been appointed as the City's third party administrator to this grant; however, Section 3 specifically requires that they be appointed coordinators as well.

**RECOMMENDATION:** After hearing information and public comment, staff recommends that City Council adopt the Fair Housing Policy, Program Guidelines, Section 3 Policy and appoint Revitalize LLC as Section 3 coordinators as required by the MSHDA for the City's participation in the Rental Rehabilitation Grant.

**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  
FAIR HOUSING POLICY**



The City of Marshall is committed to fair housing and will work aggressively to ensure that the City of Marshall's housing developments comply fully with all state, federal, and local fair housing laws. The City has appointed Natalie Huestis as its fair housing contact person. Natalie has an understanding of the Fair Housing Laws and will attend applicable training to remain informed.

The City of Marshall has established a Fair Housing Log. The Fair Housing Log will be maintained by Natalie Huestis and will disclose information regarding any and all fair housing concerns and their outcomes. Fair housing issues identified in the community, such as in the newspaper, will be recorded in the log. Persons wishing to file a housing related complaint or concern will be referred to the Michigan Department of Civil Rights, HUD, and their local Fair Housing Center. Persons wishing to file a complaint or concern that is employment related will be referred to the Equal Employment Opportunity Commission and the Michigan Department of Civil Rights. Natalie Huestis will notify MSHDA if a complaint or concern is filed.

The Department of Community Services is accessible and barrier free. The City of Marshall will make every attempt to reasonably accommodate all of its customers.

The City of Marshall will include the Fair Housing Logo on all of its housing-related documents and advertisements. The City will post a Fair Housing poster in a place visible to the public. The City will secure and distribute Fair Housing material provided by MSHDA and various other Fair Housing agencies and organizations. "Fair Housing, It's Your Right" brochures will be distributed to all applicants.

The City of Marshall will consider all applicants and contractors based on qualifications. No applicant or contractor will be denied housing or a contract based on their race, color, national origin, religion, age, sex, marital status, familial status and handicap. Persons raising concerns regarding discrimination will not be retaliated against. The City of Marshall will request that both minority and women apply for assistance through the single-family and emergency assistance programs.

The City of Marshall is committed to affirmative marketing and will identify its fair housing needs and barriers. The City of Marshall will address these needs and barriers by establishing a plan to resolve and meet fair housing needs.

The City of Marshall is committed to providing safe, affordable, decent, and sanitary housing located in areas where people choose to live.

Approved on \_\_\_\_\_, 2013

City of Marshall  
RESOLUTION #2013-  
Adoption of Fair Housing Policy for the City of Marshall

**WHEREAS**, the City of Marshall is committed to providing safe, affordable, decent, and sanitary housing locations within the City, and;

**WHEREAS**, the City of Marshall is committed to the ideals of fair housing, and;

**WHEREAS**, the City of Marshall will work aggressively to ensure that our housing developments comply with state, federal, and local fair housing laws, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council adopts the City of Marshall Fair Housing Policy.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Trisha Nelson, City Clerk

I, Trisha Nelson, hereby certify that the above Resolution No. ~~##-##~~ was adopted by the Marshall City Council at a Regular Meeting of the Council held on June 17, 2013.

\_\_\_\_\_  
Trisha Nelson, City Clerk

**CITY OF MARSHALL  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
RENTAL REHABILITATION PROGRAM**

**PROGRAM GUIDELINES**

May 2013

Prepared by

City of Marshall  
323 W. Michigan Ave.  
Marshall, MI 49068  
(269) 781-3985



## **I. GENERAL PROVISIONS**

These PROGRAM GUIDELINES (Guidelines) intend to set forth the policies and identify the priorities of the **City of Marshall's Community Development Block Grant (CDBG) Rental Rehabilitation Program (Program)**. These Guidelines set forth the format that will cover general policies of the Program. However, the **Program Administrator (Administrator)**, with the approval of **The City of Marshall (City) and the Michigan State Development Authority (MSHDA)**, may waive or modify the requirements in individual cases based upon unforeseen circumstances. The City may also revise any of the parameters in this document to further the intent of the Housing and Community Development Act of 1977 as amended. Federal legislation and implementation regulations have been developed and have been integrated into this Program to protect the integrity of such policies.

### **A. GOALS**

The primary emphasis of this Program is to provide safe, decent, sanitary, and affordable rental housing to lower income residents of the City of Marshall within the targeted Downtown Development Area. Financial Assistance will be provided to eligible landlords to upgrade existing rental units or rehabilitate vacant space into rental units by improving energy efficiency, repairing health and safety deficiencies, and improving basic livability standards.

### **B. SOURCES OF FUNDS**

#### **1. MSHDA FUNDS**

MSHDA has supplied CDBG funding that will help facilitate rehabilitation of rental units and second story vacant spaces into rental units in the target area. These funds will be loaned to eligible landlords at 0% interest for 5 years and then forgiven if landlords comply with all MSHDA and City requirements. Maximum MSHDA funding for each dwelling unit being rehabilitated is \$35,000. Apartments which have been rented in the past five (5) years may only receive up to \$25,000.

#### **2. PROPERTY OWNER**

All property owners are required to provide a minimum of 25% of total project cost.

## C. PROPERTY OWNER AND RENTAL UNIT REQUIREMENTS

### 1. PROPERTY OWNER QUALIFICATIONS/INFORMATION

- a. MSHDA funded this program for a downtown targeted area only. Any unit to be considered must lie in designated targeted downtown area.
- b. Proof of Deed or land contract in property owners name (if land contract, a letter from holder that they will sign the mortgage/lien agreement).
- c. Documentation showing that all property taxes on property to be rehabilitated are current and paid in full.
- d. Documentation showing that appropriate (MSHDA approved) levels of property insurance are current and paid.
- e. Documentation of most recent three (3) months owner paid utilities for units to be rehabilitated (if applicable).
- f. Prior to signing mortgage, property owner must submit required matching funds to the City to be utilized on approved project.
- g. Any other documents required by the City, or MSHDA

### 2. NUMBER OF UNITS ELIGIBLE

All units rehabbed will be identified with proof of owner match prior to grant submittal and/or request for grant amendment due to increased interest.

### 3. LEVEL OF IMPROVEMENT

Upon completion of the rehabilitation, the dwelling units shall meet local building codes along with Federal Housing Quality Standards (HQS) and MSHDA Moderate Rehabilitation Standards. This includes plumbing, heating, electrical and structural components, all of which must be completed by licensed and insured contractors. **There is no property owner labor or work allowed in rehabilitation process.** All materials, equipment, fixtures, and building supplies utilized in the program will be moderately priced but durable in quality. Rehabbed units will be re-inspected after three years of completion to assure conditions are being maintained to previously mentioned codes.

### 4. FINANCIAL FEASIBILITY

Following rehabilitation the dwelling units must be able to financially support themselves. In addition all debt service, property taxes, insurance and utilities (those paid by property owner) must be current prior to the CDBG Rental Rehabilitation Program mortgage being signed and the rehabilitation commenced.

## **D. APPLICATION PROCESS**

### **1. PROPERTY OWNER PARTICIPATION**

- a. Full application completed.
- b. Notice sent to tenant (s) that Federal funds have been applied for
- c. Application reviewed and approved by Administrator
- d. Initial inspection by Administrator that could include City inspector.
- e. Preparation of bid specifications and cost estimates
- f. All Lead Based Paint Assessments and Asbestos Surveys will be paid for up front by owner of property. Funds for LBP Assessments will be applied to owner's matching funds.
- g. Meeting between Administrator and property owner to finalize project

### **2. RESIDENT PARTICIPATION**

Residents are the central aspect of this Program and their participation is required in completing the application process. Consequently, residents (18 years and older) occupying dwelling units under consideration for this Program will be required to submit a confidential form and written evidence (payroll evidence, etc.) as part of the Program application. Residents with income in excess of the MSHDA guidelines may result in disqualification of the dwelling unit from the Program. Following rehabilitation, resident income will be verified only when rehabilitated unit becomes vacant during 5 year term and new resident is being considered. Property owner is responsible for notifying the City when a rehabilitated unit becomes vacant.

### **3. RESIDENT NOTIFICATION**

Program regulations require notifications be sent to all residents in selected units regarding lead based paint hazards and displacement. It is the intent of this Program that no resident be required to re-locate (displaced) to another dwelling unit during the rehabilitation of their unit, and that such event may result in the disqualification of the unit from the Program. However if all parties involved agree that displacement is necessary, all associated costs shall be in accordance with the Federal Uniform Relocation Act and shall be the sole responsibility of the property owner.

NOTE: Property owners cannot elect to not renew a lease or evict a resident due to upcoming rehabilitation work. This would constitute displacement and resident would be entitled to relocation benefits.

### **4. RESIDENT APPLICATION**

The property owner of rehabilitated units will have application packets for distribution. Completed application packets must be given to the property owner and the property owner will then forward all documents to the Third Party Administrator for verification and approval. Once approved, the Third Party Administrator will notify the property owner who will then notify the potential tenant. Applicants will be chosen on a first

come, first qualified basis.

## **E. MORTGAGE REQUIREMENTS**

### **1. LEINS ON PROPERTY**

MSHDA requires a lien be placed on any property approved for rehabilitation. A 0% interest mortgage will be signed and if property owner keeps apartments affordable and complies with all other MSHDA and City requirements, the loan will be forgiven after 5 years. If property is sold during the 5 year term, the new property owner may either pay back the *entire* amount of the loan removing the rent restrictions; or, may continue the affordability requirements for the remaining period of time and not repay the assistance.

## **F. AFFORDABILITY REQUIREMENTS**

### **1. PERIOD OF AFFORDABILITY**

For a period of five (5) years following the signing of the mortgage and completion of the rehabilitation project, 51% of all units rehabilitated (1 of 1, 1 of 2, 2 of 3 etc.) must be occupied by residents whose income is at or below 80% of the area median income and rents shall be regulated in accordance with MSHDA and City requirements.

### **2. RESIDENT INCOME LIMITS**

The maximum household income for families residing in rental units prior to the unit being rehabilitated or upon vacancy and re-renting shall not exceed the following as determined by MSHDA (limits subject to annual review and adjustment):

#### **Current Income Limits by Household Size**

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
29,750	34,000	38,250	42,500

### **3. RENTAL RATES**

Property Owners may not increase the rent on units in the Program from the pre-rehabilitation rent for a minimum of one year after the rehabilitation has been completed. After one year has passed a maximum 10% per year rental increase is allowed during the affordability period if increase does not cause rental charge to exceed Fair Market Rent for Calhoun County.

## Current Rent Affordability "Guideline"

<u>Number Of Bedrooms</u>	<u>Fair Market Rent (including utilities)</u>
Efficiency	\$449
1	\$587
2	\$740
3	\$933

NOTE: These rates are estimates only. In the event the tenant is responsible for payment of a portion or all of the utilities these rental rates will be lowered in accordance with MSHDA guidelines. The Administrator will accurately calculate rents for each project individually.

### 4. TERM OF LEASE

To be fair to both landlord and resident, a lease that guarantees the monthly rental charge for 1 year and only calls for eviction in cases of just cause is required. NOTE: Just causes are generally, failure to pay rent, cause excessive disturbance to other residents, damage, etc. Month to month leases are allowed if monthly rental charge is guaranteed for 1 year term.

## G. CONTRACTORS

### 1. CONTRACTOR REQUIREMENTS

All contractors interested in participating in the Rental Rehabilitation Program must be determined eligible by the City/Administrator. Required items include, current State of Michigan contractor's license, active property/liability/workman's compensation insurance, proper lead abatement certification if applicable and list of current references (similar jobs completed within past 12 months preferably). Proof of insurance must be submitted to the Administrator/City for validation. *Contractors are also responsible for obtaining all necessary permits on any project they are selected for.*

### 2. INSURANCE

Contractors will be required to carry the following insurance coverage:

- a. **Workers Compensation** equivalent to Compensation Law of the State of Michigan.
- b. **Comprehensive General Liability Insurance** for contracts under \$35,000 a minimum of \$500,000 per occurrence Combined Single Limits (Bodily Injury/Property Damage), and for contracts over \$35,000 a minimum limit of \$1,000,000 Combined Single Limits (Bodily Injury/Property Damage).

- c. **Comprehensive Automobile Liability Insurance** for contracts under \$35,000 a minimum of \$300,000 per occurrence Combined Single Limits (Bodily Injury/Property Damage, and for contracts over \$35,000 a minimum limit of \$1,000,000 Combined Single Limits (Bodily Injury/Property Damage).
- d. Contractor shall furnish a Certificate of Insurance to the City prior to commencing construction. Such Certificate shall include a thirty (30) day notification of cancellation or material change in the policy.

### 3. CONTRACTOR LIST

The Administrator shall solicit contractors as to their qualifications and interest in participating in the Program. The City will maintain a listing of interested contractors, which shall be available for review.

### 4. CONTRACTOR SELECTION

The Administrator shall make available qualified contractor listing for property owner review. Property owners may solicit bid from a contractor not on qualified listing as long as contractor will qualify with the Administrator/City before bid walk thru takes place. Property Owner is required to solicit a minimum of three (3) bids from qualified contractors. With City approval two (2) bids may be allowed if unforeseen circumstances exist (lack of participation by qualified contractors, etc.).

### 5. BID PROCESS

Bid documents and specifications shall be prepared by the Administrator and approved by property owner. Bids will be taken on specified date usually 14-21 days after contractors participate in project walk thru. All Bids must be sealed, date and time recorded. Bids will be opened publicly and recorded.

The property owner shall select the contractor. In the event the property owner awards the contract other than to the lowest responsible bidder (as determined by the Administrator), the property owner must pay the difference between the selected bidder and the low bidder.

The property owner and the contractor shall execute a Rental Rehabilitation Program Contract acceptable to the Administrator and furnish a signed copy to the Administrator. No CDBG funds will be expended on a project until a signed contract has been furnished to the Administrator.

All Bidders will be notified of the results of the bid by letter indicating whether their bid was accepted or not accepted. If the contractor's bid was not accepted, the letter will indicate which bidder received the award.

## 6. PRE-CONSTRUCTION MEETING

A pre-construction meeting shall be held between the contractor, property owner, and Administrator staff prior to commencement of construction. At this meeting, the parties shall review specifications to be completed, construction procedures, expected construction standards, and concerns of any party.

## 7. NOTICE TO PROCEED

Upon completion of all necessary documentation and all construction issues have been addressed, the Administrator and property owner shall issue a "Notice to Proceed" to the contractor. No work on the project shall commence until the "Notice to Proceed" has been issued.

## 8. WORK PERFORMANCE

The selected contractor shall begin work within thirty (30) days after signing the contract. The contractor and/or the Property Owner shall notify the Administrator of any difficulties during the performance of the work; however **the contract is between the property owner and the contractor and they are responsible for resolving any issues to the satisfaction of the Administrator in accordance with MSHDA regulations prior to any payment.** Once work on a project begins the contractor is expected to work on project until all work is completed as scheduled with Property Owner and City. Projects should be completed within 90-120 days, unless otherwise specified.

## 9. PAYMENTS TO CONTRACTORS

The following payment schedule shall apply to all program projects.

- 25% initial payment upon signing contract (funding provided by Property Owner)
- Payment equal to 50% of the total contract upon completion of 50% of the work as determined by Administrator and Property Owner.
- Payment equal to 75% of the total contract upon completion of 75% of the work as determined by Administrator and Property Owner.
- 25% balance upon completion of work, final inspections completed and Certificate of Occupancy issued by the Building Official.
  - ✓ Property Owner must sign Final Acceptance Form
  - ✓ Contractor must provide a signed Final Invoice, Release of Liens, Permits, Occupancy Notice, Subcontractor information form and Warranty for final payment.
- All work shall be guaranteed for minimum of 24 months.

## 10. CHANGE ORDERS

Any and all change orders to the approved bid specifications shall be signed by the Property Owner, contractor, and Administrator prior to implementation.

NOTE: No work other than those specified in bid specifications shall take place in rental units being rehabilitated during term of contract between Property Owner and contractor.

## **H. OTHER TERMS AND CONDITIONS**

### **1. CONFLICT OF INTEREST**

No elected City Official or immediate family member, or employee directly involved in administering the CDBG program, or immediate family member, is eligible to benefit directly from CDBG funds. Applicants who are employed by the City or who are related to a member of the City staff or the City Council shall disclose their relationship on their application, and the applications shall be submitted to MSHDA for final approval. No CDBG funds will be advanced without prior MSHDA approval of the application.

### **2. NON – DISCRIMINATION**

No person shall be denied assistance based upon race, color, creed, religion, national origin, sex, marital status, reliance on public assistance, age, disability, or familial status.

### **3. CONFIDENTIALITY**

The Program shall comply with MSHDA confidentiality practices in its transactions with all applicants and their residents.

### **4. FILES**

The Administrator shall be responsible for establishing a permanent file for all approved applications and insuring that all necessary documents are included in the applicant's permanent file. All files will then be given to the City. A permanent file may be destroyed three (3) years after the loan closeout date from MSHDA. Applications which are declined or canceled shall be destroyed after three (3) years.

### **5. DECLINED APPLICATIONS**

The Administrator shall notify in writing any applicant who submits a written application for CDBG rental rehabilitation funds and is declined, and advise the applicant of the reason for the decision.

### **6. LEAD BASED PAINT**

All areas of a building/apartment that are being considered for funding in this Program will be inspected for lead based paint as required by MSHDA. All expenses incurred will be added to the cost of the rehabilitation.

## 7. ASBESTOS

Any structure which contains friable asbestos materials shall only be eligible to receive CDBG funds after an inspection and cost estimate for abatement performed by a licensed asbestos abatement contractor is provided to the Administrator. The cost of the inspection and estimate shall not be paid from CDBG funds.

## 8. HISTORICAL PROPERTY

The State Historic Preservation Office (SHPO) shall be notified of all potential projects in which the structure is 50 years of age or older. This is to assure compliance with all Federal and State regulations concerning rehabilitation of historic properties.

## 9. CHECKLISTS

The Administrator shall be responsible for preparation of an **Environmental Checklist, Local Building Code Inspection Form, Historical Significance Response Sheet** (if necessary), **Lead Based Paint Certification Form, Noise Attenuation Checklist**, and any other checklist required by MSHDA, and shall be placed in the applicant's permanent file.

## 10. BID PROPOSAL

The Administrator shall be responsible for preparation of the Bid Proposal and advising the property owner of contractors who have expressed an interest in bidding on the project. The property owner may solicit a licensed contractor who meets Program requirements and ask them to bid once they are approved by Administrator.

## 11. DISABLED, FEMALE, AND MINORITY CONTRACTORS

The Program shall actively solicit participation of disabled, female and minority contractors. The Program shall annually obtain a list of contractors in these categories doing business in the immediate area and invite them by letter to participate in the Program. Advertising will encourage their participation and give notice that the City of Marshall is an Equal Opportunity Employer.

## 12. CONTRACTOR PERFORMANCE

If documented complaints are filed against a contractor, the City may use discretion in removing the contractor from the list of eligible contractors. Repeated sub-standard performance of work by a contractor which is documented by the Administrator, Building Inspectors, Bureau of Occupational and Professional Regulation, or Michigan Department of Licensing and Regulatory Affairs may result in the contractor's ineligibility to participate in the Program. The Administrator shall notify the contractor of this action in writing after Council approval.

### 13. SECTION 3

The purpose of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low and very low income persons. The contractor awarded the project will be expected to follow Section 3 compliance and will be provided documentation pertaining to Section 3 upon contract signing.

#### I. COMPLAINT RESOLUTION

The Program shall comply with MSHDA approved methods for resolution of complaints and problems.

##### 1. REVIEW COMMITTEE

The City shall appoint a Complaint Review Committee consisting of no less than three (3) members. One member must have building/construction expertise; one member must be a homeowner; one member must be a representative of the City. Committee members shall be appointed for a period of no less than one year and shall receive no compensation from the Program. The Administrator or Administrator staff shall not be appointed to the Committee.

##### 2. COMPLAINT RESOLUTION PROCEDURE

The following Complaint Resolution Procedure shall be adopted to resolve all complaints by applicants or between parties participating in the Program. The Administrator shall notify the contractor and property owner of the procedure prior to the commencement of the project should the contractor or owner not be able to resolve a problem.

- a. Any party applying for or participating in a rehabilitation project administered by the Program may file a written complaint to the City giving a detailed description of the complaint. The City shall provide a copy of the complaint to the party against which the complaint is written. If the complaint is against the City, the City shall convene a meeting of the Complaint Review Committee at the earliest date convenient to all parties.
- b. The City shall investigate the complaint and respond in writing within fifteen (15) working days to both parties of the recommended resolution of the problem.
- c. Each party shall review the recommendation and respond in writing within fifteen (15)

working days to the City of their decision on the resolution recommended. The City will attempt to mediate any unresolved issues between the parties.

- d. If the issue cannot be resolved between the parties and City, the City shall convene a meeting of the Complaint Review Committee at the earliest date convenient to all parties.
- e. The Complaint Review Committee, consisting of no less than three members in attendance, shall review all written documents and hear verbal arguments by the parties. The complaint Review Committee will make a decision during the meeting on the resolution of the complaint unless it is determined that additional information is required and it is necessary to reconvene the Committee for final decision at a later date. The City shall advise the parties in writing of the Committee's decision.
- f. If the parties do not accept the decision of the Complaint Review Committee, the City shall advise the parties in writing that they shall be required to participate in a Dispute/Resolution Program. The costs of participation in the Dispute/Resolution Program shall be at the expense of the parties in the dispute.
- g. If mediation is unsuccessful and all of the above procedures have been adhered to and properly documented, the issue may be referred to the MSHDA Community Development Division staff for final decision.

### **3. DISCRIMINATION**

A person claiming discrimination based upon race, color, creed, religion, national origin, sex, marital status, reliance on public assistance, age, disability, or familial status by the Program may file a complaint with the City of Marshall's Complaint Review Committee, the Michigan Civil Rights Commission, or the local Fair Housing Center or HUD.

## **J. PROGRAM ADMINISTRATION**

### **1. THIRD PARTY ADMINISTRATOR**

The Program will be administered by a MSHDA approved Third Party Administrator with oversight provided by the City of Marshall. The City through the City Council is responsible to oversee the implementation and administration of the Program. Long term objectives include assuring City compliance with service to disadvantaged populations, assisting with outreach to groups for disadvantaged citizens, and advocating on behalf of these groups.

### **2. APPROVAL AUTHORITY**

Sole approval of a rehabilitation project using CDBG funds shall rest with the City taking into account a recommendation of the Third Party Administrator. The Administrator or

City may consult with MSHDA and/or City and State Building Inspectors as needed before approval is granted.

### **3. GRANT AGREEMENT**

The Program shall comply with all requirements and conditions contained in the Grant Agreement between the City and State of Michigan. If a violation of the Agreement occurs, the Administrator shall immediately notify the City Manager of Marshall, and the MSHDA Community Development Division.

### **4. MSHDA HOME/CDBG COMPLIANCE GUIDE**

The Program shall comply with the procedures and requirements contained in the MSHDA-HOME/CDBG GUIDE (MSHDA Guide) and any subsequent revision received by the Program. The provisions contained in the MSHDA Guide shall be incorporated in the Program Guidelines.

### **5. MSHDA POLICY BULLETINS**

The Program will comply with MSHDA Policy Bulletins. Also, any subsequent policies hereafter implemented by MSHDA.

### **6. MSHDA ENVIRONMENTAL REVIEW PROCEDURAL GUIDE**

The Program shall comply with MSHDA Environmental Review Procedural Guide. Any subsequent revisions hereafter implemented by MSHDA, shall be adopted as required.

City of Marshall  
RESOLUTION #2013-  
Adoption of Program Guidelines for CDBG Rental Rehabilitation funds

**WHEREAS**, the City of Marshall has submitted a CDBG grant for Rental Rehabilitation funds, and;

**WHEREAS**, the primary emphasis of the Rental Rehabilitation program is to provide safe, decent, sanitary, and affordable rental housing to lower income residents of the City of Marshall within the Downtown Development area, and;

**WHEREAS**, upon approval of the grant, MSHDA will supply Community Development Block Grant funding that will help downtown owners facilitate rehabilitation of rent units and second story vacant spaces into rental units, and;

**WHEREAS**, MSHDA requires the adoption of Program Guidelines which set forth the policies and identify the priorities of the Rental Rehabilitation Program, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council adopts the City of Marshall Community Development Block Grant (CDBG) Rental Rehabilitation Program Guidelines.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Trisha Nelson, City Clerk

I, Trisha Nelson, hereby certify that the above Resolution No. ##-## was adopted by the Marshall City Council at a Regular Meeting of the Council held on June 17, 2013.

\_\_\_\_\_  
Trisha Nelson, City Clerk

# City of Marshall

## Section 3 Policy and Handbook

(Adopted )

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## ***Introduction***

Section 3 of the Housing and Urban Development Act of 1968, as amended, is a legislative directive that requires recipients of government financial assistance from the United States Department of Housing and Urban Development (HUD) for housing and community development programs to provide economic opportunities to low- and very low-income persons (regardless of race or gender). These economic opportunities include, but are not limited to, providing preference in new employment, training and contracting opportunities of low- and very low-income persons.

Section 3 is activated when construction and rehabilitation projects create the need for new employment, contracting, or training opportunities. Recipients and contractors are not required to hire Section 3 Residents or award contracts to Section 3 Business Concerns other than what is needed to complete a covered project. Recipients and contractors should, though, attempt to meet the required numerical goals for hiring and retaining low- and very low-income persons. If the expenditures of the project do not result in new employment, contracting, or training opportunities, the requirement of Section 3 is not activated. Nevertheless, the recipient and its contractors are required to submit Section 3 report information explaining this.

This policy and handbook has been prepared to provide information and general guidance as to how the City of Marshall (the City) will administer Section 3 regulations. This guide should not be treated as a recitation of the Section 3 Act and its regulations. It is a summary of the pertinent provisions, and focuses on the requirements imposed on the Developer, General Contractor and Subcontractor(s) receiving Section 3 funds. Developers, General Contractors and Subcontractors bear the responsibility to familiarize themselves with the Section 3 Act and regulations prior to accepting Section 3 Covered Assistance.

## ***Policy Statement***

The City shall provide economic opportunities to low- and very low-income persons living in the City of Marshall and its immediate area (Calhoun County). The City should also provide economic opportunities to businesses within that area that meet the definition of "Section 3 Business Concern." Accordingly, the City shall implement policies and procedures to ensure that Section 3, when required, is followed to the "*greatest extent feasible*" for all contracts where labor/professional services are provided.

This policy shall not apply to contractors who only furnish materials or supplies through Section 3 Covered Assistance. It will apply to contractors who install materials or equipment (see definition of "Section 3 Contractor" below). Where federal housing and community development assistance provides for partial funding for a Section 3 Covered Project or activity, the entire project or activity is subject to Section 3 requirements. Nothing in this policy shall be construed to require the employment or contracting of a Section 3 Resident or Section 3 Business Concern who does not meet the qualifications of the position to be filled or who cannot fulfill the contract.

**Successful compliance with the Section 3 Act and regulations by the Developer and/or General Contractor will be a factor in determining future awards of Section 3 Covered Assistance.**

## **Definitions**

The City incorporates into this policy and handbook the definitions contained in § 135.5 of 24 CFR Part 135. (Also, see the June 30, 1994 Federal Register)

### **Defined Terms of Policy and Handbook**

- **Section 3** – Section 3 means Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). This act recognizes that funds of HUD are typically one of the largest sources of federal funding expended in communities through the form of grants, loans, entitlement allocations and other forms of financial assistance. By doing so, this act seeks to guarantee that when employment or contracting is generated due to these activities, that preference in employment and contracting is given to low- and very low-income persons or Section 3 Business Concerns residing in the community where the project is located.
- **Section 3 Business Concerns**- Section 3 Business Concerns refer to a business or businesses that meet the following criteria:
  - 1) That is 51 percent or more owned by Section 3 Residents; **OR**
  - 2) Whose permanent, full-time employees include persons, at least 30 percent of whom are currently Section 3 Residents, or within three years of date of first employment with the business concern were Section 3 Residents; **OR**
  - 3) Provides evidence of a commitment to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) in this definition.
- **Section 3 Contractor**- An entity that contracts to perform work generated by Section 3 Covered Assistance, a Section 3 Covered Project, or to perform the work of Section 3 Covered Community Planning and Development Funding.
- **Section 3 Coordinator**- Refers to the individual appointed by the City to enforce the City's Section 3 Policy and Handbook, and to see that the goals established for Section 3 are being met by Section 3 Developers, Contractors, and Subcontractors.
- **Section 3 Covered Assistance** – Section 3 Covered Assistance relates to the following types of development:
  - 1) Public and Indian housing development assistance provided pursuant to section 5 of the 1937 Act;
  - 2) Public and Indian housing modernization assistance provided pursuant to section 9 of the 1937 Act;
  - 3) Assistance provided under any HUD housing or community development program that is expended for work arising in connection with:
    - i) Housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair and replacement);

- ii) Housing construction; **OR**
- iii) Other public construction project (which includes other buildings or improvements, regardless of ownership).

- s **Section 3 Covered Community Planning and Development Funding –** Community Development Block Grant (CDBG), Home Investment Partnership Assistance (HOME), Emergency Shelter Grants (ESG), Neighborhood Stabilization Programs (NSP), and certain other grants awarded under HUD Notices or Funding Availability (NOFAs). The requirements for Section 3 only apply to the portion(s) of covered funding that were used for project/activities involving housing construction, rehabilitation, demolition, or other public construction.
- **Section 3 Covered Contract-** A contract or subcontract (including a professional service contract) awarded by a recipient or contractor for work generated by the expenditure of Section 3 Covered Assistance, or for work arising in connection with a Section 3 Covered Project. "Section 3 Covered Contracts" do not include contracts awarded under HUD's procurement program, which are governed by the Federal Acquisition Regulation System (see 48 CFR, Chapter 1). "Section 3 Covered Contracts" also do not include contracts for the purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 Covered Contract. For example, a contract for the purchase and installation of a furnace would be a Section 3 Covered Contract because the contract is for work (i.e., the installation of the furnace) and thus is covered by Section 3.
- **Section 3 Covered Project-** A Section 3 Covered Project involves the construction or rehabilitation of housing (including reduction of lead-based paint hazards), or other public construction such as street repair, sewage line repair or installation, updates to building facades, etc.
- **Section 3 Developer-** Any entity engaged in the business of development of affordable housing which is an applicant for Section 3 Covered Assistance or has been awarded Section 3 Covered Assistance.
- **Section 3 Recipient (the City) –**The entity which receives Section 3 Covered Assistance, a Section 3 Covered Project, or Section 3 Covered Community Planning and Development Funding from HUD.
- **Section 3 Regulations-** Regulations found in 24 CFR Part 135 which govern the application of the Section 3 Act.
- **Section 3 Requirements-** Employment, training and contracting opportunities imposed by the Section 3 Act upon recipients, developers, and contractors.
- **Section 3 Resident-** A Section 3 Resident is one of the following:
  - 1) A public housing resident; **OR**
  - 2) An individual who resides in the metropolitan area or non-metropolitan county in which the Section 3 Covered Assistance is expended, and who is:

- Low income – A family (includes single-person household) whose family income does not exceed 80 percent of the median income for the area, as determined by the Secretary of Housing and Urban Development.
- Very Low-income- A family (includes single-person household) whose family income does not exceed 50 percent of the median income for the area, as determined by the Secretary of Housing and Urban Development.
- **Section 3 Subcontractor-** An entity which has a contract with the general contractor to undertake a portion of the contractor's obligation for the performance of work generated by Section 3 Covered Assistance, a Section 3 Covered Project, or to perform the work of a Section 3 Covered Community Planning and Development Funding project.

***Responsibilities of Recipient (the City):***

A recipient of Section 3 Covered Assistance, a Section 3 Covered Project, or Section 3 Covered Community Planning and Development Funding is required, by law, to comply with Section 3 in its own operations, and to ensure that contractors and subcontractors of the Section 3 Contractor comply with Section 3 to the "*greatest extent feasible.*" To that end, the recipient is required to comply with Section 3 in its own operations by doing the following:

- a) Notify Section 3 Residents and Section 3 Business Concerns about jobs and contracts generated by Section 3 Covered Assistance, a Section 3 Covered Project, or Section 3 Community Planning and Development Funding;
- b) Notify potential contractors of the objectives and numerical goals of Section 3 and the ways in which each contractor can reach those goals;
- c) Require that a Section 3 Clause be included in all contracts signed by Section 3 Developers, Contractors, and Subcontractors;
- d) Facilitate training and employment opportunities for Section 3 Residents; **AND**
- e) Document the action that Section 3 Developers, Contractors, and Subcontractor take to comply with Section 3 Requirements, the results of such actions, and impediments, if any.

The recipient also has a responsibility to "ensure compliance" by contractors involved. In that spirit, the recipient will require a contractor to do the following:

- a) Notify subcontractors of their responsibilities under Section 3, which includes incorporating the Section 3 Clause in all contracts with subcontractors, as well as requiring all subcontractors to fill out necessary Section 3 forms that the City requires;
- b) Refrain from entering into contracts with subcontractors that are in violation of the regulations in 24 CFR Part 135;
- c) Respond to complaints made to the Section 3 Recipient by Section 3 Residents or Section 3 Business Concerns that the contractor or subcontractor is not in compliance with 24 CFR Part 135; **AND**
- d) Cooperate with HUD in obtaining the compliance of contractors and subcontractors when allegations are made that the contractors and subcontractors are not in compliance with the regulation of 24 CFR Part 135.

### **Section 3 Coordinator**

The City shall appoint a Section 3 Coordinator, who will serve as the immediate point of contact for the Section 3 Recipient, Developer, Contractor, and Subcontractor(s). This coordinator shall be tasked with ensuring that all Section 3 Requirements are met, and if they are not met, they should document the reason as to why. The Section 3 Coordinator shall provide technical assistance as it relates to Section 3 Requirements to Section 3 Developers, Contractors, and Subcontractors. The Section 3 Coordinator will also be responsible for interpreting Section 3 regulations, assisting Section 3 Developers, Contractors, and Subcontractors in identifying employment opportunities and training programs for Section 3 Residents, and provide methods to help Section 3 Developers, Contractors, and Subcontractors outreach to Section 3 Residents and Section 3 Business Concerns to inform them of economic opportunities that are available.

### **Numerical Goals and Preference for Employment, Contracting and Training Opportunities**

The City has established numerical goals that comply with Section 3 regulations and priorities, consistent with those set forth by HUD. These goals and priorities serve as a tool for ensuring the effectiveness of the City's efforts to ensure that Section 3 Residents and Section 3 Business Concerns are given an economic opportunity to the "*greatest extent feasible.*"

*The City of Marshalls Minimum Numerical Goals are as follows:*

- 30 percent of the aggregate number of new hires by a Section 3 Contractor or Section 3 Subcontractor(s) shall be Section 3 Residents annually.
- 10 percent of the total dollar amount of all Section 3 Covered Contracts will be awarded to Section 3 Business Concerns.
- 3 percent of the total dollar amount of all non-construction Section 3 Covered Contracts, shall be awarded to Section 3 Business Concerns.

In order to meet these numerical goals, and demonstrate compliance with the "*greatest extent feasible!*" requirement of Section 3, contractors must meet the priorities set forth below for providing training and employment to Section 3 Residents. These priorities are pursuant to § 135.34, 24 CFR Part 135 and are the following:

**First Priority:** Residents of the development where the work is to be performed;

**Second Priority:** Other residents of the neighborhood where the work is to be performed;

**Third Priority:** Other residents of the neighborhood who are participants in HUD-Youthbuild or other federal, state, and local job programs being carried out in the City or county area; **OR**

**Fourth Priority:** Other persons from the project's immediate area who meet the definition of Section 3 Resident contained in § 135.5, 24 CFR Part 135.

And, in order to comply with Section 3 Requirements on contracting, contractors must give contracting preference to Section 3 Business Concerns, by following the following priorities that are pursuant to § 135.34, 24 CFR Part 135:

*Public and Indian Housing Programs:*

**First Priority:** Business Concerns that are 51 percent or more owned by residents of the housing development or developments for which Section 3 Covered Assistance is expended, or whose full-time, permanent workforce includes 30 percent of these persons as employees;

**Second Priority:** Business Concerns that are 51 percent or more owned by residents of other housing developments or developments managed by the housing authority that is expending the Section 3 Covered Assistance, or whose full-time, permanent workforce includes 30 percent of these persons as employees;

**Third Priority:** HUD Youthbuild programs being carried out Calhoun County for which Section 3 Covered Assistance is expended; **OR**

**Fourth Priority:** Business Concerns that are 51 percent or more owned by Section 3 Residents, or whose permanent, full-time workforce includes no less than 30 percent Section 3 Residents, or that subcontract in excess of 25 percent of the total amount of subcontracts to Section 3 Business Concerns.

*Housing and Community Development Programs:*

**First Priority:** Section 3 Business Concerns that provide economic opportunities for Section 3 Residents in the service area or neighborhood in which the Section 3 Covered Project is located;

**Second Priority:** Applicants selected to carry out HUD Youthbuild programs; **OR**

**Third Priority:** other Section 3 Business Concerns.

In the event that a Section 3 Contractor or Subcontractor cannot hire based on Section 3 Resident employment and training priorities or contract based on the Section 3 Business Concerns contracting priorities, they must then document and explain the reasons as to why, and then submit that explanation to the Section 3 Coordinator for the City.

***Formal Section 3 Plan***

After the Section 3 Contractor has been selected, the Section 3 Recipient shall schedule a meeting with the Section 3 Developer and Contractor to discuss Section 3 Requirements.

After such meeting is complete, a comprehensive Section 3 Plan shall be completed and signed by a representative of all parties involved (Section 3 Developer, Contractor, and Subcontractors[s]). This comprehensive Section 3 Plan needs to also include the Section 3 goals of the Section 3 Developer, Contractor, and Subcontractor(s). After successful the completing the plan, the Section 3 Developer, Contractor, and Subcontractor(s) are then required to submit it to the Section 3 Coordinator for the City for review and approval.

***Components of Section 3 Plan***

The Section 3 Plan must contain specific information, including but not limited to the following:

- a) Statement certifying that the Section 3 Developer, Contractor, and/or Subcontractor(s) agree to comply with the Section 3 Act and regulations, as well as the City of Marshall's Section 3 Policy and Handbook;
- b) Statement certifying that the Section 3 Developer, Contractor, and/or Subcontractor(s) are aware of the employment, training, and contracting goals, and agree to work together to meet these goals;
- c) Name and contact information of the Section 3 Developer, Contractor, and/or Subcontractor(s) Section 3 Coordinator;
- d) Identification of the Section 3 project area (area in which project is located);
- e) Section 3 Developer, Contractor, and/or Subcontractor(s) current workforce, and additional workforce that will be needed to complete the project;
- f) Section 3 Developer, Contractor, and/or Subcontractor(s) employment, training and contracting opportunity goals for project;
- g) Specific strategies for notifying Section 3 Residents of Section 3 employment and training goals;
- h) Specific strategies for notifying Section 3 Business Concerns of Section 3 contracting opportunities;
- i) Commitment by Section 3 Contractor to inform all potential Section 3 Subcontractor(s) of its Section 3 Plan, and ensure that the Section 3 Contractor holds Section 3 Subcontractor(s) accountable to all Section 3 Requirements;
- j) Commitment by Section 3 Developer and Contractor to prepare and submit to the City of Marshall's Section 3 Coordinator, monthly Section 3 reports;
- k) Commitment by Section 3 Developer and Contractor to include Section 3 Clause (see attachments) in all construction contracts and subcontracts for Section 3 *Covered* Contracts; **AND**
- l) Commitment by Section 3 Developer, Contractor, and Subcontractor(s) to conduct aggressive outreach and notify Section 3 Residents and Section 3 Business Concerns of Section 3 goals, including the use of site signage, fliers, etc.

### ***Implementation Strategies for Notifying of Employment Training and Contracting***

In order to comply with the Section 3 Act and regulations, the Section 3 Developer, Contractor, and Subcontractor(s), as applicable to each project, shall implement an aggressive campaign to encourage participation of Section 3 Residents and Section 3 Business Concerns. Some strategies to implement this campaign include the following:

- a) Publish a notice in a local newspaper of the potential employment and training opportunities for Section 3 Residents and Section 3 Business Concerns. Written notice must be provided in sufficient time to enable Section 3 Business Concerns the opportunity to respond to bid invitation;
- b) Post in a prominent location at the Section 3 Covered Project site notice of the potential employment and training opportunities for Section 3 Residents, and potential contracting opportunities for Section 3 Business Concerns;
- c) Submit letters or fliers to the residents of a Section 3 *Covered* Project advising them of employment, training and contracting opportunities for the Section 3 Covered Project (applies to rehabilitation only when there are existing residents);

- d) Provide residents of the Section 3 Covered Project and the surrounding area with information on how to get certified as a Section 3 Resident or Section 3 Business Concern;
- e) Provide public housing authorities in Calhoun County with fliers, notices and other information related to Section 3 employment, training and contracting opportunities for the Section 3 Covered Project;
- f) Provide information to residents of a Section 3 Covered Project and the surrounding area regarding established job training programs located within the Section 3 Covered Project area;
- g) Provide minority and women-focused labor and trade organizations with notice of Section 3 employment, training and business opportunity goals;
- h) Provide minority and women-focused labor and trade organizations with notice of when and where plans and specifications for bid review will be distributed; **OR**
- i) Contact the following groups that have been identified in assisting to find Section 3 Residents employment, and Section 3 Business Concerns contracting opportunities.

Organization Name	Primary Contact	Phone	Address
<b>Calhoun County Michigan Works</b> Job Postings for Public Housing Residents	Albion Service Center	(517) 629-5852	101N. Albion Albion, MI49224
<b>Employment Group</b> Job or Bid Postings	Staff	(269) 789-1024	211 E. Michigan Ave. Marshall, MI49068
<b>Goodwill Industries</b> Job Placement, Job Postings, Training	Jerry Mainstone	(866) 725-8534	4820 Wayne Rd. Battle Creek, MI49037
<b>Habitat for Humanity</b> Job Postings	Joe Konrad JoeCCilhabitatbc.org	(269) 966-2502	5700 Beckley Rd. Suite F Battle Creek MI 49015
<b>Battle Creek Housing Commission</b> Job Postings	Lee Talmage Lee@BattleCreekHoJsing.org	(269) 965-0591 ext. 106	250 Champion St. Battle Creek, MI 49037
<b>Albion Housing Commission</b> Job Postings	Ann Taylor-Kemp	(517) 629-2511	1300 Cooper St. Albion, MI 49224
<b>Calhoun County Michigan Works</b> Job Placement, Training	M.J. Bruns brunsm@calhounisd.org	(269) 789-2423	Calhoun County ISD 17111 G Drive North Marshall MI49068
<b>Marshall Ad-visor &amp; Chronicle</b> Job or Bid Postings	Kathy Miller kathymiller@jasnetworks.net	(269) 781-5444	517 S. Kalamazoo PO Box 111 Marshall, MI 49068

### **Section 3 Certifications**

The City requires that Section 3 Residents and Section 3 Business Concerns register with the City's Section 3 Coordinator to ensure that they are Section 3 certified. This is a self-certification that the Section 3 Coordinator will verify upon successful completion of the required forms by a Section 3 Resident or Section 3 Business Concern applicant. The following documents will be required to apply for Section 3 Resident and Section 3 Business Concern status, respectively:

**Section 3 Resident-** Any person requesting Section 3 preference in hiring and training shall complete the City's Section 3 Resident Certification Form. Additionally, the person seeking certification shall provide the adequate documentation regarding permanent

residence and income. Verification of income eligibility will be determined using one of the following forms:

- a) A public housing or Section 8 lease agreement;
- b) Evidence of income (most recent W-2 or income tax return);
- c) Evidence of receipt of public assistance; or
- d) Any other evidence acceptable to the City's Section 3 Coordinator.

**Section 3 Business Concern** -Any business seeking Section 3 preference shall complete the City's Section 3 Business Concerns Certification Form. This form is a self certification, and Section 3 Business Concerns bear the ultimate responsibility of ensuring and maintaining their Section 3 status, as well as complying with all related HUD regulations.

Applications requesting for Section 3 Business Concern status must be submitted to the City's Section 3 Coordinator prior to submission of bids for review. Section 3 Business Concerns shall provide additional documentation to the City upon request.

After reviewing the required documents submitted requesting Section 3 Resident and Section 3 Business Concerns status, the Section 3 Coordinator for the City will then send a letter certifying Section 3 status. The City will also keep a database of eligible Section 3 Residents and Section 3 Business Concerns.

### ***Section 3 Compliance and Monitoring***

The City is available at all times to provide guidance and technical support to Section 3 Developers, Contractors, and Subcontractor(s) to ensure that they understand the goals and regulations of Section 3. Additionally, the City will maintain a database of eligible Section 3 Residents and Section 3 Business Concerns to assist Section 3 Developers, Contractors, and Subcontractors in outreaching to both constituencies.

Section 3 Developers, Contractors, and Subcontractors are required to retain copies of all outreach attempts, copies of all responses to notices published in papers and posted publicly, copies of all responses to bid invitations, and any other relevant information pertaining to Section 3 outreach. Copies of all outreach shall be surrendered to the City upon request.

The City also retains the right to conduct on-site reviews of a Section 3 Covered Project to determine whether the Section 3 Developer, Contractor, and/or Subcontractor(s) are complying with the approved Section 3 Plan.

In the event that the City determines that a Section 3 Developer, Contractor, and/or Subcontractor(s) are not in compliance with the approved Section 3 Plan, then the party in violation will be provided with a written notice of non-compliance. The notice will require the party in violation to meet with the City's Section 3 Coordinator to determine if the best efforts were used to follow the plan. If they were not, then the Section 3 Coordinator will advise on the necessary steps to meet the goals of the Section 3 Plan.

### **Section 3 Policy and Handbook Attachments**

Section 3 Act

Section 3 Regulations  
Section 3 Clause  
Section 3 Plan (Section 3 Developer and Section 3 Contractor)  
Section 3 Plan (Section 3 Subcontractor[s])  
Contracting Plan Worksheet  
Outreach to Solicit Bids from Section 3 Business Concerns  
Permanent Employee Listing (Section 3 Developer, Contractor, Subcontractor[s])  
Workforce Needed for Section 3 Covered Project (Section Developer, Contractor, Subcontractor[s])  
New Hires (Section 3 Developer, Contractor, Subcontractor[s])  
Section 3 New Hires Trained (Section 3 Developer, Contractor, Subcontractor[s])  
Certification for Business Concerns Seeking Section 3 Preference in Contracting  
Certification for Resident Seeking Section 3 Preference in Training & Employment  
HUD Form 60002 Section 3 Summary Report

City of Marshall  
RESOLUTION #2013-  
Adoption of Section 3 Policy and Handbook and Appoint Revitalize LLC as Section 3  
Coordinators

**WHEREAS**, the Housing and Urban Development Act of 1968, as amended, is a legislative directive that requires recipients of government finance assistance from the United States Department of Housing and Urban Development (HUD) for housing and community development programs to provide economic opportunities to low and very low-income persons (regardless of race or gender), and;

**WHEREAS**, Section 3 is activated when construction and rehabilitation projects create the need for employment, contracting, or training opportunities, and;

**WHEREAS**, the City of Marshall has submitted a grant for Rental Rehabilitation funds from MSHDA in which compliance with Section 3 is required, and;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Marshall adopts the Section 3 Policy and Handbook and appoints Revitalize LLC as the City's Section 3 Coordinators upon the receipt and during the administration of the Rental Rehabilitation Grant.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Dated \_\_\_\_\_

\_\_\_\_\_  
Trisha Nelson, City Clerk

I, Trisha Nelson, hereby certify that the above Resolution No. ##-## was adopted by the Marshall City Council at a Regular Meeting of the Council held on June 17, 2013.

\_\_\_\_\_  
Trisha Nelson, City Clerk



**ADMINISTRATIVE REPORT**  
**JUNE 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members

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

**SUBJECT:** Public Hearing on Proposed Text Changes to §156.231:  
Wireless Communications Facilities and Services

**BACKGROUND:** At their March 13, 2013 meeting the Planning Commission received staff and attorney 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.

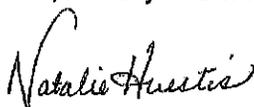
**MOTION** by Commissioner Banfield, second by Commissioner Zuck to recommend to City Council proposed text changes to §156.231: Wireless Communications Facilities and Services. On a voice vote; **MOTION CARRIED.**

**RECOMMENDATION:** After hearing public comments, the Planning Commission recommends that City Council approves 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 #-2013**

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:**

- 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  
JUNE 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members

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

**SUBJECT:** Public Hearing 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. The next step in the design of the park is the design charrettes during which the public is invited to come and give their ideas, opinions and suggestions.

After the public hearing on May 8<sup>th</sup>, the Planning Commission worked through the rezoning "Finding of Fact" taken 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.*

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**(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.*

**(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:** After hearing public comments, 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).

**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. 2013-##

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**  
**June 17, 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 development of the park is anticipated for the spring of 2014.

**RECOMMENDATION:** After hear public comment, It is recommended that the City Council approve 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 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 PARK HOURS**

Ketchum, Carver, Stuart Landing and Millpond Parks, the Brooks Nature 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**  
**June 17, 2013 – CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Public Hearing on 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. 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 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.

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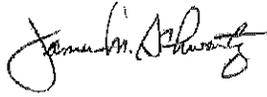
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**RECOMMENDATION:** The Marshall City Prosecuting Attorney, Chief of Police and the City Manager recommend the adoption of the MVC, UTC, MCSA and Part 821 of the Natural Resources and Environmental Protection Act.

**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.

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CITY ATTORNEY'S OFFICE  
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Marshall, MI 49068  
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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 10<sup>th</sup> 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 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 alien 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**  
**June 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council  
**FROM:** Carl Fedders, Director of Public Services  
Tom Tarkiewicz, City Manager  
**SUBJECT:** Bid Award – Division Street Improvements

**BACKGROUND:** Bids were received for Division Street Improvement project on June 11, 2013. The project will include repaving Division Street from Prospect to Forest and the reconstruction of Division Street from Mansion to Prospect including water main replacement.

This project is consistent with the plan set out by the 2012 Road Report and will utilize the MTT bond revenue and the general obligation bond revenue for water system improvements as a funding source.

The following bids were received:

Hunter-Prell Co.	Battle Creek	\$206,662.00
Mead Brothers Excavating, Inc.	Springport	\$235,710.00
Bailey Excavating	Jackson	\$236,174.90
Parrish Excavating	Quincy	\$240,105.40
Quality Asphalt Paving	Homer	\$251,780.33
Concord Excavating and Grading	Concord	\$253,974.00

The engineers estimate was \$245,000 for this project. The project is scheduled to be completed by mid-August and will be administered by KEBS Inc. as part of a previously approved contract.

**RECOMMENDATION:** It is recommended that the City Council accept the low bid from Hunter-Prell Co. of Battle Creek, Michigan for the amount of \$206,662 for the Division Street Improvements Project

**FISCAL EFFECTS:** To appropriate \$206,662 from the FY 2014 Local Street Fund Capital Outlay expenditure budget line item 203-900-970 and \$50,090 from FY 2014 Water Fund Capital Outlay expenditure line item 591-900-970.

**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



**ADMINISTRATIVE REPORT**  
**June 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council  
**FROM:** Carl Fedders, Director of Public Services  
Tom Tarkiewicz, City Manager  
**SUBJECT:** Kalamazoo River Watershed Stormwater Project

**BACKGROUND:** The City of Marshall has been approached by the Kalamazoo River Watershed Council to establish a partnership to evaluate the practices, policies, and ordinances that impact the water quality of the Kalamazoo River. It is expected that this partnership will help the city to direct new and existing developments on how to handle stormwater that will reduce infrastructure cost for the city and increase water quality.

The partnership agreement is not a contract and is not legally binding.

**RECOMMENDATION:** To authorize the Clerk to sign the Kalamazoo River Watershed Stormwater Project Partnership Agreement.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carl Fedders".

Carl Fedders  
Director of Public Services

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

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

**Kalamazoo River Watershed Stormwater Project  
PARTNERSHIP AGREEMENT**

**Purpose:** Establish a voluntary partnership between the Kalamazoo River Watershed Council and communities located within the watershed to evaluate the general impacts urban land use has on water quality and promote and educate communities on actions that can be taken to reduce future impacts.

**Vision:** All communities in the watershed will consider the impacts that land use has on water quality and adopt practices, policies, and/or ordinances that will permanently protect our shared water resources.

**Goals:** The Kalamazoo River Watershed Project has established the following goals.

1. Develop a baseline understanding of the current stormwater management practices and policies of communities throughout the watershed
2. Evaluate communities in terms of their own stormwater management goals in an effort to reduce current and mitigate future nonpoint source pollution as required under the Lake Allegan/Kalamazoo River Watershed Phosphorus Total Maximum Daily Load objectives
3. Provide support to communities in the form of written recommendations, sample stormwater ordinances or policies, and educational presentations to promote stormwater management practices and policies that will improve and protect the Kalamazoo River and its watershed

**Action:** The Partnership Agreement is not a contract and is not legally binding. It is a mechanism for cooperation and coordination, and expresses the intent of the signatory agencies to work together to promote actions that will improve, maintain, and protect the quality of the Kalamazoo River and its watershed. The parties do so in the unanimous belief that restoring these assets to their full potential will provide significant aesthetic, recreational, economic, and environmental benefits to the area for years to come.

By signing below, our organization supports, shares, and agrees to work toward achievement of the above stated goals.

\_\_\_\_\_  
Stephen K. Hamilton, President  
Kalamazoo River Watershed Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
{Name, Title}  
{Municipality Name}

\_\_\_\_\_  
Date



**ADMINISTRATIVE REPORT**  
**June 17, 2013 – City Council Meeting**

**REPORT TO:** Honorable Mayor and Council Members  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Fire Department Building Project – Owner's Representative Services

**BACKGROUND:** The replacement of the Fire Apparatus Bays and the renovations to the east side of City Hall is being designed by C2AE of Grand Rapids. It is anticipated that the construction plans will be complete by the end of August.

City Staff investigated several methods of project management including Design-Build, Construction Manager and Design-Bid-Build. Since the design was underway, the Design-Bid-Build method was determined to be the best method. With a Design-Bid-Build project, the City needs to protect its interests through an Owner's Representative. Currently, there is not an individual on Staff who has the knowledge of a large building project.

City Staff was introduced to Mr. William R. Wheeler of Ann Arbor. Mr. Wheeler has recently retired from the City of Ann Arbor and provided these Owner's Representative services to Ann Arbor. His resume and proposal are attached.

The responsibility of the Owner's Representative is to protect the City's interest in the review of all construction plans, cost estimates, bids, construction documents, contractor payments and project issues. He will monitor the Contractor as well as the Architect to keep the project within budget.

**RECOMMENDATION:** It is recommended that the City retain William R. Wheeler of Ann Arbor to provide Owner's Representative services for the Fire Department Building project.

**FISCAL EFFECTS:** \$12,303 from the Fire Department Building Project budget 101-900-970.00.

**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

## William R. Wheeler

3445 Yellowstone Dr.  
Ann Arbor, Mich. 48105

734/662-9782 (home)  
734/323-4203 (cell)

ktuta@umich.edu (email)

### Employment History

6/11 – Present	Retired
5/10 – 6/11	Contract Employee, Public Services Dept., City of Ann Arbor
5/10	Retired from the City of Ann Arbor
7/02 – 5/10	Major Projects Mgr., Public Services Dept., City of Ann Arbor
5/92 – 7/02	Public Services Dir., Public Services Dept., City of Ann Arbor
8/86 – 5/92	City Engineer, Engineering Dept., City of Ann Arbor
11/85 – 8/86	Acting City Engineer, Engineering Dept., City of Ann Arbor
12/79 – 11/85	Assistant City Engineer, Engineering Dept., City of Ann Arbor
3/78 – 12/79	Senior Engineer, Utilities Dept., City of Ann Arbor
7/69 – 3/78	Principal Engineer, Utilities Dept., City of Ann Arbor

### Experience and Skills

Experienced and skilled in all aspects of municipal public works, including financial management, personnel management, and project management. Experienced in the planning, design, and construction of streets, utilities, heavy construction (dams, plants, bridges), municipal buildings, and private development. Knowledgeable and conversant with special assessment procedures, municipal financing, capital and operating budgets, construction contracts, and professional service agreements.

Registered Professional Engineer in Michigan since 1975.

### Education

Bachelor of Science in Engineering (Mechanical), University of Michigan, 1969

### Awards

2007 – City Council honored my long service to the City by changing the name of our 400 acre field operations, maintenance facility, compost center, and material recovery facility from the Swift Run Service Center to the “W. R. Wheeler Service Center”.

1990 – Ann Arbor Chapter of the American Society of Civil Engineers named me their “Civil Engineer of the Year”.

### Personal

Born May 4, 1946

Married, two grown children

June 7, 2013

Proposal

to

City of Marshall, Michigan

I propose to act as Owner's Representative on your upcoming Fire Station Project. Based on the architect's schedule that was provided to me, I estimated the number of hours I would need to apply at various points to represent your interests. The following list uses the ID numbers from the schedule:

11 100% Schematic Design	4 hrs.
12 50% Design Development	8
13 100% Design Development	4
14 50% Construction Docs.	8
15 100% Construction Docs.	8
18 Post Bid Interview	2
22 Precon w/ GC	2
23 Progress Meetings 24x3hrs.=	72
25 Punch List	3
Total	111

The first five items relate primarily to reviewing documents provided by the architect to help insure that you receive a complete and well prepared set of documents for bidding. The last four relate to job meetings to represent your interests with the general contractor and architect. This proposal does not offer site inspections nor the hiring or management of others such as testing agencies.

My billing rate is \$80/hr. I would expect to be reimbursed for reasonable expenses including postage and mileage. The total estimate is:

111 hrs. at \$80 =	\$8880
Postage	50
Mileage 30 trips at 140 miles X \$0.565 =	2373
Contingency	1000
Total	\$12303

Respectfully submitted,



William R. Wheeler





**ADMINISTRATIVE REPORT**  
**June 17, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** City Assessing Services with the County – Renewal of Employee Leasing Agreement and Assessing Services Agreement

**BACKGROUND:** At the May 2, 2011, the Council approved the Agreement for Assessing Services with the County, prepared by Calhoun County Corporate Counsel Richard Lindsey. The City assessing clerk remained a City employee to protect her 15 year City tenure, wage and benefits until she retires. An Employee Leasing Agreement (also prepared by Calhoun County Corporate Counsel Richard Lindsey) was also approved to address the provisions of this assessing clerk arrangement between the City and the County.

The Assessing Services Agreement, the Council approved in 2011, had a City cost of \$115,140, but after paying for the assessing clerk, the County was paid \$74,203. The proposed agreement because the City of Albion has joined the collaboration, will cost the City \$79,544, but after paying for the assessing clerk, the County will be paid \$27,576 annually.

**RECOMMENDATION:** It is recommended that the City Council approve the attached agreements with Calhoun County for 1) the assessing clerk leasing arrangement and 2) the City assessing services agreement and authorize the City Clerk to sign the agreements..

**FISCAL EFFECTS:** The FY 2014 General Fund Assessor departmental budget allocated funds for these services.

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,

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

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

## ASSESSMENT SERVICES AGREEMENT

This Agreement is entered into pursuant to the Urban Cooperation Act (hereinafter "UCA"), MCL 124.501 et. Seq., this \_\_\_\_ day of June, 2013, by and between Calhoun County, a body corporate, with offices at 315 West Green Street, Marshall, Michigan 49068 (hereinafter "County") and the City of Marshall, a Michigan municipal corporation, with offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (hereinafter "City").

WHEREAS the County and the City are public agencies as defined in the UCA;

WHEREAS the City and the County wish to, pursuant to Section 4 of the UCA, share certain powers which each might exercise separately;

WHEREAS the City and the County, as allowed by the UCA, wish to collaborate in the provision of assessing services thereby resulting in better delivery of services for a lower cost to the mutual benefit of both parties;

WHEREAS, the County, through it Equalization Department, can provide an assessing officer (hereinafter "Assessor") with appropriate and legally required expertise and experience in assessing to be the Assessor of Record for the City and provide the assessment services as set forth herein; and

WHEREAS, the City wishes to contract with the County for the assessment services as set forth herein;

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties hereby agree as follows:

**1. Duties - County.**

County shall provide all necessary and/or required assessing services to the City during the term of the Agreement, including the following:

- a. Maintain all current and future assessment records, including records of property splits, new construction, exempt properties, homestead exemptions, and all records required by applicable state statute and regulation.
- b. Review all parcels and determine the appropriate classification and conduct physical inspections when necessary to verify the accuracy of a property's classification.
- c. Review all parcels and associated records to determine the accuracy of data for calculation of value for the purpose of assessment and taxation.
- d. Conduct as required an annual basis a personal property canvas and print, and send all personal property notices in accordance with state statute and applicable authority.

- e. Conduct re-inspections of twenty percent of each class of property each year as required by State Tax Commission 14 point review and maintain for each property appraised a digital photo, sketch of the property, and assessment record card.
- f. Send assessment change notices annually as required by statute.
- g. Prepare Economic Condition Factors ("ECF") and land value grids in accordance with State Tax Commission guidelines each year.
- h. Meet with members of the City's Board of Review on or before the Tuesday following the first Monday in March, being the first meeting of the Board of Review and at the organizational meeting of the Board, will turn the assessment roll over to the Board of Review, explain the changes in the roll from the prior year, and allow the Board of Review to review the assessment roll as needed.
- i. Attend the meeting of the Board of Review during the Board of Review's process of hearing appeals for property owners.
- j. Perform whatever other services have been provided in the past by the City's assessor.
- k. Maintain an assessor with the legally required certification(s) throughout the entire term of this contract.
- l. Assist the City in other areas which require an assessor.
- m. Assist the City to ensure that the City is in full compliance with all rules, regulations, and policies currently in place or if promulgated in the future by the Treasury Department and/or the State Tax Commission.
- n. Handle Tax Tribunal Small Claims matters (with assistance from outside counsel) assist City's outside counsel with Entire Tribunal matters.
- o. Provide such other coverage through County personnel as may be necessary to carry out the duties set forth above and to carry out such other duties as the parties may agree upon from time to time in writing.

**2. Obligations of City.**

The City of Marshall agrees to provide the following for the use of the County in performing the duties set forth in paragraph 1:

- a. Twenty four (24) hour access to the City's assessment records.
- b. Access to such other records (maps, building permits, building plans, and other applicable documents) as may be necessary for the County from time to time to properly execute the duties of assessor.
- c. Such other documents and assistance as shall be necessary from time to time to perform the duties set forth in paragraph 1.

**3. Term.**

This agreement shall be effective for an initial term commencing on May 1, 2013, and shall remain in full force and effect until April 30, 2015, or until the City obtains an assessor and terminates this contract as set forth in Paragraph 5 herein, whichever comes first.

**4. Payment For Services.**

It is expressly understood and agreed that the compensation for the performance of the services set forth in paragraph 1 by the County for the City shall be in an annual amount of not to exceed Seventy Nine Thousand Five Hundred Forty Four and 00/100 Dollars (\$79,544.00). City and County are, at the same time as this Agreement, entering into an Employee Leasing Agreement whereby County is leasing from City at least one (1) employee to assist County in providing the services under this Agreement for the sum of Fifty One Thousand Nine Hundred Sixty Eight 00/100 Dollars (\$51,968.00). During the term of this Agreement, City shall pay to County, pursuant to this Agreement and the above-mentioned Employee Leasing Agreement the net sum of Twenty Seven Thousand Five Hundred Seventy Six and 00/100 Dollars (\$27,576.00), to be paid in monthly installments of Two Thousand Two Hundred Ninety Eight and 00/100 Dollars (\$2,298.00) per month. Upon the presentation of a properly submitted invoice, payments will be made by the City the County within 30 days of the invoice receipt following the last day of each monthly term completed. In the event that the contract is terminated by the City prior to the completion of any monthly term, the City will pay the County the full monthly sum then due. Modification in the amounts charged by the County for services shall be reviewed on at least an annual basis by the City Manager of the City and the Administrator/Controller of the County and changes therein agreed to in writing by them. The parties agree that on an annual basis, the Administrator/Controller of the County and the City Manager will meet and review the actual costs relative to this Agreement and will adjust the contract, in writing signed by each of them, as necessary to reflect that the full cost of the services provided is being paid by the City and correspondingly that the City is receiving the full value for the amount that it is paying under this agreement.

**5. Termination of Agreement.**

If the County fails to fulfill in a timely and proper manner its obligation under this agreement, or shall violate any of the covenants, agreements and stipulations herein, the City shall give the County written notice of such breach, and in the event that the County has not remedied such breach within thirty (30) days, the City, within its sole discretion, shall have the right to terminate this Agreement. Such termination, in the event that the breach has not been remedied, shall take immediate effect upon the expiration of the thirty (30) day notice period.

Either party may terminate this Agreement at any time, with or without cause, if it is their decision that termination is in the party's best interests. The terminating party will provide no less than thirty (30) days written notice to the other party.

Payment will be made for all services provided under this agreement up to and including the effective date of the termination of services.

**6. General Terms and Conditions.**

6.1 This Agreement constitutes the complete expression of the agreement between the County and City on the subjects contained herein and there are no other oral or written agreements or understandings between the entities concerning these subjects. Any prior agreements or understandings on the matters addressed in this Agreement are hereby rescinded, revoked or terminated. Other than as set forth herein, this Agreement may be modified or amended only by subsequent written agreement approved by the County Board of Commissioners and the City Council.

6.2 This Agreement shall be interpreted in a manner consistent with Michigan law. If any portion is held to be illegal, invalid, or unenforceable, the remainder of the Agreement shall be deemed severable and shall remain in full force and effect.

6.3 Any notices pursuant to this Agreement shall be sent to the parties and shall be directed to the persons and addresses stated below:

Calhoun County  
County Administrator/Controller  
315 W. Green Street  
Marshall, MI 49068

City of Marshall  
City Manager  
323 West Michigan Avenue  
Marshall, MI 49068

6.4 In providing services under this Agreement, the parties recognize that County personnel will, from time to time, be doing work for the City. The County and the City agree that the point of contact for all communication and direction regarding work to be performed by County personnel under this Agreement shall be the City Manager of the City. The County reserves the right to control and direct all of its employees and when they may perform services under this Agreement.

6.5 County warrants and represents that its personnel who will perform the services under this Agreement are fully qualified and have all required licenses and/or certifications to perform the services described herein. County further represents and agrees that its relationship to the City and its performance under this contract is that of an independent contractor. It is clearly understood that each party shall act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of the County shall not be deemed or construed to be the employee or agent of the City for any purpose whatsoever. County's employee(s) providing services to the City hereunder shall not be entitled to compensation in the form of salaries, or any type of fringe benefits by the City. At all times, the personnel provided by County will be covered by County's workers compensation coverage.

6.6 The County agrees, to the extent allowed by law, to indemnify the City for any and all claims, actions, damages, liability, costs, and expenses, including attorney fees, incurred primarily as a result of the actions or inactions of the County's elected and appointed officials, employees, officers and agents. The City agrees, to the extent allowed by law, to indemnify the County for any and all claims, actions, damages, liability, costs, and expenses, including attorney fees, incurred primarily as a result of the actions or inactions of the City' elected and appointed officials, employees, officers and agents.

By the signatures executed below, the parties agree to the terms of this Agreement and the signatories represent that they have the authority to execute this Agreement on behalf of the party for which they have signed.

**SIGNATURE PAGE FOLLOWS**

City of Marshall,

By: \_\_\_\_\_

June \_\_, 2013

Calhoun County

By: \_\_\_\_\_

Art Kale

Its: Board Chair

June \_\_, 2013

## EMPLOYEE LEASING AGREEMENT

This Agreement is entered into this \_\_\_ day of June, 2013, with an effective date of May 1, 2013, by and between Calhoun County, a body corporate, with offices at 315 West Green Street, Marshall, Michigan 49068 (hereinafter "County") and the City of Marshall, a Michigan municipal corporation, with offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (hereinafter "City").

WHEREAS the City and the County have entered into a certain Assessment Services Agreement on the same date as this Agreement whereby City is contracting with County to perform certain assessing services;

WHEREAS the County wishes to lease from City the services of one or more employees of the City to assist in providing said assessing services; and

WHEREAS the City and the County are entering into this agreement to facilitate their collaboration in the provision of assessing services thereby resulting in better delivery of services for a lower cost to the mutual benefit of both parties;

NOW THEREFORE, the parties agree as follows:

1. The City agrees to lease to County and County agrees to lease from City certain City personnel, as agreed upon from time to time in writing by the Administrator/Controller of the County and the City Manager of the City, ("Leased Employees") on the terms and conditions set forth herein. The City shall (a) compile, prepare and file all payroll and employee information and make all proper payroll deductions, including payments for income and Social Security tax requirements under local, State and Federal laws for the Leased Employees (b) assume responsibility for administrative matters and the provision of contracted fringe benefits relating to compensation of the Leased Employees on the same terms and conditions as other City employees and (c) secure and maintain all required insurance coverage for the Leased Employees on the same terms and conditions as other City employees, as specified from time to time by City policy.
2. In accordance with the payment procedures described in this agreement, County shall pay to the City all costs incurred by City in connection with the Leased Employees including, but not limited to, all: (a) payroll (inclusive of bonuses and special payments), applicable Federal, State and local taxes; (b) premiums and contributions in connection with employee benefits, including (but not limited to) health, accident and disability insurance; (c) workers' compensation, unemployment compensation charges; and (d) payments in connection with pension or retirement plans. The annual amount paid by County to City for one (1) leased employee will be Fifty One Thousand Nine Hundred Sixty Eight and 00/100 Dollars (\$51,968.00). As set forth in Paragraph 9, the Administrator/Controller of County and City Manager of City shall meet from time to time and may modify by a writing signed by both of them the amount to be charged by

City to County relative to this Employee Leasing Agreement as necessary to reasonably meet the relative needs of the parties pursuant to this and the Assessment Services Agreement entered into on the same date.

3. In the event of the termination of the Assessment Services Agreement, which causes County to no longer need the services of Leased Employees, City shall be responsible for all unemployment expenses and charges incurred by City with respect to such Leased Employees, in the event City is unable to find other employment for such Leased Employees and must terminate employment for lack of work or any other reason.

4. City and County agree that they each have the right to exercise direction and control relating to the management of safety, risk and labor matters at work site locations. Accordingly, City shall consult with County, and County shall have the responsibility to consult with City; however, City shall retain the final decision, after consultation with County, to: (a) hire, fire, discipline and direct and regulate and supervise all working conditions and labor policies; (b) establish all wages, benefits, salaries, bonuses or advancements; (c) facilitate collective bargaining relationships between Client and labor unions representing the Leased Employees, if any, and contract administration in connection therewith.

5. County agrees to cooperate fully when required to assist City in defending claims or litigation resulting from personnel decisions or job actions relating to Leased Employees. County's cooperation shall include, but not be limited to, the completion of reports and, if required, attendance at hearings as a witness, answering question or interrogatories under oath or otherwise and providing access to County's documents relating to the Leased Employees. This obligation shall survive the termination of this Agreement.

6. City and County agree, to the extent allowed by law, to mutually indemnify the other for any costs, including attorney fees, incurred as a result of their actions or inactions or those of their employees, officers and agents.

7. This Agreement, together with the Assessment Services Agreement, entered into on the same date, constitute the complete expression of the agreement between the City and County on the subjects contained herein and there are no other oral or written agreements or understandings between the entities concerning these subjects. Any prior agreements or understandings on the matters addressed in this Agreement are hereby rescinded, revoked or terminated. This Agreement may be modified or amended only by subsequent written agreement approved by the County Board of Commissioners and the City Council.

8. This Agreement shall be interpreted in a manner consistent with applicable law. If any portion is held to be illegal, invalid, or unenforceable, the remainder of the Agreement shall be deemed severable and shall remain in full force and effect.

9. The term of this Agreement shall be from May 1, 2013 to April 30, 2015. This Agreement may be terminated by resolution of either the County Board of Commissioners or the City Council, provided that the effective date of the termination shall be thirty (30) days after the date of such resolution, unless the other party agrees in writing to a shorter termination period. The financial obligations under this Agreement shall be reviewed on a periodic basis by the Administrator/Controller of the County and the City Manager of the City and modified, in writing by and between them, as necessary to meet the reasonably necessary needs of the parties.

10. Any notices pursuant to this Agreement shall be sent to the parties and shall be directed to the persons and addresses stated below:

Administrator/Controller  
Calhoun County Board of Commissioners  
315 W. Green Street  
Marshall, MI 49068

City Manager  
City of Marshall  
323 West Michigan Avenue  
Marshall, MI 49068

By the signatures executed below, the parties agree to the terms of this Agreement and the signatories represent that they have the authority to execute this Agreement on behalf of the party for which they have signed.

City of Marshall,

Calhoun County

By: \_\_\_\_\_

By: \_\_\_\_\_

Its:  
June \_\_, 2013

Art Kale  
Its: Board Chair  
June \_\_, 2013



**ADMINISTRATIVE REPORT**  
**June 17, 2013 – City Council Meeting**

**REPORT TO:** Honorable Mayor and Council Members  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Downtown Development Authority–Main Street Board Appointment

**BACKGROUND:** The Downtown Development Authority (DDA) was established under Public Act 197 of 1975. By this Act, the Board consists of 13 members, 12 of which are appointed by the City Manager subject to the approval of City Council. The thirteenth member is the City Manager. The oversight of the Michigan Main Street Program was given to the DDA Board.

Tim Sykora has resigned from his appointment with a term expiring December 31, 2016.

The City Manager contacted Jill Koyl owner of J & K Plumbing and Jill's Addiction on South Grand Street and resident of South Grand Street. Since her properties are only one block south of the DDA boundary, she is influenced by the DDA district. The law allows for non-district members.

**RECOMMENDATION:** It is recommended that Jill Koyl be appointed to the remainder of Tim Sykora's expiring on December 31, 2016.

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Tarkiewicz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

ATTN: Tom T. 269.789.3835

CITY OF MARSHALL  
BOARDS & COMMISSIONS  
APPLICATION

Your interest and willingness to serve the City of Marshall is appreciated. The purpose of this application is to provide the Mayor and Council with basic reference data and information pertaining to residents being considered for appointment to a City board or commission. The information supplied on this form will be available for the Mayor and Council and may be used for their deliberation concerning such appointments.

Date 6-10-13

Please type or print -

Name JILL KAYE

Address 313 SOUTH GRAND

Home Phone <sup>cell</sup> 269 317 1314 Work Phone \_\_\_\_\_

Fax Number 269 789 1140 E-Mail Address JLKAYE@KOMAK.COM

How long have you lived in the City of Marshall? 43 YRS.

Education BACHELORS Primary Personal Interest \_\_\_\_\_

~~DEGREE~~  
Please feel free to attach, for example, a resume, brief bio, hobbies, former committee work, etc.

\*\*\*\*\*

Please indicate your choice(s) -

If you are interested in more than one, designate first choice (1), second choice (2), etc. (Please see reverse for information regarding each board and commission).

- Airport Board (3 yrs)
- Board of Review (2 yrs)
- District Library Board (3 yrs)
- Downtown Development Authority (4 yrs)
- Local Development Finance Authority (3 yrs)
- Parks & Rec Advisory Board (3 yrs)
- Planning Commission (4 yrs)
- Sister City Committee (3 yrs)
- Zoning Board of Appeals (3 yrs)