



# MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

June 16, 2014

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION- David Good, First Baptist 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 – Mor-Dall Enterprises, LLC, 511 S Kalamazoo Ave, Industrial Facilities Tax Exemption Certificate P. 3

City Council will consider the recommendation to schedule a public hearing for Tuesday, July 8, 2014 for a proposed Industrial Facilities Tax Exemption Certificate application for Mor-Dall Enterprises, LLC.

B. City Council Minutes P. 12

Regular Session..... Monday, June 2, 2014

C. City Bills P. 14

Regular Purchases .....	\$106,427.00
Weekly Purchases –5/30/14.....	\$ 14,716.02
Weekly Purchases –6/6/14 .....	\$ 82,364.58
<b>Total.....</b>	<b>\$ 203,507.60</b>

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. Event Report – Independence Day Chicken BBQ P. 19

B. Event Report – Cruise to the Fountain P. 20

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing – Addition of §156.224, draft Donation Collection Bins ordinance and accompanying addition of definitions to §156.003 P. 22

City Council will receive public comment on the addition of §156.224, draft Donation Collection Bins ordinance and accompanying addition of definitions to §156.003.

B. Public Hearing – Zoning Amendment Application #RZ14.01 for 842 W. Michigan Avenue P. 34

City Council will receive public comment on Zoning Amendment Application #RZ14.01 for 842 W. Michigan Avenue to rezone rear portion of parcel from R-2 (Suburban Residential District) to B-4 (Regional Commercial District).

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



**11) OLD BUSINESS**

**12) REPORTS AND RECOMMENDATIONS**

**A. Patrol Union Agreement P. 40**

City Council will consider the recommendation to approve the Union Agreement with Police Officers Labor Council, Patrol Officer's Division.

**B. Command Union Agreement P. 42**

City Council will consider the recommendation to approve the Union Agreement with Police Officers Labor Council, Command Unit.

**C. Police Vehicle Purchase P. 44**

City Council will consider the recommendation to authorize the purchase of a 2015 Ford Police Interceptor Utility Vehicle from Boshears Ford in the amount not to exceed \$26,895.

**D. FY 2014 Year-End Budget Amendments P. 45**

City Council will consider the recommendation to adopt the resolution to amend the FY 2014 Adopted Budget.

**13) APPOINTMENTS / ELECTIONS**

**A. Brooks Nature Area Board P. 52**

City Council will consider the recommendation to approve the reappointment of Janet Schoenmeyer and Randy Eshuis to the Brooks Nature Area Board with terms ending August 15, 2017.

**B. Parks, Recreation, and Cemetery Board P. 53**

City Council will consider the recommendation to approve the reappointment of Randy Eshuis and Norman Ostrum to the Parks, Recreation, and Cemetery Board with terms ending July 1, 2017.

**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,

Tom Tarkiewicz  
City Manager

June 16, 2014

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**ADMINISTRATIVE REPORT**  
**June 16, 2014 – City Council Meeting**

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

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

**SUBJECT:** Mor-Dall Enterprises, LLC, 511 S Kalamazoo Ave,  
Industrial Facilities Tax Exemption

**BACKGROUND:** The City of Marshall has received a request from Mor-Dall Enterprises, LLC, for an Industrial Facilities Tax Exemption Certificate. The requested abatement is to consider a \$216,099 investment in equipment.

**RECOMMENDATION:** Schedule a Public Hearing for July 8, 2014 as required by the Industrial Facilities Tax Exemption Certificate Application.

**FISCAL EFFECTS:** If the IFT is granted, the City will forego an estimated \$5,650 in taxes over the next 12 years. The company will receive an estimated \$14,600 in tax savings over the next 12 years. This assumes that personal property will remain taxable.

**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 	Date received by Local Unit 6/10/2014
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>Mor-Dall Enterprises LLC</b>	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) <b>2082</b>	
1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) <b>511 S. Kalamazoo Ave, Marshall, MI 49068</b>	1d. City/Township/Village (indicate which) <b>City</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 Public Schools</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.

Chiller and solar array project to enhance production capabilities.

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>\$0.00</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>\$216,099.00</u> Personal Property Costs
6c. Total Project Costs ..... * Round Costs to Nearest Dollar	▶ <u>\$216,099.00</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.

	Begin Date (M/D/Y)	End Date (M/D/Y)		
Real Property Improvements ▶	_____	_____	▶	<input type="checkbox"/> Owned <input type="checkbox"/> Leased
Personal Property Improvements ▶	7/1/14	9/30/14	▶	<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>8</b>	10. No. of new jobs at this facility expected to create within 2 years of completion. <b>2</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>8/16/10</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 Aaron Morse	13b. Telephone Number (269) 967-4833	13c. Fax Number (269) 781-8261	13d. E-mail Address aaron@darkhorsebrewery.co
14a. Name of Contact Person Aaron Morse	14b. Telephone Number (269) 967-4833	14c. Fax Number (269) 781-8261	14d. E-mail Address aaron@darkhorsebrewery.com
▶ 15a. Name of Company Officer (No Authorized Agents) Aaron Morse			
15b. Signature of Company Officer (No Authorized Agents)		15c. Fax Number (269) 781-8261	15d. Date
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 511 S Kalamazoo, Marshall, MI 49068		15f. Telephone Number (269) 964-7833	15g. E-mail Address aaron@darkhorsebrewery.com

**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 13110
17. Name of Local Government Body City of Marshall	▶ 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 Trisha Nelson	19c. E-mail Address tnelson@cityofmarshall.com
19d. Clerk's Mailing Address (Street, City, State, ZIP Code) 323 W Michigan Ave, Marshall, MI 49068		
19e. Telephone Number (269) 781-5183	19f. Fax Number (269) 781-3835	

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

# *IFTEC LETTER OF AGREEMENT*

**DATE:** \_\_\_\_\_  
**COMPANY NAME:** Mor-Dall Enterprises, Inc.  
**FACILITY ADDRESS:** 511 South Kalamazoo Ave  
Marshall, MI 49068

City Council  
City of Marshall  
323 W. Michigan Avenue  
Marshall, MI 49068

**RE: Industrial Facilities Tax Exemption Certificate** between:  
  
Mor-Dall Enterprises, Inc. and the City of Marshall

Dear Members of Council:

Mor-Dall Enterprises, Inc. (the "Company") has submitted the attached Application (the "Application") to you requesting approval of an Industrial Facilities Tax Exemption Certificate ("IFTEC"), pursuant to Michigan Public Act 198 of 1974, as amended, for the property located at 511 South Kalamazoo, Marshall, (the "Facility") (Legal Description of the property where the Facility is located is attached).

To encourage approval of the IFTEC and in recognition of the investments the City of Marshall (the "City") will make toward the economic growth of the Company, which will benefit the City, the Company agrees as follows:

- 1. General.** (Check applicable lines consistent with the Application)
- \_\_\_ a. The Company will make the improvements set forth in the Application within two (2) years of the effective date of the IFTEC (the "Effective Date").
  - \_\_\_ b. The Company will purchase and/or lease and install the personal property as set forth in the Application within two (2) years of the Effective Date.
  - \_\_\_ c. The Company will create 2 new full-time jobs at the Facility within two (2) years of the Effective Date, and/or the Company will retain 8 existing jobs at the Facility within two (2) years of the Effective Date.
  - \_\_\_ d. The Company will comply with the requirements imposed by the City as part of the site review prior to issuance of a Certificate of Occupancy.

2. **Compliance with Laws.** The Company agrees that it will operate the Facility in accordance with all applicable Federal, State, and local laws or regulations, including but not limited to zoning, outside storage, industrial waste disposal, air and water quality, utility, noise control, and other environmental regulations.
3. **Continued Operation of the Facility.** The Company further agrees to continue to operate the Facility within the City for the period of 12 years from the effective date of the IFTEC in order to retain the benefits of the IFTEC.
4. **Premature Vacation of the Facility.** If the Company vacates, or intends to vacate, the Facility prior to the end of the term of the IFTEC, the Company shall be responsible for the following:
  - a. If the Company intends to vacate the Facility for which the IFTEC has been approved and issued prior to the end of the term of this agreement, the Company agrees to notify the City Assessor in writing of such intent and the reasons for vacating not less than 60 days prior to vacating the facility.
  - b. The Company agrees to make reasonable provisions satisfactory to the City and in compliance with all applicable laws, codes and ordinances to maximize the likelihood of re-occupancy or re-use of the unoccupied building for productive use within a reasonable time period after the Facility is vacated.
  - c. The Company shall, if requested by the City, deposit an amount equal to the amounts anticipated to be due from the Company under this agreement as a result of the Company vacating the Facility prior to the term for which the IFTEC was approved, including but not limited to any reasonable cleanup or maintenance costs, administrative fees, court costs, and attorney fees incurred.
  - d. The Company shall pay any outstanding taxes and shall repay to all affected municipalities an amount equal to the total tax amount abated by the IFTEC (unless recovery of a lesser amount is requested by the City or other taxing authority) within 30 days of the date of an invoice for such taxes.
  - e. If the Company fails to pay the amount of the invoice for abated taxes within 30 days of the date of the City invoice, the Company shall be responsible for any additional costs incurred by the City in recovery of such taxes, including, but not limited to administrative fees, court costs, and attorney fees incurred.
5. **Notice of Completion and Final Cost Report.** The Company will submit to the City, not later than 90 days after the completion date for each property component for which an IFTEC was granted a Notice of Completion and Final Cost Report in a form requested by the City which includes the actual completion date and final cost of each project component for which an IFTEC was originally granted, and an explanation if the final cost of either the real or personal property listed on the Application was greater than the original estimated amount by more than 10%.

6. **Employment Status Report.** In accordance with the initial letter of intention to apply for an IFTEC, the Company will submit to the City, not later than January 10th of the second year after the effective date and every two years thereafter while the IFTEC is in effect, an Employment Status Report in a form requested by the City, which includes the number of actual full-time jobs created and/or retained as a direct result of the project for which the certificate was granted, and an explanation if the jobs actually created was less than the original estimated amount.
7. **Review and Audit: Payment of Costs.** The Company understands that the City may review and audit the information provided by the Company to determine compliance with this agreement and that in the event the audit raises a material non-compliance with the provisions of this agreement, that any costs for such services will be paid by the Company in accordance with a fee schedule approved by the City Council, which may be adjusted from time to time based upon increases in costs to the City. Except as provided in this paragraph, each party shall bear its own costs for a review or audit.
8. **Remedies for Default for Failure to Satisfy Representations Made in Application.** The Company recognizes and agrees that the amount of abated taxes to be paid shall constitute a lien under Michigan Law, and that the City retains all rights to enforce the lien. The Company understands that the City may pass a resolution requesting that the State Tax Commission reduce the term of the IFTEC or revoke the IFTEC to the extent that the construction or expansion of the Facility has not been completed, expenditures made, or employment reached as represented by the Company in the application, by sending a copy of this Agreement along with a copy of the City Council resolution authorizing such action to the State Tax Commission. In addition, the Company acknowledges that the City may take into account any deficiency in job creation, or real or personal property investment made under this application in a subsequent application for an IFTEC filed by the Company.
9. **Consequences of Unsuccessful Real or Personal Property Tax Appeal.** The Company acknowledges that if during the term of this Agreement, the Company appeals any real or personal property assessment to the Michigan Tax Tribunal or other court of competent jurisdiction upon which it does not prevail, that the Company shall pay to the City all reasonable costs, expenses, and attorney fees incurred by the City in defending such appeals within thirty (30) days of the date of receipt of an invoice from the City. The Company also acknowledges that the City may consider such appeals in deciding the term of any subsequent certificates granted to the Company.
10. **Unforeseen Events.** By execution of this agreement, it is understood that the Company's investment in the Facility and the City's investment in the granting of the IFTEC are to encourage economic growth within the City. The City acknowledges that in some instances, economic conditions may prevent the Company from complying fully with this agreement and the terms of the Application. The City will give the Company an opportunity to explain the reasons for any variations from the representations contained in the application and will evaluate the Company's situation prior to taking any action authorized by paragraph 4 and 8 of this agreement.

11. **Entire Agreement.** Together with the complete application, this is the entire agreement of the parties relating to the matters covered by this Agreement, and no prior or subsequent promises, representations or assurances, whether in any other form, shall be used to modify, vary or contradict any provision of this Agreement, except for any written amendment to this Agreement or separate agreement signed following the date of this Agreement by authorized representatives of all parties to this Agreement. In the event of conflict between the documents, the terms in this Letter of Agreement shall prevail.
  
12. **Severability.** The invalidity of any section, subsection, clause or provision of this Agreement shall not affect the validity of the remaining sections, subsections, clauses or provisions thereof, which shall remain in full force and effect to govern the parties' relationship.
  
13. **Reimbursement of Attorney Fees for Modification of Standard Agreement.** The Company agrees to reimburse the City within 30 days of the date of a receipt of an invoice from the City for all attorney fees incurred by the City in the negotiation or preparation of changes to the standard IFTEC Letter of Agreement.

**ACCEPTED BY: THE COMPANY**

NAME: Aaron Morse

TITLE: Owner / CEO

SIGNATURE: 

Acting in \_\_\_\_\_ County, Michigan  
 My Commission Expires: October 19, 2020  
 Notary Public, Calhoun County, Michigan  
 Velvet Taylor Potter

STATE OF MICHIGAN  
 COUNTY OF CALHOUN

The forgoing acceptance was acknowledged this 6 day of June  
 by Aaron Morse CEO on behalf of Mor-Dall  
 (Name) (Title) (Company Name)

Velvet Taylor Potter  
 Notary Public, Calhoun County, MI  
 My Commission expires: 10.19.2020

**ACCEPTED BY: THE CITY OF MARSHALL, A  
MICHIGAN MUNICIPAL  
CORPORATION**

**NAME: James L. Dyer**

**TITLE: Mayor**

**SIGNATURE: \_\_\_\_\_**

**NAME: Trisha Nelson**

**TITLE: City Clerk**

**SIGNATURE: \_\_\_\_\_**

**STATE OF MICHIGAN  
COUNTY OF CALHOUN**

The forgoing acceptance was acknowledged this \_\_\_\_ day of \_\_\_\_\_  
by James L. Dyer and Trisha Nelson, Mayor and City Clerk, respectively, on behalf of  
the City of Marshall, a Michigan municipal corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, MI

My Commission expires: \_\_\_\_\_

**When recorded, return to:**  
City Clerk  
City of Marshall  
323 W. Michigan Ave.  
Marshall, MI 49068

**Drafted by:**  
City of Marshall  
323 W. Michigan Ave.  
Marshall, MI 49068

# City of Marshall



323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

## INDUSTRIAL FACILITIES EXEMPTION APPLICATION

### AFFIDAVIT OF FEES

In accordance with State Tax Commission Bulletin no. 3 dated January 16, 1998, the City Of Marshall and Applicant for Industrial Facilities Exemption Certificate do hereby swear and affirm that "no payment of any kind in excess of the fee allowed by Act 198, as amended, has been made or promised in exchange for favorable consideration of an exemption certificate application."

#### CITY OF MARSHALL:

Signed: \_\_\_\_\_ Witness: \_\_\_\_\_

Print Name: James L. Dyer Print Name: \_\_\_\_\_

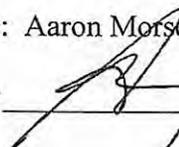
Title: Mayor

Dated: \_\_\_\_\_

#### APPLICANT:

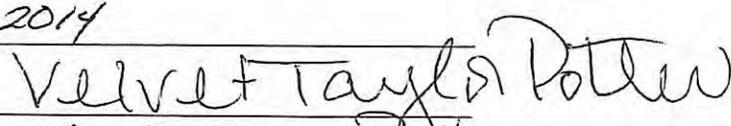
Company Name: Mor-Dall Enterprises LLC

Signed by: Aaron Morse

Signature: 

Title: Owner/CEO

Dated: 6-5-2014

Witness: (signature) 

Witness: (print) Velvet Taylor Potter



NATIONAL HISTORIC LANDMARK DISTRICT

**CALL TO ORDER**

IN REGULAR SESSION Monday, June 2, 2014 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, Miller, Reed, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members Mankerian, Metzger, and Revore.

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

**INVOCATION/PLEDGE OF ALLEGIANCE**

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Williams, supported Reed, to approve the agenda with the addition of item 13A – Library Board Appointment. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Reed, supported Williams, to approve the Consent Agenda:

- A. Approve minutes of the City Council Regular session held on Monday, May 19, 2014;
- B. Approve city bills in the amount of \$ 328,488.30.

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

**PRESENTATIONS AND RECOGNITIONS**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

None.

**APPOINTMENTS / ELECTIONS**

**A. Appointment to the Library Board:**

**Moved** Miller, supported Reed, to approve the appointment of Jessica Brooks to the Library Board with a term expiring March 31, 2016. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**CLOSED SESSION**

**Moved** Williams, supported Reed, to convene into Closed Session under Subsections H and C of the Michigan Open Meetings Act to discuss Attorney-Client privilege information and labor contracts. On a roll call vote – ayes: Reed, Williams, Mayor Dyer, and Miller; nays: none. **MOTION CARRIED.**

Convene into Closed Session at 7:13 p.m.

Return to Open Session at 7:59 p.m.

**Moved** Miller, supported Williams, to return to Open Session. On a voice vote – **MOTION CARRIED.**

**Moved** Williams, supported Miller, to authorize the City Attorney to finalize an agreement to settle a claim with Jim and Lisa Zuck in the amount of \$19,746.47. On a roll call vote – ayes: Williams, Mayor Dyer, Miller, and Reed; nays: none. **MOTION CARRIED.**

**COUNCIL AND MANAGER COMMUNICATIONS**

**ADJOURNMENT**

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

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James L. Dyer, Mayor

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Trisha Nelson, City Clerk

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
214050153	ALERT-ALL CORP	BLACK FIRE HATS, JR BADGES	850.00
SCL 10004864	ALEXANDER CHEMICAL CO	DEPOSIT REFUNDS	(270.00)
SLS 10018431	ALEXANDER CHEMICAL CO	CHLORINE & SULFUR DIOXIDE	1,376.00
230772	ALTA EQUIPMENT COMPAN	REPAIR KOMATSU	107.45
10228176	ALTEC INDUSTRIES INC	BALL LOCK PINS	104.31
140510785	AMBS CALL CENTER	ANSWERING SERVICE	135.00
4074928	ARGUS-HAZCO	H2S 20PPM/CO 60PPM/LEL 29%	239.78
12-865093	ARROW UNIFORM	CUST #010198-03	152.24
12-865091	ARROW UNIFORM	CUST #010198-02	56.09
12-872772	ARROW UNIFORM	CUST #010198-02	56.09
12-872775	ARROW UNIFORM	CUST #12-872775	20.00
12-872773	ARROW UNIFORM	CUST #010198-04	50.54
12-872768	ARROW UNIFORM	CUST #010198-01	26.37
12-865086	ARROW UNIFORM	CUST #010198-01	37.37
12-865092	ARROW UNIFORM	CUST #010198-04	50.54
12-865094	ARROW UNIFORM	CUST #010198-05	24.47
12-872774	ARROW UNIFORM	CUST #010198-03	137.90
388-167773	AUSTIN-BATTERIES PLUS	LAMPS & BALLAST	103.60
052314	BAKER TOOL RENTAL & S	MINI EX	175.00
211680-IN	BEAVER RESEARCH CO	JANITORIAL SUPPLIES	48.00
212753-IN	BEAVER RESEARCH CO	GLASS CLEANER	75.00
72142	BOSHEARS FORD SALES I	E 450 REPAIR	1,047.46
72138	BOSHEARS FORD SALES I	2008 CROWN VIC	345.20
052814	BOSSERD FAMILY FARM	2014 HANGING BASKETS FOR DOWNTOWN	2,191.00
052814A	BOSSERD FAMILY FARM	FLATS OF FLOWERS, FOUNTAIN GRASS, GERAN	402.00
4056	C & S SOLUTIONS	RADIO DETECTION LOCATOR EQUIPMENT	6,000.95
14932	CEREAL CITY WINDOW CL	WINDOW CLEANING AT PSB	210.00
14-0172406	CITY OF ALBION	INTERNET	127.49
55010	COGITATE INC	SOFTWARE MAINTENANCE	155.00
637725	COMMERCIAL OFFICE PRO	PAPER, POUCH	172.79
3800	CONSTANTINE TURF FARM	SOD	212.95
IN44276	CORNERSTONE OFFICE SY	STONENET	21.90
9611	COURTNEY & ASSOCIATES	MONTHLY RETAINER MAY 2014	250.00
776374	CRYSTAL FLASH ENERGY	PROPANE CYLINDERS	26.27
661152006	CRYSTAL FLASH ENERGY	FUEL	468.67
661152005	CRYSTAL FLASH ENERGY	DYED DIESEL FUEL	750.98
1229	DAMRON BROTHERS ASPHA	REBUILD STORM BASIN REPLACE SIDEWALK	4,988.00
448135	DARLING ACE HARDWARE	BULB	8.99
447796	DARLING ACE HARDWARE	CAP HOSE POLY, SPRAYER, PLUMBING SUPPLI	36.47
447590	DARLING ACE HARDWARE	RETURN OF CEILING HOOKS & SCREWS	(14.04)
448416	DARLING ACE HARDWARE	SPRAY PAINT, ELECTRICAL TAPE	20.88
447831	DARLING ACE HARDWARE	ARBOR	16.99
447651	DARLING ACE HARDWARE	OIL FOR TRIMMER	6.57
447829	DARLING ACE HARDWARE	HOLE SAW, BOLTS, NUTS, ELEC SUPPLIES	35.16
448153	DARLING ACE HARDWARE	ASPIRE EXT GL, PAINTBRUSH	55.98
447547	DARLING ACE HARDWARE	FANCY 41/2" PRICE CORRECTION	(18.00)
447956	DARLING ACE HARDWARE	SOCKET	5.49
447863	DARLING ACE HARDWARE	AIR FILTERS, NOZZLE GUN	61.39
447546	DARLING ACE HARDWARE	MULCH, FLOWERS, TROWEL, GRASS SEED	314.25
447836	DARLING ACE HARDWARE	CABLE	5.49
445055	DARLING ACE HARDWARE	CEILING HOOKS & SCREWS	40.60
447573	DARLING ACE HARDWARE	CABLE TIES	11.98
448353	DARLING ACE HARDWARE	FILM POLY CLR3MIL	19.98
448463	DARLING ACE HARDWARE	HOSE MENDER	3.49
447131	DARLING ACE HARDWARE	WD-40	4.49
448161	DARLING ACE HARDWARE	GLOVE COATED VINYL BLACK	5.99
448256	DARLING ACE HARDWARE	BALLAST ELEC	32.99
937516	DARWIN GWIN	MOW BROOKS NATURE AREA TWICE	50.00
34369	DOUGLASS SAFETY SYSTE	VISORS	885.48
10070	DUKE'S SALES & SERVIC	SEWER ROOT CONTROL	9,364.83
3101497	EDWARDS INDUSTRIAL SA	LINE HOSE	165.96
23771	ELECTION SOURCE	2015 STATE OF MICHIGAN CONTRACT	480.00
605-14	ELM TRAINING LLC	PROVIDE BI-MONTHLY SAFETY MEETINGS	180.00
MIMA153124	FASTENAL COMPANY	HEXARMOR 4011-L	149.50
MIMA153160	FASTENAL COMPANY	HOSE CLAMPS	12.00
MIMA153176	FASTENAL COMPANY	WIPES & WIRE TIES	102.44
MIMA153170	FASTENAL COMPANY	BOLTS	24.00
2023	FREDS AUTOMOTIVE REPA	OIL CHANGE	56.01
3584	FUG	LED NIGHT LIGHTS	688.50
3614	FUG	50 DECALS - MARSHALL FIRE LOGO PATCH	62.50
707	GLGC PLUMBING COMPANY	WTP PLUMBING & EYE WASH STATION	1,958.00
2202	GOODWIN'S PLUMBING, L	BROOKS AIRPORT - BROKEN WATER LINES	2,031.24
937514	GWIN, DARWIN	SOIL SAVED & DISCED FOOD PLOT	225.00
130326	HASSELBRING CLARK	MAINTENANCE CONTRACT	220.50
1323	HERITAGE CLEANERS	SHIRTS, PANTS	166.80
73505	HERMANS MARSHALL HARD	CRIMP SLEEVE	10.29
73585	HERMANS MARSHALL HARD	STENCIL, PAINT	11.87
73549	HERMANS MARSHALL HARD	RUBBER GLOVES	9.99
73596	HERMANS MARSHALL HARD	COMMERCIAL VACUUM	299.99

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
83204	HOLLAND BUS COMPANY	SWITCH FOR INTERIOR DCOR	53.21
2712130	IIX INSURANCE INFORMA	MOTOR VEHICLE REPORTS	30.20
89570	J & K PLUMBING SUPPLY	MIP BOILER DRAIN	6.84
89526	J & K PLUMBING SUPPLY	CLOG BUSTER, KWIK DRAIN	30.15
89660	J & K PLUMBING SUPPLY	COMMP 1/2 X 1/2 MIP	3.83
89763	J & K PLUMBING SUPPLY	SUPPLIES	13.58
89637	J & K PLUMBING SUPPLY	HAND TORCH, PIPECONX, PVC	102.89
89766	J & K PLUMBING SUPPLY	JG SPEEDFIT	4.87
A73148	JACK DOHENY SUPPLIES	WATER SPRAY HAND GUN, BALL VALVE	273.89
053114	JIMMY'S JOHNS	COMPOST CENTER	90.00
R11554634	JOBTARGET	JOB POSTING	168.00
403206	KAR LABORATORIES INC	MERCURY ANALYSIS	260.00
403203	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
403544	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
26838	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	544.49
26831	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	755.84
26882	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	254.24
26863	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	845.49
26920	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	440.75
26906	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES	475.15
1030695	LEGG LUMBER	3/4" CD PLYWOOD	32.99
9426	LEWEY'S SHOE REPAIR	TIM CLARK'S BOOT ALLOWANCE	165.00
4251157	MACOMB COMMUNITY COLL	SFST DRUG RECOGNITION	65.00
304893	MARSHALL FEED & GRAIN	2 PR MUCK BOOKS	217.00
SPRING 2014	MARSHALL PUBLIC SCHOO	GYM USE SPRING 2014	39.00
4254	MARSHALL TIRE CITY	INSTALL 4 NEW TIRES	952.36
S3588070.001	MEDLER ELECTRIC COMPA	COUPLING	22.74
AP 366164	MICHIGAN DEPT OF TRAN	MANSION STREET- PROGRESS BILLING	7,814.07
91801	MICHIGAN METER TECHNO	T-10 PRO AUTO 3BD C/F REGISTER - INSIDE	142.58
INV67341	MUNICIPAL SUPPLY CO.	CURB BOX EXTENSIONS	170.00
6110544X	NFPA	NATIONAL FIRE CODES	1,165.50
338998	NORTH CENTRAL LABORAT	LAB SUPPLIES	648.64
339122	NORTH CENTRAL LABORAT	LAB SUPPLIES	156.06
464966	NYE UNIFORM COMPANY	PANTS, SHIRTS	172.57
464979	NYE UNIFORM COMPANY	SHIRT	44.55
60664	O'LEARY WATER CONDITI	WATER DELIVERED	31.50
60638	O'LEARY WATER CONDITI	COOLER RENTAL, WATER	38.00
060414	OAKLAWN HOSPITAL	HEALTH FARE - POLICE & FIRE DEPTS	25.00
105	OERTHERS	2014 CEMETERY BEDDING FLOWERS	1,336.22
39449	PEERLESS MIDWEST INC	VFD INSTALL #1 WELL AND PUMP OVERHAUL #	12,228.30
39431	PEERLESS MIDWEST INC	VFD INSTALL #1 WELL AND PUMP OVERHAUL #	7,500.00
5004059187	PITT OHIO EXPRESS, LL	FREIGHT ON MCMMASTER-CARR SHIPMENT	61.72
5831978	POWER LINE SUPPLY	SQUARE WASHER	81.75
5831979	POWER LINE SUPPLY	COLD SHRINK	704.60
5831977	POWER LINE SUPPLY	TRANSFORMER GROUND LUG	99.73
5831970	POWER LINE SUPPLY	GUY GRIP	120.76
5831967	POWER LINE SUPPLY	DA BOLT	33.34
5831980	POWER LINE SUPPLY	1/2" LAGS	120.78
5831894	POWER LINE SUPPLY	GLOVES	91.50
5831969	POWER LINE SUPPLY	M BOLT	62.07
5829739	POWER LINE SUPPLY	TESTING OF RUBBER GOODS	385.00
5829414	POWER LINE SUPPLY	RED MARKING FLAGS	203.16
5830196	POWER LINE SUPPLY	BLUE FLAGS	180.00
5827957	POWER LINE SUPPLY	UNLINED GLOVES	92.60
5828169	POWER LINE SUPPLY	SMALL PG SERVICE CLAMP	153.30
5829586	POWER LINE SUPPLY	WATER POST MARKER	951.37
5829458	POWER LINE SUPPLY	SMALL WEDGE DEADEND	337.00
5829419	POWER LINE SUPPLY	600V METER	579.60
58077	QUALITY FIRST AID & S	FIRST AID SUPPLIES	222.17
9225	RADIO COMMUNICATIONS	INSTALL COMPUTER POWER SUPPLY	45.00
I1405041709	REALPAGE INC	ANNUAL FEES FOR LEASING & SUPPORT	2,359.56
1088	REGIONAL CONCRETE LLC	LABOR & MATERIALS TO INSTALL 16' OF CON	165.45
18218	RS TECHNICAL SERVICE	REPAIR PERMANGANATE PUMP	707.09
63861017	SAFETY-KLEEN	PARTS WASHER-SOLVENT	174.30
052814	SAHARA CARES	AUTISM TRAINING FOR POLICE OFFICERS DVD	5.00
3170-5	SHERWIN-WILLIAMS	WHITE & HANDICAP BLUE	675.60
8000	SIGNWORLD CONCEPTS	SIGN FOR PARKING LOT	168.00
17385	SPECTRUM ENGINEERING	ELECTRIC SYSTEM STUDY	5,107.44
17376	SPECTRUM ENGINEERING	ELECTRIC SYSTEM STUDY	12,509.66
31199	STANDARD PRINTING & O	TOWN CRIER	336.72
31193	STANDARD PRINTING & O	THERMAL PAPER	121.82
31114	STANDARD PRINTING & O	BUSINESS CARDS - GREG MCCOMB	55.42
31245	STANDARD PRINTING & O	DELIVERY CHARGE	7.00
183031	STANLEY LAWN & GARDEN	AIR FILTER, .095 X 1410 FT	71.06
183198	STANLEY LAWN & GARDEN	STRAIGHT SHAFT TRIMMER	399.98
7001259212	STAPLES CONTRACT & CO	INK	106.91
7001266018	STAPLES CONTRACT & CO	HP LASERJET	122.39
7001264071	STAPLES CONTRACT & CO	TONER	289.82
7001240953	STAPLES CONTRACT & CO	CALCULATOR	125.99

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
7001236205	STAPLES CONTRACT & CO	INK, SORTKWIK, TAPE FLAGS	41.16
8029969263	STAPLES CONTRACT & CO	CREDIT FOR SALES TAX	(4.20)
3231575047	STAPLES CONTRACT & CO	EAR PLUGS	74.19
7001199247	STAPLES CONTRACT & CO	WHT FLTCRD INV W ENV 100 PK	28.99
7001223837	STAPLES CONTRACT & CO	RETURN OF WHT FLTCRD INV W ENV 100 PK	(28.99)
25642	SUMMIT POINTE	2014 MOWING	580.00
25560	SUMMIT POINTE	2014 MOWING	580.00
79529	TROUP ELECTRONICS INC	RPR BUS #10	497.30
19162906	TRUGREEN	323 W MICHIGAN AVE	155.00
252012174	U.S. BANK EQUIPMENT F	LEXMARK XS463 COPIER	63.67
254110000	U.S. BANK EQUIPMENT F	LEXMARK XS463 COPIER	63.67
59129709	ULINE	DRIP TRAY FOR SOAP DISPENSER	27.04
346557	USA BLUEBOOK	FACE SHIELD HEADGEAR, GOGGLES, APRON, F	57.56
			106,427.00

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
052514	BALLARD, FRANK R	INSPECTORS COMMISSION	3,068.13
052314	BEARDSLEE LAW OFFICES	SERVICES THROUGH 05/23/14	6,304.50
052614	BROWN, SEAN	TRAVEL EXPENSE REIMBURSEMENT	51.05
31-005800-19	BURNS, EILEEN	REFUND UTILITY OVERPAYMENT	17.32
051314	CITY OF MARSHALL	DRAWER #1 PETTY CASH REIMBURSEMENT	10.00
206431645564	CONSUMERS ENERGY	1000 0915 7670	30.80
202160014161	CONSUMERS ENERGY	1000 6710 1772	26.43
201003299079	CONSUMERS ENERGY	1000 5741 9077	12.98
205808793370	CONSUMERS ENERGY	1000 0759 4680	76.17
205185847891	CONSUMERS ENERGY	1000 0916 3435	251.38
205185847890	CONSUMERS ENERGY	1000 0916 3203	95.61
205185847893	CONSUMERS ENERGY	1000 0916 3971	697.84
205185847892	CONSUMERS ENERGY	1000 0916 3708	53.62
052514	DEVENEY, JAMES R	INSPECTION COMMISSIONS	166.25
052214	FREDS, MATT	CDL LICENSE FEE	18.00
052514	GANO, DARYL	ELECTRICAL INSPECTOR PAY	688.25
052514	GROSS, JOHN	INSPECTION COMMISSION	297.50
7-001800-08	GYLLSTROM, ANN	REFUND UTILITY OVERPAYMENT	50.88
27-074800-02	HOMANN, HELMUT	REFUND UTILITY OVERPAYMENT	125.89
8-012400-04	JOHN TALBERT	REFUND OVERPAYMENT ON UTILITY ACCOUNT	455.85
052214	K-MART	MAY CHARGES	181.31
25-016200-01	KENYON, JOHN	REFUND OVERPAYMENT	766.78
5165-0514	MARSHALL COMMUNITY CU	5165 - TRUDEAU	488.18
5157-0514	MARSHALL COMMUNITY CU	5157 - FEDDERS	393.98
052514	MCAULIFFE, JOHN	INSPECTORS COMMISSION	40.00
041814	MCFADDEN, RODNEY	9 MEALS	90.00
052314	RODGERS, BETTY	REFUND BALANCE OF SECURITY DEPOSIT	13.00
16-012000-01	SMITH, RICHARD	REFUND UTILITY OVERPAYMENT	64.32
041814	TICE, LUCAS	9 MEALS	90.00
1869	VALENTINE, RYAN	REFUND BALANCE OF DEPOSIT FROM HYDRANT	90.00
			14,716.02

User: ctanner

EXP CHECK RUN DATES 11/30/2012 - 06/06/2014

DB: Marshall

UNJOURNALIZED OPEN

BANK CODE: MAIN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
060414	BEN OWENS	REFUND SPONSOR FEE FOR MENS DH SOFTBALL	250.00
060314	BIRT, ANDREW	ENERGY OPTIMIZATION - CHARGING STATION	500.00
146260	BOLGER, JASE	REIMBURSEMENT FOR REPAIR TO SPRINKLER H	63.00
052914	BROWN, RICHARD	ENERGY OPTIMIZATION - A/C SEER 15	150.00
053114	CALHOUN COUNTY TREASU	TRAILER FEES - MAY 2014	80.00
052214	CALHOUN COUNTY TREASU	DELINQUENT PER PROP TAX 06/10/13--05/22	3,560.26
052214-1	CALHOUN COUNTY TREASU	SET - DELINQUENT PER PROP TAX 06/10/13-	2,692.87
053114-2	CALHOUN COUNTY TREASU	2013 WINTER IFT DIST #2 FINAL	318.34
052214	CALHOUN INTERMEDIATE	DELINQUENT PER PROP TAX 06/10/13--05/22	4,327.85
060314	CARGO, GEORGE	ENERGY OPTIMIZATION - FURNACE & THERMOS	165.00
060114	CHEMICAL BANK SOUTH	HSA CONTRIBUTIONS - JUNE 2014	1,687.50
060114-A	CHEMICAL BANK SOUTH	HSA CONTRIBUTIONS - JUNE 2014	3,637.97
202693966590	CONSUMERS ENERGY	1000 0033 5602	2,127.74
84962	CRT, INC	EXTENDED WARRANTY & BACKUP SERVICE	281.00
85006	CRT, INC	PRINTER M451DN LJ PRO400 COLOR	356.00
85048	CRT, INC	PRODESK 400G1 SFF I3 4G500GW7P	571.00
85158	CRT, INC	PRINTER OFFICEJET 6100 EPRINT CN42F7506	101.00
85174	CRT, INC	EXTENDED WARRANTY & BACKUP SERVICE	281.00
85437	CRT, INC	EXTENDED WARRANTY & BACKUP SERVICE	281.00
060514	CRT, INC	T-BRICKS	11,000.00
060214	DARLING ACE HARDWARE	ENERGY OPTIMIZATION - 26 COUPONS REDEEM	260.00
052814	FEDDERS, CARL	OPTICAL REIMBURSEMENT	300.00
060314	FISHER, CHARLIE	SCHOOL LUNCH	16.71
060414	FREDS, MATT	SCHOOL LUNCH	17.48
060214	HERMANS MARSHALL HARD	ENERGY OPTIMIZATION - 7 COUPONS REDEEME	70.00
060114	JOHNSON, DAVE	SAFETY BOOTS	146.28
053114	KELLOGG COMMUNITY COL	2013 WINTER IFT DIST #2 FINAL	526.07
052214	KELLOGG COMMUNITY COL	DELINQUENT PER PROP TAX 06/10/13--05/22	2,545.27
053114	MARSHALL AREA FIRE FI	2013 WINTER IFT DIST #2 FINAL	140.28
053114	MARSHALL DISTRICT LIB	2013 WINTER IFT DIST #2 FINAL	115.30
052214	MARSHALL DISTRICT LIB	DELINQUENT PER PROP TAX 06/10/13--05/22	1,165.54
052214	MARSHALL FIREFIGHTER	DELINQUENT PERS PROP TAX 06/10/13--05/2	442.74
053114	MARSHALL PUBLIC SCHOO	2013 WINTER IFT DIST #2 FINAL	1,147.18
052214	MARSHALL PUBLIC SCHOO	DELINQUENT PER PROP TAX 06/10/13--05/22	9,587.55
060214	RAMEY, JAMES	ENERGY OPTIMIZATION - DEHUMIDIFIER	25.00
249-004230993	REPUBLIC SERVICES #24	ACCT #3-0249-1022021	1,092.47
38-6004708-0514	STATE OF MICHIGAN	38-6004708, #160 SALES TAX, MAY 2014	30,817.78
053114	STATE OF MICHIGAN	2013 WINTER IFT DIST #2 FINAL	932.14
060414	TICE, LUCAS	SCHOOL LUNCH	17.22
10040269-0514	WOW! BUSINESS	ACCT #010040269	387.72
13934621-0514	WOW! BUSINESS	ACCT #013934621	29.17
			82,213.43

Prescription reimbursements 151.15

Total cash disbursements \$82,364.58

## EVENT REPORT

**EVENT:** Independence Day Chicken BBQ

**EVENT LOCATION:** Brooks Fountain Circle

**SPONSOR:** Marshall Area Chamber of Commerce

**EVENT DATE:** July 4, 2014

**EVENT TIMEFRAME:** 10am – 3pm

**MDOT PERMIT REQUIRED:** YES  NO

**MDOT PERMIT GRANTED:** YES  NO  **PENDING**

**ROAD CLOSURE TIMEFRAME:** 6:30am – 3pm

**ROAD CLOSURE DETAIL:** Michigan Avenue from Sycamore Street to Grand Street and Kalamazoo Avenue from Green Street to Mansion Street

**EVENT CLOSURE DETAIL:** Area surrounding Brooks Memorial Fountain.

**DETOUR DETAIL:** Eastbound Michigan Avenue will be detoured south on Sycamore Street to Green Street then east on Green Street to Grand Street then north to Michigan Avenue.

Westbound Michigan Avenue will be detoured at Grand Street north to Mansion Street then west on Mansion Street to Sycamore Street then south to Michigan Avenue.

**EVENT DETAIL:** Band concert, bike & animal parade, and chicken barbeque.

**PARKING PROHIBITION:** Michigan Avenue from Kalamazoo Avenue to Grand Street

**COUNCIL NOTIFICATION DATE:** June 16, 2014

## EVENT REPORT

**EVENT:** Cruise to the Fountain

**EVENT LOCATION:** Michigan Avenue

**SPONSOR:** Calhoun County Agricultural & Industrial Society

**EVENT DATE:** July 5, 2014

**EVENT TIMEFRAME:** 4:30pm to 8pm

**MDOT PERMIT REQUIRED:** Yes

**MDOT PERMIT GRANTED:** Pending

**ROAD CLOSURE TIMEFRAME:** 4:30pm to 8pm.

**ROAD CLOSURE DETAIL:** Michigan Avenue from Fountain Street to Liberty Street

**EVENT CLOSURE DETAIL:** Michigan Avenue from Fountain Street to Liberty Street.

**DETOUR DETAIL:** Eastbound traffic will be detoured using Fountain Street, Hanover Street, Kalamazoo Avenue, Green Street, and Liberty Street. Westbound traffic will be detoured using Mansion Street, Verona Road, and West Drive.

**EVENT DETAIL:** The event will stage at 4:30pm along Exchange Street. The cars will turn left on Michigan Ave cruise along the event closure until 8pm.

**PARKING PROHIBITION:** No street parking on Michigan Avenue from Kalamazoo Avenue to Marshall Avenue, Parkview Street and Park Street, beginning at 3:00pm and ending at 8pm.

**COUNCIL NOTIFICATION DATE:** June 16, 2014



## CALHOUN COUNTY AGRICULTURAL & INDUSTRIAL SOCIETY

P.O. Box 311, 720 Fair St. - Marshall, MI 49068 (269) 781-8161 Fax (269) 781-6377  
e-mail [ccaioffice@gmail.com](mailto:ccaioffice@gmail.com) - - - [www.calhouncountyfair.org](http://www.calhouncountyfair.org)

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June 9, 2014

Tom Tarkiewicz  
City of Marshall Manager

Dear Tom,

The "Cruise at the Fountain" which stages from the Calhoun County Fairgrounds request that some roads closures in the Marshall Area.

The event will stage at 4:30pm along South Marshall Avenue. The cars will turn left on Michigan Ave and proceed to complete a U-turn in front of the Redfield Plaza; the road will need to be blocked East of Fountain Street. They will proceed back to downtown and continue to cycle between Exchange and Redfield Plaza.

This closure will need to be in place until 8:00pm, so the cars can be driven and parked for the time span.

Downtown will be used until 8:00pm. If this could be closed so that cars can park on an angle to the curb and visitors can view the cars both while driving and parked.

Thank you for your help and if you have any questions please contact me at 269-317-2515.

Pat McCann

Fred Waidelich  
269-781-8787



**ADMINISTRATIVE REPORT**  
**JUNE 16, 2014 - CITY COUNCIL MEETING**

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

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

**SUBJECT:** Public hearing and consideration of the addition of §156.224, draft Donation Collection Bins ordinance and accompanying addition of definitions to §156.003.

**BACKGROUND:** The Planning Commission is recommending that language be added to the zoning ordinance that directly relates to donation collection bins which have been placed within the city at various locations. Following is a history of events pertaining to this ordinance:

- Planning Commission recommendation (Public Hearing October 9, 2013) §156.003 Definitions by adding definitions of "Donation Collection Bin" and "Unattended Donation Collection Bin".
- City Council received recommendation on November 4, 2013 and asked Planning Commission to reconsider.
- Planning Commission reconsidered ordinance definitions, kept "Donation Collection Bin" definition and moved regulatory language to §156.221 at November 13, 2013 meeting.
- City Council held public hearing on December 3, 2013 and referred the matter back to Planning Commission to consider Battle Creek and Portage ordinances as "templates" for Marshall.
- Planning Commission discussed the matter at the meeting on January 8, 2014 and requested that staff bring back a draft ordinance to the February meeting.
- Staff presented draft to Planning Commission at the February 12, 2014 meeting and revisions to the draft were suggested.
- Staff presented draft to Planning Commission with further changes at the March 12, 2014 meeting and minor revisions were suggested.
- Revisions were made and presented to Planning Commission on April 2, 2014. The matter was set for public hearing.

A public hearing was held on May 14, 2014 at the Planning Commission meeting. During the public hearing, the following citizens were heard:

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

1. Cat Sutter, 209 W. Monroe, Jackson, Textile Services, stated she is supportive of the regulations and commented on 5 items:

- a. She would like to have the permit extended for a year, it takes up to 90 days for residents to notice the bins.
- b. She believes the \$200.00 permit fee is out-of-the ordinary, usually \$25.00 to \$50.00 per bin is normal.
- c. She likes that there would only be 5 permits issued annually, but only if the permits were extended from 90 days to yearly.
- d. Add to definitions in §156.003; "Authorized Agent- An officer, director, member or manager of an entity owning the real property"
- e. Suggests changing Affidavit #2 option to request permission for multiple bins on one property. If the ordinance is only allowing one permit per operator, this should be changed on the Affidavit to avoid confusion

A few key points in the new ordinance include that commissioners recommend no more than 5 permits be issued annually in the eligible zoning districts from B-2, B-4, I-1 and I-2, with no more than 2 bins at a time located in each district. A fee and time limit for Donation Collection Bin permit has been recommended by commissioners at \$200 for a 90 consecutive-day license. This fee is based off the Temporary Business license as it fits the definition currently defined in the ordinance: "**TEMPORARY BUSINESS. Any profession, trade, occupation, shop, store and every other kind of calling carried on at a lot or business within the city, the instrumentalities of which are not subject to Marshall City taxes.**" The difference being that the Temporary Business ordinance was built on a sliding scale at 1-10 consecutive-days (\$50), Less than 30 consecutive-days (\$120) and Less than 60 consecutive-days (\$150), Up to 90 consecutive-days (\$200). Since there are only 5 permits to be issued per year, the general thought is that all operators will opt for a longer time period so the sliding scale would be useless.

The draft ordinance still allows for two donation collection bins on one property but requires that they are located next to each other and both are held to the individual spacing requirements in the ordinance. The text of (D) (13) has been changed to make the meaning a little clearer: "Bins must be balanced and stable with weight evenly distributed on all four legs."

Finally the text in (E) and (F) have been added and should be considered the "teeth" of the ordinance. The process has been verified through the City Attorney and includes upon a violation, a certified letter sent to the Bin Operator. In case of a bin placed without a permit, this letter of violation can go to the Property Owner. The letter stipulates that corrective action must be taken within 3 business days and also gives the ability to file for an appeal with the ZBA. Should neither of these actions take place, the permit can be revoked and the bin can be impounded.

**MOTION** by McNiff, supported by Meservey, to recommend to City Council approve the draft Donation Collection Bins ordinance as written and presented by staff. On a voice vote; **MOTION CARRIED.**

**RECOMMENDATION:** The Planning Commission recommends that after hearing comments, the addition of §156.224, draft Donation Collection Bins ordinance, and accompanying addition of definitions to §156.003 be approved.

**FISCAL EFFECTS:** None at this time.

**CITY GOAL CLASSIFICATION:** GOAL AREA II. NEIGHBORHOODS

**Goal Statement:** To continue promoting a safe and unified community.

**Objective:** 2. Enhance neighborhoods and commercial areas to be a desirable, clean, safe, and functional place to live and work.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Natalie Dean  
Director of Community Services



Tom Tarkiewicz  
City Manager

**CITY OF MARSHALL  
ORDINANCE #-14**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 156.003 DEFINITIONS AND TO ADD CHAPTER AND SECTION 156.224: DONATION COLLECTION BINS. 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:

**Donation Collection Bin** A receptacle or container designed with a door, slot or other opening which is intended to receive 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.

**Donation Collection Bin Operator** A person who owns, operates or otherwise is in control of donation collection bins to solicit collections of salvageable personal property.

**Property Owner** The person who is an owner of real property.

**Real Property** A lot of record located in the City of Marshall.

**Section 1a.** That chapter and section **§156.224 Donation Collection Bins** be added to the Marshall City Code:

- (A) The intent of this Donation Collection Bins regulation is to impose restrictions and conditions on all Donation Collection Bins in the city so that they remain, clean, safe and do not create hazards to pedestrians or to vehicular traffic.
- (B) Donation Collection Bins are prohibited unless the Donation Collection Bin Operator has first obtained a Donation Collection Bins Permit Application and Affidavit and Acknowledgment of Owner Giving Permission to Locate a Donation Collection Bin on Real Property.
  - 1. Donation Bin Collection permits have a ninety (90) consecutive day limit annually.
  - 2. A maximum of five (5) Donation Collection Bins permits will be issued on an annual basis with preference given to continuing permit owners in good standing.
  - 3. A maximum of one (1) Donation Collection Bins permit will be issued per Donation Collection Bin Operator.
- (C) Donation Collection Bins are allowed in the B-2 Local Business District, B-4 Commercial Business District, I-1 Research and Technical District and I-2 General Industrial District. No more than two (2) permits will be issued in any district.

(D) Donation Collection Bins shall conform to the following standards:

1. Donation Collection Bins shall be metal and be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
2. Donation Collection Bins shall be locked and be equipped with a secure safety chute so contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.
3. Donation Collection Bins shall have signage on each bin limited to the name, mailing address, email address, website and phone number of the operator, as well as whether the Donation Collection Bin is owned and operated by a for-profit company or a not-for-profit company. The Donation Collection Bin may include a company logo but shall not have information, advertising or logos other than those relating to the operator. Total sign area on the Donation Collection Bin may not exceed 6 square feet.
4. Donation Collection Bins shall be emptied as often as necessary, but at least once every seven (7) days.
5. The Donation Collection Bin Operator and Property Owner shall maintain, or cause to be maintained, the area surrounding the bins, free from any junk, debris and donated items.
6. Donation Collection Bins shall not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than thirty (30) days.
7. Donation Collection Bins shall be placed greater than 1,000 feet from another Donation Collection Bin as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two Donation Collection Bins on a single lot of record are permitted if the two Donation Collection Bins are side by side and are no more than one foot apart.
8. The total size of a Donation Collection Bin shall not exceed 7 feet in height, five feet in width and four feet in depth.
9. Donation Collection Bins shall not cause a visual obstruction to vehicular or pedestrian traffic.
10. Donation Collection Bins shall be placed greater than ten feet from: (i) a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance; (ii) a public right-of-way; (iii) a driveway; or (iv) a side or rear property line of adjacent property used for residential purposes.
11. Donation Collection Bins shall not be placed in a designated fire lane or in front of a building entrance or exit.

12. Donation Collection Bins shall not encroach upon an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic.
  13. Donation Collection Bins are required to be placed on a paved or concrete surface. Bins must be balanced and stable with weight evenly distributed on all four legs.
- (E) Upon determination of the Zoning Administrator that a Donation Collection Bin has been placed or is being maintained in violation of this chapter, an order to correct the offending condition shall be served by certified mail on the Donation Collection Bin Operator and Property Owner of the parcel in which the Donation Collection Bin has been placed. The order shall describe the offending condition and the actions necessary to correct the condition. The order shall provide that the offending condition be corrected within three (3) business days after mailing or an appeal from the order with the Zoning Board of Appeals must be filed, pursuant to §156.403 Administrative Appeals. If a violation is neither remedied nor appealed within the given time period set forth by the order, the Zoning Administrator shall permanently revoke the Donation Collection Bin permit and transmit notification to the Public Works Superintendent who thereafter shall impound the Donation Collection Bin that has been determined to be in violation of this chapter.
- (F) Unless the Donation Collection Bin and its contents are being held as evidence in a criminal prosecution, the owner of a Donation Collection Bin may, within sixty (60) days of impoundment, recover the Donation Collection Bin and its contents upon payment of an impound fee of \$50.00, plus labor for removing the bin and a storage charge of \$1.00 per day that the Donation Collection Bin is in the possession of the city.

**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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
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 16, 2014, 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

**AFFIDAVIT AND ACKNOWLEDGEMENT OF OWNER GIVING PERMISSION TO LOCATE  
A DONATION COLLECTION BIN ON REAL PROPERTY**

I, \_\_\_\_\_, after being duly sworn, submit this affidavit in support of giving permission to locate Donation Collection Bin (s) on Real Property and state as follows:

1. I am (check applicable one below):

\_\_\_\_\_ Owner of the Real Property located at \_\_\_\_\_, Marshall, MI.

\_\_\_\_\_ An officer, director, member or manager of an entity owning the Real Property located at \_\_\_\_\_, Marshall, MI.

2. The Donation Collection Bin Operator, \_\_\_\_\_, has requested permission to a \_\_\_\_\_ Donation Collection Bin on the property owned by me or the entity I represent at the following address \_\_\_\_\_.

3. I have been provided and read a copy of the City of Marshall's Donation Collection Bin Ordinance and understand the requirements contained therein for issuance, renewal, revocation and penalty/remedies of the permit.

4. I understand that in addition to the Donation Collection Bin Operator, the Property Owner or representative is also responsible for: a) ensuring the requirements of the City of Marshall's Donation Collection Bin Ordinance are met, b) the maintenance of the Donation Collection Bin and that the areas surrounding the Donation Collection Bin are free from any junk, debris or other material, c) violation of any provision of the Donation Collection Bin Ordinance, and d) payment of any fines and costs of abatement.

5. As owner of the property described above or as an officer, director, member or manager thereof, I give permission to place a Donation Collection Bin(s) on the property by the operator named above.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, before me, a Notary Public, in and for said County, personally appeared \_\_\_\_\_ to be known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

\_\_\_\_\_  
Notary Public:  
\_\_\_\_\_ County, Michigan  
My Commission expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan



# City of Marshall

323 West Michigan Avenue - Marshall, MI 49068-1578  
Phone (269) 789-4604 - FAX (269) 789-4628

## Donation Collection Bins Permit Application \$200 90-consecutive day license

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

Company / Organization Name: \_\_\_\_\_

Is Company / Organization recognized as a "charitable organization by the IRS?  yes  no

Size of Donation Collection Bin: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Donation Bin Placement Address: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Property Zoning District: \_\_\_\_\_ Business Name: \_\_\_\_\_

Property Owner Phone: \_\_\_\_\_ Property Owner Cell: \_\_\_\_\_

Please attach to this permit:

- Acknowledgement of understanding the Donation Collection Bin Ordinance
- Placement / Location of Collection Bin on property
- Picture of Collection Bin Signage (attach signage approval form)
- Affidavit and Acknowledgement of owner giving permission to locate a Donation Collection Bin on real property

The Director of Community Service may require additional information deemed necessary to determine compliance with provisions of this chapter, and may waive portions of the foregoing requirements deemed unnecessary for such purpose.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date



# City of Marshall

323 West Michigan Avenue - Marshall, MI 49068-1578  
Phone (269) 789-4604 - FAX (269) 789-4628

## Donation Collection Bins Permit Application \$200 90-consecutive day license

### SIGN APPROVAL FORM

Please attach a picture and dimensions of proposed Donation Collection Bin sign.

Donation Collection Bins shall have signage on each collection bin limited to the name, mailing address, email address, website and phone number of the operator, as well as whether the Donation Collection Bin is owned and operated by a for-profit company or a not-for-profit company. The donation collection bin may include a company logo but shall not have information, advertising or logos other than those relating to the operator. Total sign area on the donation collection bin may not exceed 6 square feet.

Sign approved by: \_\_\_\_\_

Dated: \_\_\_\_\_



# City of Marshall

323 West Michigan Avenue - Marshall, MI 49068-1578  
Phone (269) 789-4604 - FAX (269) 789-4628

## Donation Collection Bins Permit Application \$200 90-consecutive day license

**Please draw lot lines and bin placement on property.**

A large, empty rectangular box with a thin black border, intended for the applicant to draw lot lines and indicate the placement of donation collection bins on their property.



# City of Marshall

323 West Michigan Avenue - Marshall, MI 49068-1578  
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## Donation Collection Bins Permit Application \$200 90-consecutive day license

I, \_\_\_\_\_, Owner/Agent of Donation Collection Bin, fully understand the City of Marshall's Donation Collection Bin Ordinance, §156.224, and agree to abide by this ordinance. I understand that if the ordinance is not followed then further action will take place by the City of Marshall. This action may include; removal of Donation Collection Bin, at owner's expense; a citation including a fine and may revoke owner from having any further Donation Collection Bins in the City of Marshall.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Dated

City of Marshall Approval

\_\_\_\_\_  
Representative for City of Marshall

\_\_\_\_\_  
Dated

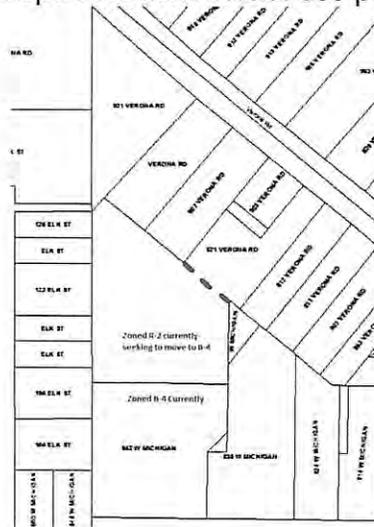


**ADMINISTRATIVE REPORT**  
**June 16, 2014 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members  
**FROM:** Natalie Dean, Director of Community Services  
Tom Tarkiewicz, City Manager  
**SUBJECT:** Public hearing and consideration of Zoning Amendment Application #RZ14.01 for 842 W. Michigan, rezone rear portion of parcel from R-2 (Suburban Residential District) to B-4 (Regional Commercial District)

**BACKGROUND:** On May 14, 2014 the Planning Commission held a public hearing on a rezoning request from the potential owner and current owner of 842 W. Michigan Avenue. This parcel was formerly home to Family Tree Garden Center and is currently under a purchase agreement with Goodwill Industries who are proposing to build a retail center and workforce training center on the lot. Upon approval of the rezoning request, the developer plans to move forward with site plan review.

Previously, the rear lot line on 842 W. Michigan was adjusted to match the rear lot lines on Verona and deepen the commercial-use potential for the parcel.



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

At the public hearing, the following comments were heard:

1. Matt Van Dyke, 7186 Standiford St., Kalamazoo, MI, attorney for Goodwill, explained the use of the property as Goodwill and work force training. He discussed the aesthetics of the site and how this re-development will improve the site.

2. James Cracraft, 123 Plum St, Marshall, discussed his objections he listed in his letter that he mailed to Planning Commissioners. Mr. Cracraft does not feel a commercial property should be placed on the land.

3. Matt Van Dyke reiterated that the property facing Verona Road will remain residentially zoned.

4. James Cracraft asked about the drainage issues on the property and stated that since Goodwill is a non-profit business what taxes will they pay.

Afterwards, the Planning Commission worked through a Zoning Amendment worksheet which addressed the following criteria:

Discussion Comments: Commissioners discussed with Mr. Cracraft the boundaries of the property and what is being requested to be rezoned commercial and what was remaining residential.

(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.

*Comments: Could parking be allowed in residential? No. Dealing with a split zone and it does not make sense to bring residential zone up to frontage on W. Michigan. May not be more appropriate but is appropriate.*

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

*Comments: Commissioners stated it would be troublesome to place appropriate uses on a split-zoned lot.*

(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.

*Comments: Commissioners stated that the consistency with recent development has caused the parcel to detach from residential. This is consistent with R-2 zoning along Verona Rd.*

(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.

*Comments: Commissioners discussed that the site plan and appropriate screening can make it compatible.*

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

*Comments: Commissioners stated that the site is the "low-spot" for other properties drainage. This parcel will be a challenge. All uses may not be compatible.*

(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.

*Comments: Commissioners stated that the site plan will address compatibility and impact. Not changing property density because not removing site.*

(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.

*Comments: No. The rezoning will not 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.*

(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.

*Comments: It was discussed that this site will be a challenge for developers.*

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

*Comments: There was a change in conditions.*

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

*Comments: It was stated that there are probably other sites available, but sites of this size may be an issue.*

**MOTION** by McNiff, supported by Rodgers, to recommend that City Council approve Zoning Amendment Application #RZ14.01 for 842 W. Michigan to rezone rear portion of parcel from R-2 (Suburban Residential District) to B-4 (Regional Commercial District).

On a roll-call vote –ayes: Banfield, Meservey, Rodgers, Burke Smith and McNiff; nays: None. **MOTION CARRIED.**

**RECOMMENDATION:** The Planning Commission recommends that after hearing public comments, the Zoning Amendment Application #RZ14.01 for 842 W. Michigan to rezone rear portion of parcel from R-2 (Suburban Residential District) to B-4 (Regional Commercial District) be approved.

**FISCAL EFFECTS:** None at this time.

**CITY GOAL CLASSIFICATION:** GOAL AREA I. ECONOMIC DEVELOPMENT

**Goal Statement:** Sustain and intensify the economic vitality of the Marshall area.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Natalie Dean  
Director of Community Services



Tom Tarkiewicz  
City Manager



Property Description

PART OF BLOCKS 43 AND 46 OF HURD'S ADDITION TO THE VILLAGE OF MARSHALL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 27 OF DEEDS ON PAGE 770, IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF LOT 7 OF SAID BLOCK 43; THENCE NORTH 00°00'50" EAST, ALONG THE WEST LINE OF SAID BLOCKS 43 & 46, A DISTANCE OF 607.14 FEET TO THE SOUTHEASTERLY LINE OF LANDS DESCRIBED IN LIBER 222 OF DEEDS ON PAGE 440, CALHOUN COUNTY RECORDS; THENCE NORTH 42°25'29" EAST, ALONG SAID SOUTHEASTERLY LINE, 40.43 FEET; THENCE SOUTH 49°49'49" EAST, PARALLEL WITH AND 264 FEET SOUTHWESTERLY OF THE SOUTHERLY LINE OF VERONA ROAD, A DISTANCE OF 309.87 FEET; THENCE SOUTH 00°03'33" EAST, 275.99 FEET; THENCE SOUTH 44°13'55" WEST, 54.70 FEET; THENCE SOUTH 00°09'43" WEST, 122.41 FEET; THENCE NORTH 89°52'35" WEST, 226.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 3.19 ACRES OF LAND, MORE OR LESS.

Common Address

842 WEST MICHIGAN AVENUE (NEW PARCEL #13-53-006-767-03)

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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
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 16, 2014, 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 16, 2014 – City Council Meeting**

**TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager  
Tracy Hall, Human Resources Coordinator

**SUBJECT:** Patrol Union Agreement  
Police Officers Labor Council, Patrol Officer's Division

**BACKGROUND:** The City of Marshall has completed negotiations with the Police Officer Labor Council, Patrol Officer's Division. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit has ratified the contract. The three-year agreement will expire June 30, 2017.

**RECOMMENDATION:** We respectfully request that City Council approve the Contract as presented.

**FISCAL EFFECTS:** The costs associated with implementation of contract provisions.

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

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

A handwritten signature in black ink that reads "Tracy Hall".

Tracy Hall  
HR Coordinator

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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cityofmarshall.com

## **2014 Patrol Contract Negotiations**

### Summary of Changes

- 3 Year contract
- 2% wage increase each year of the contract
- New hires after July 1, 2014 will not receive longevity pay
- “Hard Cap” language was added to the contract
- Offer same option of health plans currently available to non-union employees
- Life insurance increased to \$50,000 (patrol was \$15,000)
- Sick leave will be earned at a rate of 8.5 hours per month



**ADMINISTRATIVE REPORT**  
**June 16, 2014 – City Council Meeting**

**TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager  
Tracy Hall, Human Resources Coordinator

**SUBJECT:** Command Union Agreement  
Police Officers Labor Council – Command Unit

**BACKGROUND:** The City of Marshall has completed negotiations with the Police Officers Labor Council – Command Unit. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit has ratified the contract. The three-year agreement will expire June 30, 2017.

**RECOMMENDATION:** We respectfully request that City Council approve the Contract as presented and authorize the Clerk-Treasurer to sign the Resolution for Changing the MERS Benefit contribution.

**FISCAL EFFECTS:** The costs associated with implementation of contract provisions.

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

Respectfully submitted,

Tom Tarkiewicz  
City Manager

Tracy Hall  
HR Coordinator

323 W. Michigan Ave.

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# 2014 Command Contract Negotiations

## Summary of Changes

- 3 Year contract
- 2% wage increase each year of the contract
- New hires after July 1, 2014 will not receive longevity pay
- "Hard Cap" language was added to the contract
- Offer same option of health plans currently available to non-union employees
- Life insurance increased to \$50,000 (command was \$30,000)
- Sick leave will be earned at a rate of 8.5 hours per month
- Reduce employee pension contribution as follows:

Current	12.24%
1/1/15	11.24%
1/1/16	10.24%
1/1/17	9.24%
6/1/17	8.79% - same as patrol



**ADMINISTRATIVE REPORT**  
**June 16, 2014 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** FY 2015 Police Vehicle Purchase: New 2015 Ford Inceptor Utility Vehicle All Wheel Drive.

**BACKGROUND:** The City of Marshall has budgeted \$28,000 for the purchase of a new vehicle for Fiscal Year 2015. Looking at the State Bid the current bid for the Ford Police Interceptor Utility Vehicle is \$25,285.00. This vehicle is in stock and available. I have contacted Boshears Ford for a competitive price bid. Their price is for the same vehicle, including the required add on and the Wig-Wag assembly, is \$26,895.00.

**RECOMMENDATION:** To authorize the budgeted purchase of the 2015 Ford Police Interceptor Utility Vehicle from Boshears Ford in the amount not to exceed \$26,895.00. This cost is compared to State bid and also includes a Wig-Wag component not included in the State Bid.

**FISCAL EFFECTS:** Funds to be dispersed from the Motor Pool Fund as budgeted in the amount of \$26,895.00

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

James M. Schwartz  
Police Chief

Tom Tarkiewicz  
City Manager

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Marshall, MI 49068  
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f 269.781.3835  
cityofmarshall.com



**ADMINISTRATIVE REPORT**  
**June 16, 2014 – CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council

**FROM:** Ken Swisher, Finance Director  
Tom Tarkiewicz, City Manager

**SUBJECT:** FY 2014 Year-End Budget Amendments

**BACKGROUND:** Public Act 2 of 1968, better known as the Uniform Budgeting and Accounting Act, requires an amendment to the adopted budget when it can be determined that the budget projections will be different than originally anticipated. Each May, the staff reviews the revenues and expenditures in order to develop an amended budget resolution to more closely reflect the actual operational costs and the use of cash reserves. The following is a summary of the recommended budget amendments:

**General Fund**

- Revenue: Property Taxes, State-shared Revenue and District Court Ordinance Fines for the motor carrier enforcement services are lower than projected.
- Revenue: Miscellaneous revenue is higher than projected due to the under-budgeted revenue from administrative charges assessed against enterprise and component funds.
- Attorney - Expenditures were higher than budgeted due to additional labor relations legal expenditures incurred in this fiscal year.
- Finance –Treasurer expenditures were less than budgeted due to two vacant positions for the first four months of the fiscal year.
- Police and Fire expenditures were somewhat higher than anticipated due to higher than anticipated benefit, overtime and maintenance costs.
- Street and Cemetery expenditures are lower than projected due to efficiencies implemented in reducing operating costs.
- Capital Outlay expenditures were increased due to unbudgeted Ketchum Park improvements.

**Recreation and Airport**

Expenditures for the Recreation and Airport funds were below anticipated due to operational efficiencies implemented throughout the year.

**MVH-Major Streets**

Unanticipated winter conditions caused an increase over expected expenditures. Additional state revenue provided offsets for the added expenditures.

**MVH-Local Streets**

Street projects for Division, Washington, Fair and Sycamore Streets, Storm Sewer Improvements were funded from prior bond revenue not reflected in the FY2014 budget.

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Drug Law Enforcement

Revenues slightly exceeded expenditures for the drug law enforcement fund during the fiscal year.

Downtown Development Authority

Higher than anticipated miscellaneous revenues and a modest increase in expenditures created a surplus in the DDA fund.

Marshall Area Economic Development Authority

Lower than expected expenditures, primarily due to a reductions in operating expenditures, led to a surplus in the MAEDA fund.

Special Projects

Revenues and expenditures increased due to higher than anticipated grant awards, however revenues exceeded expenditures.

Marshall House

Revenues decreased due to lower than anticipated Federal Section 8 Grant Assistance, and expenditures increased due to multiple capital outlay and maintenance issues. Fund balance use is planned to cover the unanticipated expenditures.

Electric

Revenues decreased and expenditures were reduced to offset the revenue reduction, creating an anticipated net surplus.

Water and Wastewater

Expenditures were higher than budgeted for both the Water and Wastewater funds due to prior bond revenues, not budgeted in the FY 2014 budget, being used to fund the improvements.

Motor Pool

Revenues decreased and expenditures increased due to lower than anticipated rentals, along with higher fringe benefit and capital outlay expenditures.

**RECOMMENDATION:**  
2014 Budget.

To adopt the attached resolution to amend the FY

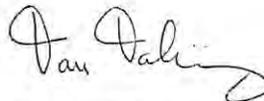
**FISCAL EFFECTS:**  
Administrative Report.

As detailed by the information included in this

Respectfully Submitted,



Ken Swisher  
Finance Director



Tom Tarkiewicz  
City Manager

CITY OF MARSHALL, MICHIGAN  
 RESOLUTION #14-  
**THE CITY OF MARSHALL**  
**AMENDED GENERAL APPROPRIATION ACT RESOLUTION**  
**July 1, 2013 – June 30, 2014**

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2013, and ending June 30, 2014, 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 June, 2014</u></b>	<b><u>Change</u></b>
Taxes	3,538,055	3,487,670	-50,385
Licenses and Permits	33,500	99,181	65,681
Intergovernmental Revenues	759,384	648,417	-110,967
Charges for Services	78,600	47,819	-30,781
Fines and Forfeits	118,075	92,160	-25,915
Interest	20,000	9,584	-10,416
Miscellaneous	259,950	287,351	27,401
Other Financing Sources	978,644	1,150,100	171,456
Total Revenues	5,786,208	5,822,282	36,074
<b><u>General Fund Expenditures</u></b>			
City Council	3,408	3,448	40
City Manager	129,981	131,176	1,195
Assessor	83,299	83,299	0
Attorney	65,000	82,580	-17,850
Human Resources	63,512	63,512	0
Clerk	54,494	48,094	-6,400
Finance-Treasurer	229,280	192,680	-36,600
City Hall	84,971	84,971	0
Chapel	2,400	2,400	0
Other City Property	44,850	36,850	-8,000
Cemetery	204,975	194,975	-10,000
Non-Departmental	1,098,415	1,071,415	-27,000
Police	1,468,223	1,502,223	34,000
Crossing Guards	17,782	17,782	0
Dispatch	109,000	109,000	0

<b><u>General Fund Revenues</u></b>	<b><u>Adopted</u></b>	<b><u>Amended June 2014</u></b>	<b><u>Change</u></b>
Fire	797,859	814,359	16,500
Inspection	91,007	96,507	5,500
Planning/Zoning	94,713	96,213	1,500
Streets	778,245	729,245	-49,000
Engineering	18,540	18,540	0
Public Svcs. Build Operations	103,347	97,347	-6,000
Community Development	14,861	8,361	-6,500
Parks	87,140	83,140	-4,000
Capital Improvements	140,906	172,648	31,742
Total Appropriations	5,786,208	5,725,765	-45,443
GF Net Surplus/(Deficit)	0	81,517	81,517

<b><u>GF – Recreation</u></b>			
Revenues	401,923	411,723	9,800
Expenditures	410,623	392,123	-18,500
Net Surplus/(Deficit)	-8,700	19,600	28,300

<b><u>GF - Composting</u></b>			
Revenues	62,254	62,254	0
Expenditures	57,560	56,560	-1,000
Net Surplus/(Deficit)	4,694	5,694	1,000

<b><u>GF - Airport</u></b>			
Revenues	170,440	170,440	0
Expenditures	170,440	144,440	-26,000
Net Surplus/(Deficit)	0	26,000	26,000

<b><u>MVH-Major &amp; Trunkline</u></b>			
Revenues	423,277	479,511	56,234
Expenditures	442,156	499,181	57,025
Net Surplus/(Deficit)	-18,879	-19,670	-791

<b><u>MVH-Local</u></b>			
Revenues	326,067	326,067	0
Expenditures	340,117	653,280	313,163
Net Surplus/(Deficit)	-14,050	-327,213	-313,163

	<u>Adopted</u>	<u>Amended FY 2014</u>	<u>Change</u>
<b><u>Leaf, Brush &amp; Trash Removal</u></b>			
Revenues	98,811	8,811	0
Expenditures	98,811	97,311	-1500
Net Surplus/(Deficit)	0	1,500	1500

<b><u>Drug Law Enforcement</u></b>			
Revenues	0	1,856	1,856
Expenditures	0	58	58
Net Surplus/(Deficit)	0	1798	1798

<b><u>Local Develop. Finance Auth.</u></b>			
Revenues	460,566	460,566	0
Expenditures	386,521	377,521	-9,000
Net Surplus/(Deficit)	74,045	83,045	9,000

<b><u>Downtown Develop. Auth.</u></b>			
Revenues	222,000	345,559	123,559
Expenditures	246,253	261,527	15,274
Net Surplus/(Deficit)	-24,253	84,032	108,285

<b><u>MAEDA</u></b>			
Revenues	653619	654,756	1,137
Expenditures	653619	563,619	-90,000
Net Surplus/(Deficit)	0	91137	91137

<b><u>Special Projects</u></b>			
Revenues	20,373	132,273	111,900
Expenditures	28,523	83,523	55,000
Net Surplus/(Deficit)	-8,150	48,750	56,900

	<u>Adopted</u>	<u>Amended FY 2014</u>	<u>Change</u>
<b><u>Marshall House</u></b>			
Revenues	581,660	563,160	-18,500
Expenditures	698,901	771,401	72,500
Net Surplus/(Deficit)	-117,241	-208,241	-91,000

<b><u>Electric</u></b>			
Revenues	13,708,310	13,188,310	-520,000
Expenditures	15,280,065	14,379,065	-901,000
Net Surplus/(Deficit)	-1,571,755	-1,190,755	381,000

*Electric expenditures exclude debt service*

<b><u>Dial-A-Ride</u></b>			
Revenues	359,690	361,640	1,950
Expenditures	417,794	394,994	-22,800
Net Surplus/(Deficit)	-58,104	-33,354	24,750

<b><u>Wastewater</u></b>			
Revenues	1,587,500	1,839,000	251,500
Expenditures	1,839,032	2,447,032	608,000
Net Surplus/(Deficit)	-251,532	-608,032	-356,500

*Wastewater expenditures exclude debt service*

<b><u>Water</u></b>			
Revenues	1,601,900	1,516,900	-85,000
Expenditures	1,395,493	1,838,993	443,500
Net Surplus/(Deficit)	206,407	-322,093	-528,500

*Water expenditures exclude debt service*

<b><u>Data Processing</u></b>			
Revenues	147,378	143,378	-4,000
Expenditures	165,272	158,272	-7,000
Net Surplus/(Deficit)	-17,894	-14,894	3,000

	<u>Adopted</u>	<u>Amended FY 2014</u>	<u>Change</u>
<b><u>Motor Pool</u></b>			
Revenues	745,550	709,550	-36,000
Expenditures	980,515	1,045,515	65,000
Net Surplus/(Deficit)	-234,965	-335,965	-101,000

<b><u>Safety</u></b>			
Revenues	400	400	0
Expenditures	3,400	3,860	460
Net Surplus/(Deficit)	-3,000	-3,460	-460

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 16, 2014

\_\_\_\_\_  
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 16, 2014 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

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



**ADMINISTRATIVE REPORT**  
**June 16, 2014 – CITY COUNCIL MEETING**

**TO:** City Council Members  
**FROM:** Mayor James L. Dyer  
**SUBJECT:** Brooks Nature Area Board

**BACKGROUND:** Janet Schoenmeyer and Randy Eshuis have expressed interest in being reappointed to the Brooks Nature Area Board.

**RECOMMENDATION:** I am submitting to City Council for confirmation the reappointment of Janet Schoenmeyer and Randy Eshuis to the Brooks Nature Area Board with terms ending August 15, 2017.

**FISCAL EFFECTS:** None

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Dyer", written over a horizontal line.

James L. Dyer  
Mayor

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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cityofmarshall.com



**ADMINISTRATIVE REPORT**  
**June 16, 2014 – CITY COUNCIL MEETING**

**TO:** City Council Members  
**FROM:** Mayor James L. Dyer  
**SUBJECT:** Parks, Recreation, and Cemetery Board  
Appointments

**BACKGROUND:** Randy Eshuis and Norman Ostrum have expressed interest in being reappointed to the Parks, Recreation, and Cemetery Board.

**RECOMMENDATION:** I am submitting to City Council for confirmation the reappointment of Randy Eshuis and Norman Ostrum to the Parks, Recreation, and Cemetery Board with terms ending July 1, 2017.

**FISCAL EFFECTS:** None

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Dyer", written over a horizontal line.

James L. Dyer  
Mayor

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Marshall, MI 49068

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