



**CITY COUNCIL
WORK SESSION AGENDA
Monday, November 4, 2013
6:00 PM – 6:45 PM
City Hall**

A. Water and Wastewater Rate review

John Kaczor of Municipal Analytics will present his annual review of the City's water and wastewater rates.

B. Other Items

C. Future Work Sessions

November 18th Shearman Park Concept

D. Future topics

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MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

November 4, 2013



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

A. Set Public Hearing - §156.003 Definitions: "Donation Collection Bin" and "Unattended Donation Collection Bin" P. 4

City Council will consider the recommendation to schedule a public hearing for Tuesday, December 3, 2013 to hear public comment on the proposed addition "Donation Collection Bin" and "Unattended Donation Bin" language to §156.003 Definitions.

B. Set Public Hearing – Proposed Amendment to §156.122 and Addition of §156.205 P. 6

City Council will consider the recommendation to schedule a public hearing for Tuesday, December 3, 2013 to hear public comment on the proposed amendment to §156.122 and the addition of §156.205 to General Standards and Exceptions, Use Standards: Laboratories.

C. Authorized Signers on City Bank Accounts P. 10

City Council will consider the recommendation to adopt the resolution authorizing Ken Swisher, Finance Director and Tom Tarkiewicz, City Manager as legal signers for accounts belonging to the City and authorizing Cassandra Heitfeld, Payroll/Accounting Clerk to conduct daily business.

D. City Council Minutes P. 12

Regular Session..... Monday, October 21, 2013

E. City Bills P. 20

Regular Purchases	\$ 428,402.58
Weekly Purchases –10/18/13.....	\$ 856,678.16
Weekly Purchases –10/25/13.....	\$ 12,092.78
Total.....	\$ 1,297,173.52

8) PRESENTATIONS AND RECOGNITIONS

A. Introduction of Finance Director and City Treasurer

City Manager Tarkiewicz will introduce Ken Swisher as the City's new Finance Director and Jon Bartlett as the City Treasurer.

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



9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

- A. **Rezoning Request #JPCRZ13.01 for Parcel #13-16-241-003-00, also known as the Flynn Property** P. 24
City Council will hear public comment on the proposed rezoning request for Parcel #13-16-241-003-00 from the Township zoning of Low Density Residential (RA) to City zoning of Public/Semi-Public District (PSP).
- B. **§50.02 Garbage and Rubbish: Use of Containers on Private Property** P. 29
City Council will hear public comment on the proposed addition of language to §50.02 Garbage and Rubbish: Use of Containers on Private Property.
- C. **§152 Appendix A: Type and Location of Signs** P. 31
City Council will hear public comment on the proposed addition of Off-Premises Sign to §152 Appendix A: Type and Location of Signs: Prohibited Signs, Section (B): Signs Prohibited in all Districts.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

13) APPOINTMENTS / ELECTIONS

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
NOVEMBER 4, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Set Public Hearing for December 3, 2013 to hear comments on Proposed Additions to §156.003 Definitions: "Donation Collection Bin" and "Unattended Donation Collection Bin"

BACKGROUND: The Planning Commission is recommending that language be added to the zoning ordinance that directly pertains to donation collection bins which have recently been placed within the city at various locations. The commission deliberated on how to handle this issue over the period of a couple meetings and finally concluded that these bins presented more of a nuisance concern than a benefit to the city. The City attorney feels that the ordinance could be interpreted that the bins are a "secondary use" that is prohibited; however, the commission felt that language should be added to the ordinance to make this clear.

Many cities have tackled this issue in the last year or two and the situation has been handled in a variety of ways; sometimes there is a permit system for the bins, some cities only allow bins by non-profit associations and some choose to prohibit them all together. After looking at a variety of different approaches, the commission held a public hearing on October 9, 2013 and recommended to add language to the ordinance to prohibit unattended donation bins. There were no members of the public present to remark on the ordinance changes at the public hearing.

MOTION by Davis, supported by Banfield, to recommend to City Council ordinance changes to add "Donation Collection Bins" and "Unattended Donation Collection Bins" to Marshall City Zoning Ordinance, §156.003 Definitions. On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: The Planning Commission recommends that a public hearing be set for December 3, 2013 to hear comments on the proposed addition of "Donation Collection Bin" and "Unattended Donation Bin" language to §156.003 Definitions.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Dean
Director of Community Services

Tom Tarkiewicz
City Manager

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**CITY OF MARSHALL
ORDINANCE #-13**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 156.003 DEFINITIONS. THE CITY OF MARSHALL ORDAINS:

Section 1. That chapter and section **156.003 Definitions** of the Marshall City Code, is hereby amended to add the following definitions:

Donation Collection Bin. A receptacle or container designed with a door, slot or other opening and which is intended to store items donated from the public such as clothing, household items, or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material, any rubbish or garbage receptacle.

Unattended Donation Collection Bin. A receptacle or container designed to store items donated from the public such as clothing, household items, or other salvageable personal property not attended on a daily schedule by personnel employed by the applicable person or entity. These bins are prohibited in the City of Marshall.

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 December 3, 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
NOVEMBER 4, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Set Public Hearing for December 3, 2013 to hear comments on Proposed Amendment to §156.122 and for Addition §156.205 to General Standards and Exceptions, Use Standards: Laboratories

BACKGROUND: On May 16, 2013, the Zoning Board of Appeals granted a Use Variance to a partial "laboratory" business in the B-3 District. Laboratories are currently only allowed in the industrial districts within the City. The ZBA referred the Laboratory definition back to the Planning Commission for further examination. During their review of the definition, commissioners began discussion on the current uses allowed in the B-3 District which may contain hazardous materials, similar to the business that was given a Use Variance by the ZBA.

After discussions and comparisons of allowed uses in the B-3 that may use hazardous material, the Planning Commission proposed that "Laboratories" be allowed within the B-3 District as a Special Land Use. Commissioners determined that the process of review involved in getting a Special Land Use permit would adequately protect neighboring businesses from any hazardous material used in a laboratory.

Therefore, the Planning Commission held a public hearing on October 9, 2013 on the proposed changes. No members of the public were present to comment.

MOTION by Banfield, supported by Goodman, to recommend to City Council ordinance changes and additions to:

- §156.122 B-3 Neighborhood Commercial District, Land Uses Subject to Special Conditions, to add "Laboratories, in conformance with §156.205";
- § 156.205 General Standards and Exceptions, Laboratories

Commissioners discussed the attorney's recommended definition of Hazardous Material and agreed that if Hazardous Materials will be used within the B-3 district and the guidelines are followed, the appropriate review steps should insure safety. Commissioners further discussed the frequency that the fire department can inspect a business that uses hazardous materials. They would like the fire department to be able to inspect as deemed necessary. Commissioners agreed to make the following changes to B, 4 to state:

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- (B), 4) *The City Fire Department shall perform an initial safety check upon the opening of the business and shall be permitted to inspect as deemed necessary.*

On a voice vote; **MOTION CARRIED.**

There are two minor changes to the ordinance that were suggested by the City Attorney after Planning Commission's review. Those changes are:

- "Hazardous material as defined..." Changed "defined" to "designated"
- "...shall be permitted to inspect as deemed necessary" Add "by the Director of Public Safety"

RECOMMENDATION: The Planning Commission recommends that a public hearing be set for December 3, 2013 to hear comments on the proposed amendment to §156.122 and for addition §156.205 to General Standards and Exceptions, Use Standards: Laboratories.

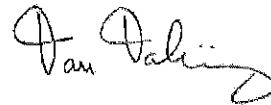
FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Dean
Director of Community Services



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL
ORDINANCE #-13**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 156.122 (L), ADD NEW SUBSECTION (M) AND TO ADD CHAPTER AND SECTION 156.205: LABORATORIES. THE CITY OF MARSHALL ORDAINS:

Section 1. That chapter and section **§156.122 B-3 Neighborhood Commercial District, Land Uses Subject to Special Conditions** of the Marshall City Code, is hereby amended to replace subsection (L) with:

“Laboratories, in conformance with §156.205”

Add new subsection (M) as:

“Other uses not specifically stated or implied elsewhere which, in the determination of the Planning Commission, are similar to the principal permitted uses provided herein, and are in harmony with the character of the downtown.”

Section 1a. That chapter and section **§156.109-204 General Standards and Exceptions, Use Standards** of the Marshall City Code, is hereby amended to add section and language:

- **§ 156.205 LABORATORIES.**

Hazardous Material as designated by the Pipeline and Hazardous Materials Safety Administration, 49 CFR §172.101-§172.102.

Laboratory uses shall be subject to the following:

- (A) Licensing: In accordance with applicable State laws; all laboratories shall be registered by the State of Michigan and shall comply with the standards outlined for such facilities;
- (B) Business will follow all local and state regulations regarding handling of hazardous material. The Fire Department will establish regulations on a per business basis under the following guidelines:
 - 1) Small amounts of hazardous material, exact amount to be determined by the Fire Department, are allowed within the B-3 District;
 - 2) All hazardous materials must be marked and stored in a state approved container and kept in a safe and secure location;

- 3) For disposal of hazardous materials, owner must acquire hazmat removal service from a State approved company;
- 4) The City Fire Department shall perform an initial safety check upon the opening of the business and shall be permitted to inspect as deemed necessary by the Director of Public Safety.

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 December 3, 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
November 4, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Authorized Signers on City Bank Accounts

BACKGROUND: Banking and financial institutions require a resolution from the governing body for the persons authorized to have access to bank accounts held in and for the City of Marshall. Periodically this resolution needs to be "updated" for the record. With the recent hiring of a new Finance Director it is necessary for the City Council to affirm those persons authorized as account signers for the City of Marshall. All city accounts will be updated with new signature cards and this resolution placed on file with all financial institutions with moneys belonging to the city.

RECOMMENDATION: Adopt the attached resolution authorizing Ken Swisher, Finance Director and Tom Tarkiewicz, City Manager as legal signers for accounts belonging to the City of Marshall and authorizing Cassandra Heitfeld, Payroll/Accounting Clerk to conduct daily business.

FISCAL EFFECTS: None. This is an administrative policy only.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written in a cursive style.

Tom Tarkiewicz
City Manager

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City of Marshall
RESOLUTION # 2013-

WHEREAS, all financial institutions require a resolution to change persons authorized to act for a corporation or voluntary association on checking, savings, pool funds or share accounts; and

WHEREAS, Kenneth R. Swisher has accepted the roll of Finance Director effective November 4, 2013;

THEREFORE, BE IT RESOLVED, that the Marshall City Council certifies to all financial institutions where accounts are held in the name of and on behalf of the City of Marshall that the following persons are authorized to transact business on said bank accounts effective November 4, 2013:

Kenneth R. Swisher, Finance Director
Tom Tarkiewicz, City Manager
Cassandra Heitfeld, Payroll/Accounting Clerk

AYES:

NAYS:

Dated: November 4, 2013

James L. Dyer, Mayor

I, James L. Dyer, being duly sworn as the Mayor 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 November 4, 2013 and that said meeting was conducted in accordance with the Open Meeting Act and that the minutes of said meeting were kept and will be or have been made available to the public.

James L. Dyer

CALL TO ORDER

IN REGULAR SESSION Monday, October 21, 2013 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Dyer, Mankerian, Metzger, Miller, Reed, Revore (left at 7:25 p.m.), and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members Miller (arrived at 7:30 p.m.) and Reed.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the Invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Mankerian to move item 13A Appointments/Elections to item 7A and the addition of Closed Session. On a voice vote – **MOTION CARRIED.**

Moved Williams, supported Metzger, to enter into closed session at the conclusion of the meeting to discuss a possible real property purchase. On a voice vote – ayes: Metzger, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

APPOINTMENTS / ELECTIONS

Moved Williams, supported Metzger, to appoint Jon Bartlett as City Treasurer with a term expiring in May of 2015 with an annual salary of \$47,000. On a voice vote – **MOTION CARRIED.**

CONSENT AGENDA

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

- A. Approve minutes of the City Council Regular Session held on Monday, October 7, 2013;
- B. Approve city bills in the amount of \$ 3,538,442.95.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Michigan Kitchen Distributors IFT Application:

Mike Hindenach, Industrial Manager, provided background on the IFT application for Michigan Kitchen Distributors.

Mayor Dyer opened the public hearing to hear comment on the proposed Industrial Facilities Tax Exemption Certificate for Michigan Kitchen Distributors.

Hearing no comment, the hearing was closed.

Moved Metzger, supported Mankerian, to approve the application for an Industrial Facilities Tax Exemption Certificate for Michigan Kitchen Distributors at 106 East Oliver Drive. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

**CITYOF MARSHALL, MICHIGAN
RESOLUTION #2013-41**

Minutes of a regular meeting of the City Council of the City of Marshall held on October 21, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

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

The following preamble and resolution were offered by Council Member Metzger and supported by Council Member Mankerian.

**RESOLUTION TO APPROVE APPLICATION OF
MICHIGAN KITCHEN DISTRIBUTORS**

**106 EAST OLIVER STREET, MARSHALL, MI
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
PERSONAL PROPERTY**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on August 4, 1992, the Council by Resolution established Industrial Development District No. D-23 as requested; and

WHEREAS, Michigan Kitchen Distributors has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements within Industrial Development District D-23; and

WHEREAS, in accordance with Act 334, P.A. 1993 amending Act 198, P.A. 1974, a written agreement shall be executed between the applicant and the City of Marshall allowing, under specific circumstances, the reduction and/or revocation of the certificate and recapture of the taxes abated; and

WHEREAS, before acting on said application, the City of Marshall held a hearing on October 21, 2013 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the acquisition and installation of the new equipment, had not begun earlier than six (6) months before October 9, 2013, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the real and personal property investment is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said certificate shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad-valorem property taxes in the City of Marshall; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall that:

1. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
2. The application of Michigan Kitchen Distributors, 106 East Oliver Street, for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-23 is hereby approved.
3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES: Revore, Williams, Mayor Dyer, Mankerian, and Metzger.

NAYS: Miller and Reed.

Trisha Nelson, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan, at a regular meeting held October 21, 2013.

Trisha Nelson, Clerk

B. Tenneco IFT Application:

Mike Hindenach, Industrial Manager, provided background on the IFT application for Tenneco.

Mayor Dyer opened the public hearing to hear comment on the proposed Industrial Facilities Tax Exemption Certificate for Tenneco.

Hearing no comment, the hearing was closed.

Moved Metzger, supported Mankerian, to approve the application for an Industrial Facilities Tax Exemption Certificate for Tenneco at 904 Industrial Road. On a roll call vote – ayes: Williams, Mayor Dyer, Mankerian, Metzger, and

Revore; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2013-42**

Minutes of a regular meeting of the City Council of the City of Marshall held on October 21, 2013, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

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

The following preamble and resolution were offered by Council Member Metzger and supported by Council Member Williams.

**RESOLUTION TO APPROVE APPLICATION OF
TENNECO
904 INDUSTRIAL ROAD, MARSHALL, MI
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
PERSONAL PROPERTY**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on April 16, 1984, the Council by Resolution established Industrial Development District No. D-12 as requested; and

WHEREAS, Tenneco has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements within Industrial Development District D-12; and

WHEREAS, in accordance with Act 334, P.A. 1993 amending Act 198, P.A. 1974, a written agreement shall be executed between the applicant and the City of Marshall allowing, under specific circumstances, the reduction and/or revocation of the certificate and recapture of the taxes abated; and

WHEREAS, before acting on said application, the City of Marshall held a hearing on October 21, 2013 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the acquisition and installation of the new equipment, had not begun earlier than six (6) months before October 17, 2013, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the real and personal property investment is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said certificate shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad-valorem property taxes in the City of Marshall; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall that:

4. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
5. The application of Tenneco, 904 Industrial Road, for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-12 is hereby approved.
6. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES: Williams, Mayor Dyer, Mankerian, Metzger, and Revore.

NAYS: Miller and Reed.

Trisha Nelson, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan, at a regular meeting held October 21, 2013.

Trisha Nelson, Clerk

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Well Improvements:

Moved Williams, supported Metzger, to approve the resolution authorizing staff to execute a purchase order with Peerless Midwest, Inc. for \$72,860 for the improvements to Well #1 and #2. On a roll call vote – ayes: Mankerian, Metzger, Revore, Williams, and Mayor Dyer; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION 2013-43**

WHEREAS, the City of Marshall has a desire to install Variable Frequency Drives on Well #1 and #2 at the water treatment facility; and

WHEREAS, three formal competitive bids were not received as required by the City of Marshall's Code of Ordinance, chapter 32.03; and

WHEREAS, Peerless Midwest Inc. submitted a proposal of \$72,860; and

WHEREAS, the proposal submitted by Peerless Midwest Inc. has been reviewed by staff and an outside consultant and determined to be acceptable; and

WHEREAS, the City of Marshall's Code of Ordinance chapter 32.07 allows exceptions to the informal competitive quote process for professional services; and

NOW THEREFORE BE IT RESOLVED that based upon a motion made by Williams, and supported by Metzger that staff may execute a purchase order to Peerless Midwest Inc. for a not to exceed amount of \$72,860 for the improvements to Well #1 and #2.

Voting for: Mankerian, Metzger, Revore, Williams, and Mayor Dyer.

Voting Against: None.

Absent: Miller and Reed.

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 21st day of October, 2013.

City Clerk

Date

B. Taxistreet Design:

Moved Metzger, supported Williams, to authorize the Clerk to sign the agreement with Mead and Hunt, Inc. for the Design of the Taxistreet Rehabilitation Project at Brooks Field. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

Council Member Revore excused himself from the meeting at 7:25 p.m.

Council convened to closed session at 7:30 p.m.

Council Member Miller arrived at 7:30 p.m.

Council Member Revere returned at 8:00 p.m.

Council returned to open session at 8:08 p.m.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 11/07/2013 - 11/07/2013

UNJOURNALIZED OPEN

BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
20286	ACTRON INTEGRATED SEC	ALARM MONITORING	330.00
9913280822	AIRGAS USA LLC	CYLINDER RENTAL	67.38
5-1170913	ALLIANCE ARCHITECTS	2013 APARTMENT MODERNIZATION	1,115.00
12-623226	ARROW UNIFORM	CUST #010198-05	20.00
12-623218	ARROW UNIFORM	CUST #010198-01	26.37
12-623223	ARROW UNIFORM	CUST #010198-04	62.30
12-623222	ARROW UNIFORM	CUST #010198-02	56.09
12-623224	ARROW UNIFORM	CUST #010198-03	147.46
12-630790	ARROW UNIFORM	CUST #010198-01	26.37
12-630798	ARROW UNIFORM	CUST #010198-05	20.00
12-630794	ARROW UNIFORM	CUST #010198-02	56.09
12-630796	ARROW UNIFORM	CUST #010198-03	147.46
12-630795	ARROW UNIFORM	CUST #010198-04	62.30
388-159620	AUSTIN-BATTERIES PLUS	BATTERIES	319.85
225-335806	AUTO VALUE MARSHALL	ADAPTER	14.69
2075125900-4	BALKEMA EXCAVATING IN	STORM SEWER IMPROVEMENTS	11,832.14
13-203	BATTLE CREEK DOOR	ADJ HANDICAP OPERATOR	95.00
101013	BERON'S TREE SERVICE	TREE REMOVAL 222 N MARSHALL	4,800.00
56824	C2AE	MARSHALL FIRE STATION	1,473.64
MCTO-D	CALHOUN COUNTY CONS D	CLASS MCTO-D, GARY METHENY	50.00
PICO	CALHOUN COUNTY CONS D	CLASS PICO, GARY METHENY	50.00
M12375	CANNON EQUIPMENT	SERVICE BUCKET TRUCK	482.91
6590	COBAN TECHNOLOGIES	POLICE VEHICLE VIDEO CAMERA	5,000.00
53490	COGITATE INC	MMS STATE TRUNKLINE SUPPORT	155.00
6007413/1	COLE CHRYSLER DODGE J	2002 DODGE RAM 2500	523.78
100813	COLLINS PROFESSIONAL	STUMP GRINDING	2,000.00
1-2075107905	CONCORD EXCAVATING &	RICE CREEK CULVERT REPLACEMENT	141,887.44
83666	CRT, INC	2013-2014 COMPUTER REPLACEMENTS	5,450.00
661934008	CRYSTAL FLASH ENERGY	DYED DIESEL	318.74
661934007	CRYSTAL FLASH ENERGY	FUEL	891.72
117195	D & D MAINTENANCE SUP	MOP, BLEACH	27.41
437150	DARLING ACE HARDWARE	KEYS	19.90
437370	DARLING ACE HARDWARE	DRYWALL SCREWS	4.19
437276	DARLING ACE HARDWARE	SLEDGE 2 FACE 8#	26.99
437066	DARLING ACE HARDWARE	BATTERY	7.99
437235	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS	6.99
436931	DARLING ACE HARDWARE	BATTERY	4.99
433205	DARLING ACE HARDWARE	VEHICLE BRUSH	23.98
433204	DARLING ACE HARDWARE	ELECTRICAL SUPPLIES	49.97
437011	DARLING ACE HARDWARE	FASTENERS	4.49
436793	DARLING ACE HARDWARE	POST STUDDED T	15.98
437023	DARLING ACE HARDWARE	PIPE INSULATION, CHAIN LUBE, TUBE THERM	28.41
9-2075107905	DAVIS CONSTRUCTION IN	2012 WASTEWATER SYSTEM IMPROVEMENTS	129,475.01
101613	DEFOREST BROTHERS CON	CONCRETE SIDEWALKS	380.00
C44560	DITCH WITCH SALES OF	BEARINGS, BITS, LOCKNUTS, BOLTS	378.96
C44565	DITCH WITCH SALES OF	DOUBLE SHAFT	127.59
INV13386	DORNBOS SIGN & SAFETY	RD WRK AHEAD, RT LANE CLSD, WIDTH TRANSIT	554.79
MIMA148796	FASTENAL COMPANY	CAUTION TAPE	23.95
MIMA148931	FASTENAL COMPANY	MARKING PAINT	129.03
208861	FIRE EXTINGUISHER SER	AIR TANK HYDRO TEST, EDDY CURRENT TEST	78.00
789400	FIRST ADVANTAGE	WILLIAMS, PARRISH	27.50
771260	FIRST ADVANTAGE LNS O	DRUG TEST, CLINIC COLLECTION	74.82
329550	FLAG FORCE ONE	USA 5 X 8 FLAG	65.98
2458	FUG	NAVY SHIRTS W/LOGO	840.00
2252	FUG	POLICE DEPT DECALS	50.00
106133569	GLOBAL EQUIPMENT COMP	RIBBED BOLLARD POST SLEEVES	153.13
1800	GOODWIN'S PLUMBING, L	PLUMBING SUPPLIES	387.87
9267898170	GRAINGER	DUST MASKS	62.30
9269339215	GRAINGER	LAB SINKS	780.00
26183/1	HARVESTER FLOWER SHOP	JOHN MICHAEL	52.00
9125373848	HD SUPPLY FACILITIES	BLACK FLAPPER, 15 AMP W/LITE	148.46
9125468933	HD SUPPLY FACILITIES	RETURNED ITEMS	(71.89)
9125307319	HD SUPPLY FACILITIES	TOILET SEATS, LIGHTS, WIRE NUTS, ETC	250.05
9125358506	HD SUPPLY FACILITIES	WALL PLATES	51.90
9125550980	HD SUPPLY FACILITIES	TOWELS	48.90
9125550983	HD SUPPLY FACILITIES	RETURN OF BLACK FLAPPER	(18.98)
70218	HERMANS MARSHALL HARD	PICTURE WIRE, BITS, COUNTERSINK, RING	32.85
70233	HERMANS MARSHALL HARD	DRYWALL REPAIR KIT	8.49
70193	HERMANS MARSHALL HARD	SURGE PROTECTOR	17.99
70164	HERMANS MARSHALL HARD	ZIP TIES	21.95
54734	HUNTER PRELL COMPANY	RPR BACKFLOW PREVENTER	305.39
24810-2014	INTERNATIONAL INSTITU	ANNUAL MEMBERSHIP THRU 12/31/14	145.00
1901801006816	INTERSTATE ALL BATTER	CUSTOM BUILT PACK	149.97
306557	ITRON INC	MVRS SOFTWARE MAINT	562.49
85778	J & K PLUMBING SUPPLY	PIPECONX 2" X 2"	4.31
85766	J & K PLUMBING SUPPLY	SUPPLIES	14.98
85739	J & K PLUMBING SUPPLY	BUSH BLK	1.66

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 11/07/2013 - 11/07/2013

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BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
85721	J & K PLUMBING SUPPLY	ELBOWS	3.22
138108	KAR LABORATORIES INC	CYANIDE ANALYSIS	35.00
138363	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
138365	KAR LABORATORIES INC	MERCURY ANALYSIS	260.00
26344	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	225.24
1028639	LEGG LUMBER	FURRING STRIPS	2.98
1028492	LEGG LUMBER	TREATED 2 X 6 - 14'	43.72
1028399	LEGG LUMBER	CD PLYWOOD	16.00
8717	LEWEY'S SHOE REPAIR	FIX 2 ZIPPERS - DREW GROENEVELD	8.00
15	MAGIC MAIDS	OCTOBER SERVICES	1,400.00
12000	MARSHALL AREA CHAMBER	MEMBERSHIP INVESTMENT	760.25
16210	MARSHALL MEDICAL ASSO	ZEBOLSKY	56.00
429	MARSHALL TIRE CITY	4 NEW TIRES ON JEEP CHEROKEE	450.16
6379	MARSHALL WELDING & FA	LEAF LOADER RECONDITIONING	20,134.27
S3474749.003	MEDLER ELECTRIC COMPA	ELECTRICAL TAPE	97.99
S3472200.001	MEDLER ELECTRIC COMPA	RUNWAY LAMPS	68.18
9099	MICHIGAN MUNICIPAL LE	WEBSITE CLASSIFIED ADS	60.60
64643	MIDWEST TRANSIT EQUIP	BRAUN HYDRAULIC FLUID	35.00
RINV02616246	MY ALARM CENTER	MONITORING NOV THRU JAN	123.00
360735	NAPA OF MARSHALL	ADAPTER	17.14
14059189	NEOPOST USA INC	INK CARTRIDGES	217.99
328604	NORTH CENTRAL LABORAT	LAB SUPPLIES	2,042.87
56583	O'LEARY WATER CONDITI	WATER DELIVERED	31.50
56528	O'LEARY WATER CONDITI	SALT @ POWERHOUSE	115.00
2014	PHADA MEMBERSHIP	MEMBERSHIP DUES YEAR ENDING 08/2014	35.00
5771678	POWER LINE SUPPLY	CROSS ARM	579.60
5771680	POWER LINE SUPPLY	POLE TOP PIN	80.80
5771679	POWER LINE SUPPLY	FRICITION TAPE	305.00
5771682	POWER LINE SUPPLY	3/4" X 4" X 4" SQUARE WASHER	77.05
5771683	POWER LINE SUPPLY	CUTOUT	1,880.25
5771684	POWER LINE SUPPLY	GUY WIRE	400.00
5771714	POWER LINE SUPPLY	LEATHER POUCH	38.39
281528001 001	PRINTEK INC	IN-VEHICLE ADAPT	57.35
6056	QUALITY ENGRAVING SER	UPS SHIPPING	164.41
13-6166	QUALITY EXCAVATORS, I	CONCRETE WORK	3,620.00
3	QUALITY EXCAVATORS, I	MICHIGAN AVENUE TREE REPLACEMENT	2,916.25
2012.298.01-3	QUALITY EXCAVATORS, I	MICHIGAN AVENUE TREE REPLACEMENT	6,712.50
491	QUALITY LAWN CARE	LAWN CARE AT MH	519.50
8002	REDSTONE ARCHITECTS I	DESIGN FEES	44,339.63
70495532	ROSE PEST SOLUTIONS	PEST CONTROL @ MH	55.00
PSI-359397	RUST-OLEUM INDUSTRIAL	RAPID SET, TACK COAT, TROWELS	345.50
97168	SCHOOLCRAFT COLLEGE	CES PUBLIC SAFETY - GARY METHENY	90.00
6711-3	SHERWIN-WILLIAMS	PAINT	933.19
6702-2	SHERWIN-WILLIAMS	SHERCRYL UL WHITE	283.45
39433	SPEARS FIRE & SAFETY	FIRE EXTINGUISHER TRAINING	20.00
27711	STANDARD PRINTING & O	#10 WINDOW ENVELOPES	3,378.44
28659	STANDARD PRINTING & O	1918 LAFRANCE SHEETS	83.64
28583	STANDARD PRINTING & O	BUSINESS CARDS - MCCOMB	40.87
28682	STANDARD PRINTING & O	COMMUNITY FOUNDATION REMITTANCE ENVS	112.96
28767	STANDARD PRINTING & O	BUSINESS CARDS - JON BARTLETT	51.36
732084	STANTEC CONSULTING MI	RICE CREEK BOX CULVERT RPLCMNT	7,668.00
733634	STANTEC CONSULTING MI	WWTP & COLLECTION SYS IMPROVEMENTS	7,790.00
7000865661	STAPLES CONTRACT & CO	TONER	84.98
7000865662	STAPLES CONTRACT & CO	TONER	175.08
7000829779	STAPLES CONTRACT & CO	TONER	277.93
7000876200	STAPLES CONTRACT & CO	TONER	156.39
7000829785	STAPLES CONTRACT & CO	TONER	127.49
7000829784	STAPLES CONTRACT & CO	INK, TONER	106.61
WA 361096	STATE OF MICHIGAN - M	AIRPORT WEATHER OBS DATA SYS	477.81
P0001223	TELEDYNE ISCO, INC	AUTO-SAMPLER RE-CONDITIONING	536.42
54247080	ULINE	BAGS	64.16
530342009	UTILITIES INSTRUMENTA	PROTECTIVE RELAYING	4,196.22
99842	VALIDITY SCREENING SO	JON BARTLETT	13.00
50263	VILLA ENVIRONMENTAL C	QRTLY A/B OPERATOR INSPECTION	175.00
6650	WEST SHORE FIRE SERVI	SHUT-OFF VALVE	111.77
			428,402.58

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DB: Marshall

EXP CHECK RUN DATES 10/18/2013 - 10/19/2013

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BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
269789261510-13	A T & T	269 789-2615 963 4	71.89
269781444710-13	A T & T	269-781-4447 749 4	134.75
269781907010-13	A T & T	269 781-9070 573 1	48.22
269781981510-13	A T & T	269 781-9815 267 0	2,115.42
269789463010-13	A T & T	269 789-4630 541 5	331.89
269789280610-13	A T & T	269 789-2806 635 7	65.15
269789467110-13	A T & T	269 789-4671 266 9	200.94
287238047810X10111	AT&T MOBILITY	ACCT #287238047810	49.52
DM1164598	BEL INC. DISCOUNTMUGS	MARSHALL FIRE DEPT MUGS	1,112.00
7016312/0009-1113	BLUE CROSS BLUE SHIEL	PPO GROUP #007016312/0009 NOVEMBER	14,338.39
7016312/0008-1113	BLUE CROSS BLUE SHIEL	PPO GROUP #007016312/0008 NOVEMBER	58,746.88
7016312/0007-1113	BLUE CROSS BLUE SHIEL	BCBS GROUP #007016312/0007 NOVEMBER	49,303.13
7016312/0005-1113	BLUE CROSS BLUE SHIEL	BCBS GROUP #007016312/0005-1113	1,725.63
093013-TAXES	CALHOUN COUNTY TREASU	09/16/13--09/30/13 2013 SUMMER AD VALOR	295,134.29
EQUAL-2013-0000000	CALHOUN COUNTY TREASU	ASSESSMENT SERVICES - OCTOBER	2,298.00
093013	CALHOUN INTERMEDIATE	09/16/13--09/30/13 2013 SUMMER AD VALOR	88,002.27
13-2565	CB HALL ELECTRIC COMP	ELECTRICAL, HEATERS, LIGHTING, RECEPTIC	1,909.10
13-2566	CB HALL ELECTRIC COMP	ELECTRICAL, HEATERS, LIGHTING, RECEPTIC	484.30
100913	CHERYL VOSBURG	EXPENSE REIMBURSEMENT	770.25
101513	CITY OF MARSHALL	PETTY CASH REIMBURSEMENT--DRAWER #2	26.44
617715	COMMERCIAL OFFICE PRO	CALENDARS, HILITERS, FILE FLDRS	57.30
101013	CROOKS, JEFF & NANCY	PRESCRIPTION REIMBURSEMENT	20.00
101613	CRYSTAL ROBERTS	HAUNTED TRAIL CASH ADVANCE FOR CHANGE	200.00
31-081300-03	CURTIS BOLTNOTT & JIL	REFUND UTILITY DEPOSIT	37.17
RIS0000409445	DELTA DENTAL PLAN OF	CLIENT #MI022820001	4,956.29
7018274-1013	EARTHLINK BUSINESS	ACCT #0007018274	2,199.85
101113	EGNATUK, ALEC	TRAVEL EXPENSE REIMBURSEMENT	70.97
101513	FISHER, CHARLIE	SCHOOL LUNCH	17.70
101513	FREDS, MATT	SCHOOL LUNCH	14.34
101613	JERRY HUTCHISON	CLEANING SUPPLIES	17.50
093013	KELLOGG COMMUNITY COL	09/16/13--09/30/13 2013 SUMMER AD VALOR	45,985.54
32-007300-43	LEACH, DUSTIN	REFUND UTILITY DEPOSIT	0.86
14	MAGIC MAIDS	SEPTEMBER CLEANING	1,700.00
101513	MARSHALL AREA CHAMBER	LED HOLIDAY BULBS	1,500.00
3507-1013	MARSHALL COMMUNITY CU	3507 - MCDONALD	179.18
4562-1013	MARSHALL COMMUNITY CU	4562 - HUESTIS	514.95
4570-1013	MARSHALL COMMUNITY CU	4570 - FEDDERS	761.00
7681-1013	MARSHALL COMMUNITY CU	7681 - TARKIEWICZ	310.86
2998-1013	MARSHALL COMMUNITY CU	2998 - DIXON	1,396.32
093013	MARSHALL DISTRICT LTB	09/16/13--09/30/13 2013 SUMMER AD VALOR	42,531.59
093013	MARSHALL PUBLIC SCHOO	09/16/13--09/30/13 2013 SUMMER AD VALOR	219,232.07
101413	MARSHALL UNITED METHO	LED LAMPS	345.00
101313	MCFADDEN, RODNEY	TRAVEL EXPENSE REIMBURSEMENT	42.31
62268477	MCMASTER-CARR	PAD LOCKS	166.63
S3473365.001	MEDLER ELECTRIC COMPA	ELECTRICAL TAPE	17.31
790004405582930710	NEOFUNDS BY NEOPOST	ACCT #7900 0440 5582 9307	3,000.00
269-781-3559-1013	QLT	ACCT # 269-781-3559	11.62
135300226513	ROSENZWEIG, JEFFREY &	REFUND TAX OVERPAYMENT P/N 13-53-002-26	279.84
101613	TICE, LUCAS	SCHOOL LUNCH	19.81
101313	TICE, LUCAS	TRAVEL EXPENSE REIMBURSEMENT	33.12
L0004635785	UNEMPLOYMENT INSURANC	ACCT #0804670 000	7,632.35
9712707210	VERIZON WIRELESS	ACCT #683169426-00001	88.57
103823	WORKSQUARED	MOVING POLICE DEPT TO TEMP QUARTERS	4,850.00
10040764-1013	WOW! BUSINESS	ACCT #010040764	1,367.80
101513	ZACK MASON	BOOT ALLOWANCE	209.91
101113	ZIENERT, SHERI	COFFEE & SUPPLIES	41.94
			856,678.16

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DB: Marshall

EXP CHECK RUN DATES 10/18/2013 - 10/26/2013

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BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
ALLMI550-1113	ALLSTATE WORKPLACE DI	GROUP # ALLMI550	742.57
Z1406436NJ	AMERICAN MESSAGING	ACCT #Z1-406436	97.93
102113	BEARDSLEE LAW OFFICES	SERVICES THRU 10/18/13	2,430.00
13-0409	BEARDSLEE LAW OFFICES	REVISE CRONIN DEVELOPMENT AGREEMENT	40.50
13-0410	BEARDSLEE LAW OFFICES	09/23/13 THRU 10/09/13 MISC SERVICES	452.25
101813	BROWN, LEONARD	FURNACE & THERMOSTAT	165.00
618207	COMMERCIAL OFFICE PRO	CLIPS, CRTDG, POSTIT NOTES, STAPLES, TA	102.65
618217	COMMERCIAL OFFICE PRO	STAPLER	11.72
206431378806	CONSUMERS ENERGY	1000 0916 3435	49.09
204028603885	CONSUMERS ENERGY	1000 0759 4680	71.73
204028604925	CONSUMERS ENERGY	1000 5741 9077	23.70
206431379535	CONSUMERS ENERGY	1000 6710 1772	15.84
206431378805	CONSUMERS ENERGY	1000 0916 3203	14.38
206431378807	CONSUMERS ENERGY	1000 0916 3708	15.07
206431378808	CONSUMERS ENERGY	1000 0916 3971	179.93
201091804769	CONSUMERS ENERGY	1000 0033 5602	938.64
101313	DRUMM, CODY	EXPENSE REIMBURSEMENT	40.24
101813	GRISWOLD AVIATION	RPLCMNT OF BALLASTS AT BROOKS FIELD	121.52
101713	HOLIBAUGH, MARILYN &	A/C, FURNACE & THERMOSTAT	315.00
101013	KNAUF, ERNIE	EXPENSE REIMBURSEMENT	14.28
102313	LAKE MICHIGAN MAILERS	POSTAGE - ACCT # M323	500.00
102213	LAUTZENHEISER, GURNEY	PRESCRIPTION REIMBURSEMENT	72.30
3960-1013	MARSHALL COMMUNITY CU	3960 - SCHWARTZ	847.95
101813	MARSHALL DISTRICT LIB	LIGHTING & HVAC	4,238.80
102213	MCFADDEN, RODNEY	TIRE REPAIR	13.20
S3473365.002	MEDLER ELECTRIC COMPA	TAPE	92.38
S3474766.001	MEDLER ELECTRIC COMPA	TAPE RETURNED	(92.38)
S3474749.001	MEDLER ELECTRIC COMPA	ELECTRICAL TAPE	122.25
S3474749.002	MEDLER ELECTRIC COMPA	ELECTRICAL TAPE	266.73
S3473365.003	MEDLER ELECTRIC COMPA	CFL - PSB	71.21
100213	MOORE, GARRETT	MILEAGE REIMBURSEMENT	11.30
100713	WHIPPLE, JAMES	PRESCRIPTION REIMBURSEMENT	107.00
			12,092.78



ADMINISTRATIVE REPORT
NOVEMBER 4, 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 Rezoning Request #JPCRZ13.01 for 425 Parcel #13-16-241-003-00 (aka. "Flynn Property") from Township zoning of Low Density Residential (RA) to City zoning of Public/Semi-Public District (PSP)

BACKGROUND: The City of Marshall has purchased parcel #13-16-241-003-00 on Old US Highway 27 North; the land is part of a PA 425 Conditional Land Transfer agreement. The City has acquired this property to be the new home for the Marshall Regional Law Enforcement Center to house the Michigan State Police, Calhoun County Sheriff, and the Marshall City Police Department. As the applicant, the City is requesting that the parcel be rezoned to a Public/Semi Public (PSP) zone. According to §156.171 of the City Zoning Ordinance, under Principal Permitted Uses in the PSP district, this zoning designation allows for "Public and Municipal uses, including but not limited to municipal and municipal owned buildings, uses, and offices; courthouses; public off-street parking facilities; public safety facilities; and civic centers."

The Joint Planning Commission held a public hearing on September 17, 2013 to hear comments on the rezoning. Several members of the public spoke:

Fran Rauth, 372 Westbrook Court, stated she would like to know more about the rezoning process and if there are any advantages for the township on rezoning the property to City zoning. Ms. Rauth also wanted to know who paid for the land and what uses are allowed in the PSP district.

Staff stated that the PSP district was established for the purpose of accommodating public areas and land uses available to the residents and business of the city. She stated that municipal uses, courthouses, public safety and offices are most common in the PSP district.

Jim Schwartz, Director of Public Safety, stated that the city paid \$325,000.00 for the 10 acre property and the agreement was made between the city attorney and Mrs. Flynn's attorney. Mr. Schwartz went on to discuss the property boundaries, buffers and the proximity of where the building will be built.

Chairman Davis stated that tonight's meeting is just to rezone the property, there will be more information available during site plan review for the buffers, building location and parking areas.

Randy Davis, 576 Orchard Rd., asked Commissioners if drainage and access to the building will also be discussed during site plan review. Commissioners stated yes, city staff does the initial site plan review and their engineer makes sure all drainage issues are taken care of before the site plan gets to the JPC.

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Fran Rauth asked when construction would start and what would happen if the State of Michigan doesn't come up with their part of the money. Mr. Schwartz stated that he doesn't have an exact date for the start of construction, but it will take approximately 2 years to build.

After hearing public comment, the Joint Planning Commission worked through the rezoning "Finding of Fact" from §156.030 (H):

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

The proposed zoning of PSP is appropriate for the proposed project. Other properties available would not be as strategically appropriate to handle City Police business as well as State Police business.

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

The property is currently zoned residential by Marshall Township and could feasibly be used as residential.

(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.

Marshall Township will be updating their master plan to include commercial uses in this area. The rezoning is supported through the City master plan due to the fact that the PSP zone, like the POSD zone, can be used as "transitional" between commercial and residential areas.

(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.

A Police facility is an essential, needed, and desirable use in the community. As the City grows to the north, there will be a need for more commercial space.

(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 site would be appropriate for any of the PSP uses.

(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 unless they are to the positive due to having a public safety facility closer. Traffic will be impacted at a minimal level, especially on Sundays during church times; however, these issues can be solved during the site plan process.

(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.

This question specifically speaks to the Marshall Township intention of moving this area to largely commercial. The zoning of PSP is not at-odds with either entities master plan so it is not creating an unplanned district.

(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.

This parcel of land will support any use listed in the PSP district.

(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.

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

A police facility would fit in any zoning district in Marshall Township as it is considered an "essential service"; likewise, the City lists PSP as a transitional zone with the ability to fit into many areas. However, there are no other parcels of land so strategically located or large enough to house this joint project.

MOTION by Banfield, supported by Kiessling to approve and recommend to City Council the rezoning of parcel #13-16-241-003-00 (also known as "Flynn Property") from the township zoning of Low Density Residential (RA) to the city zoning of Public/Semi-Public (PSP). *On a voice vote; **MOTION CARRIED.***


RECOMMENDATION: After hearing public comment, the Joint Planning Commission recommends approval of rezoning request #JPCRZ13.01 for Parcel #13-16-241-003-00 (aka. "Flynn Property") from Township zoning of Low Density Residential (RA) to City zoning of Public/Semi-Public District (PSP).

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,


Natalie Dean
Director of Community Services


Tom Tarkiewicz
City Manager

CITY OF MARSHALL
ORDINANCE NO. 13-##

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF CERTAIN PARCEL OF REAL PROPERTY ON OLD US HIGHWAY 27 NORTH COMMONLY KNOWN AS PARCEL #13-16-241-003-00 FROM THE MARSHALL TOWNSHIP ZONING OF LOW DENSITY RESIDENTIAL (RA) TO PUBLIC/SEMI-PUBLIC DISTRICT (PSP).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Chapter and 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 the Marshall Township zoning of Low Density Residential (RA) to the City zoning of Public/Semi-Public District (PSP).

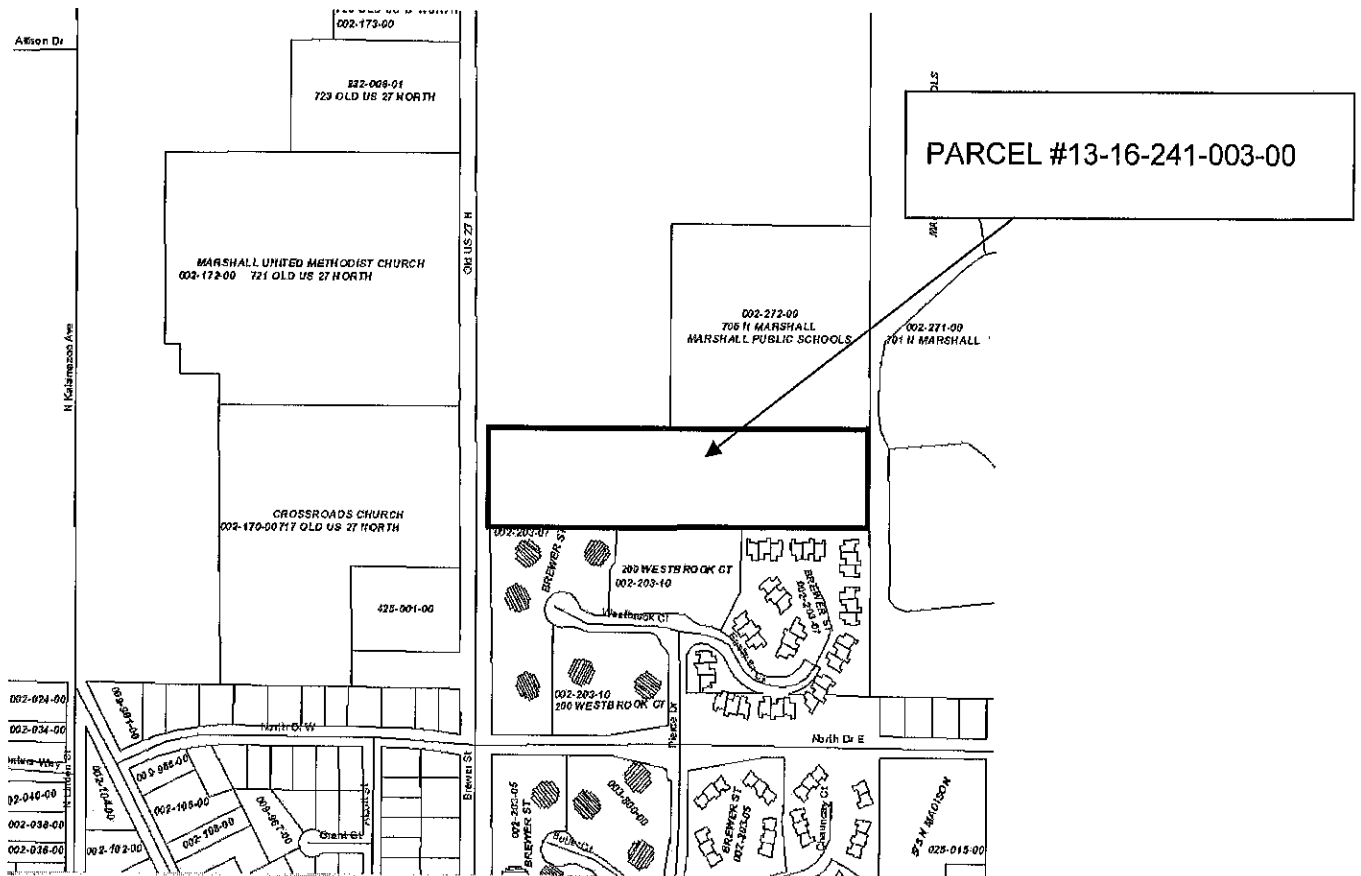
Property Description

BEGINNING AT A POINT ON THE WEST LINE OR SECTION 24, TOWN 2 SOUTH, RANGE 6 WEST, MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN, DISTANT SOUTH 00° 05' 49" WEST, 1786.00 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTH 88° 41' 35" EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 1329.81 FEET TO THE EAST LINE OF THE WEST ½ OF THE NORTHWEST ¼ OF SAID SECTION 24; THENCE SOUTH 00° 09' 43" EAST ALONG SAID EAST LINE, 332.04 FEET; THENCE NORTH 88° 41' 35" WEST, PARALLEL WITH SAID NORTH SECTION LINE, 13331.31 FEET TO SAID WEST SECTION LINE; THENCE NORTH 00° 05' 49" EAST ALONG SAID WEST SECTION LINE, 332.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 10.14 ACRES OF LAND MORE OR LESS.

Parcel Number

PARCEL #13-16-241-003-00

Map



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.

Adopted and signed this 4th day of November, 2013

James L. Dyer, MAYOR

Trisha Nelson, CLERK



ADMINISTRATIVE REPORT
NOVEMBER 4, 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 the Proposed Addition of Language to
§50.02 Garbage and Rubbish: Use of Containers on
Private Property

BACKGROUND: Staff is recommending that the following language be added to §50.02 Garbage and Rubbish: Use of Containers on Private Property:

Refuse containers primarily used for construction purposes require a zoning permit pursuant to §156.421.

The City currently takes zoning permit applications for construction dumpsters based on §156.421 which states, in summary, that it is unlawful to repair or alter any structure without a zoning permit. Most of the time, construction projects, whether they are commercial or residential, require a dumpster to be placed on the property, in the driveway, or sometimes in the street for a short period of time. The application for a zoning permit allows City staff to review the location of the dumpster and to be aware of the time frame the dumpster will be in its location. Staff is currently seeking to add the aforementioned language to the dumpster section of the ordinance in order to link the two ordinances for clarification purposes.

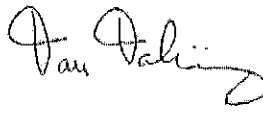
RECOMMENDATION: After hearing public comment, it is recommended that the Council adopt the addition of language to §50.02 Garbage and Rubbish: Use of Containers on Private Property.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,


Natalie Dean
Director of Community Services


Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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cityofmarshall.com

**CITY OF MARSHALL
ORDINANCE #-13**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 50.02: GARBAGE AND RUBBISH; USE OF CONTAINERS ON PRIVATE PROPERTY. THE CITY OF MARSHALL ORDAINS:

Section 1. That chapter and section **50.02 Garbage and Rubbish: Use of Containers on Private Property** of the Marshall City Code, is hereby amended to add the following language:

Refuse containers primarily used for construction purposes require a zoning permit pursuant to §156.421.

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 November 4, 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
NOVEMBER 4, 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 the Proposed Changes to §152
APPENDIX A: TYPE AND LOCATION OF SIGNS;
PROHIBITED SIGNS, SECTION (B): SIGNS
PROHIBITED IN ALL DISTRICTS

BACKGROUND: Planning Commission is recommending that "Off Premises Sign" be added to the "Signs Prohibited" section of the Sign Ordinance (Chapter 152) in Appendix A. Currently, the sign ordinance does not allow "off premises signs" in any district. This proposed amendment will not change the regulations; the Planning Commission is seeking to improve the clarity of the ordinance by adding it to a location that will be easy to understand.

On August 14, 2013, the Planning Commission held a public hearing on this proposed addition to the Sign ordinance to hear public comment. No comments were offered.

MOTION by Banfield, supported by Davis, to recommend to City Council the Addition of "Off-Premises Sign" to Sign Ordinance §152: Appendix A: (B) 6. On a voice vote; **MOTION CARRIED.**

On October 7, 2013, City Council received this amendment. At that time, discussion was held on whether or not the prohibition of "off premises signs" in the city is appropriate. It is important to stress that this proposed amendment is not changing the underlying city regulations which are already in place.

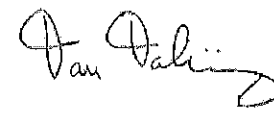
RECOMMENDATION: After hearing public comment, the Planning Commission recommends that City Council approve the proposed addition of Off-Premises signs to §152 APPENDIX A:TYPE AND LOCATION OF SIGNS; PROHIBITED SIGNS, SECTION (B): SIGNS PROHIBITED IN ALL DISTRICTS.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,


Natalie Dean
Director of Community Services


Tom Tarkiewicz
City Manager

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Marshall, MI 49068
p 269.781.5183
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**CITY OF MARSHALL
ORDINANCE #-13**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 152 APPENDIX A: TYPE AND LOCATION OF SIGNS: PROHIBITED SIGNS, SECTION (B): SIGNS PROHIBITED IN ALL DISTRICTS. THE CITY OF MARSHALL ORDAINS:

Section 1. That chapter **152 Appendix A: Type and Location of Signs; Prohibited Signs: section (B) Signs Prohibited in All Districts** of the Marshall City Code, is hereby amended to add sub-number (6):

(6) Off-Premises.

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 November 4, 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