

CALL TO ORDER

IN REGULAR SESSION Monday, June 16, 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, Mankerian, Metzger, Miller, Reed, Revore, and Williams.

Also Present: Director of Public Services Fedders and Clerk Nelson.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Miller, supported Metzger, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$778,602.72. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Reed, supported Mankerian, to approve the Consent Agenda:

- A. Schedule a public hearing for Tuesday, July 8, 2014 for a proposed Industrial Facilities Tax Exemption Certificate application for Mor-Dall Enterprises, LLC;
- B. Approve minutes of the City Council Regular session held on Monday, June 2, 2014;
- C. Approve city bills in the amount of \$ 982,110.32.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

Event Reports were provided for the Independence Day Chicken BBQ and the

Cruise at the Fountain.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Addition of §156.224, draft Donation Collection Bins ordinance and accompanying addition of definitions to §156.003:

Director of Community Services Natalie Dean summarized the changes recommended by the Planning Commission for the Donation Collection Bins Ordinance.

Mayor Dyer opened the public hearing to hear public comment regarding the addition of §156.224, draft Donation Collection Bins ordinance and accompanying addition of definitions to §156.003.

Hearing no comment, the hearing was closed.

Moved Williams, supported Miller, to amend the language of Section 1a, Subsection 3 (D) to read: the font shall be sufficient size to permit all text on the sign to be visible from a distance of 10 feet away and in no case shall any text on the sign be less than one inch in height. On a voice vote – **MOTION CARRIED.**

Moved Williams, supported Metzger, to table item 10A and consider the four items discussed by Council (the rationale of the 90 day limitation, rationale of the numbers limitation, the appropriateness of the fees, and the rationale for the 1000 feet distance) by Council Members Williams and Mankerian with Director of Community Services Natalie Dean and bring back alternate language acceptable by Council to the August 4, 2014 Council Meeting. On a voice vote – **MOTION CARRIED.**

B. Zoning Amendment Application #RZ14.01 for 842 W. Michigan Avenue:

Director of Community Services Natalie summarized Zoning Amendment Application #RZ14.01 for 842 W. Michigan Avenue.

Mayor Dyer opened the public hearing to hear public comment regarding Zoning Amendment Application #RZ14.01 for 842 W. Michigan Avenue to rezone rear portion of parcel from R-2 to B-4.

Laura Smith of 115 Elk Street addressed her concerns and requested a 10 foot privacy fence be installed on the property to protect their neighborhood.

Matthew VanDyke of Miller Canfield and legal counsel of Goodwill Industries spoke regarding the property and made himself available for any questions.

Hearing no further comment, the hearing was closed.

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

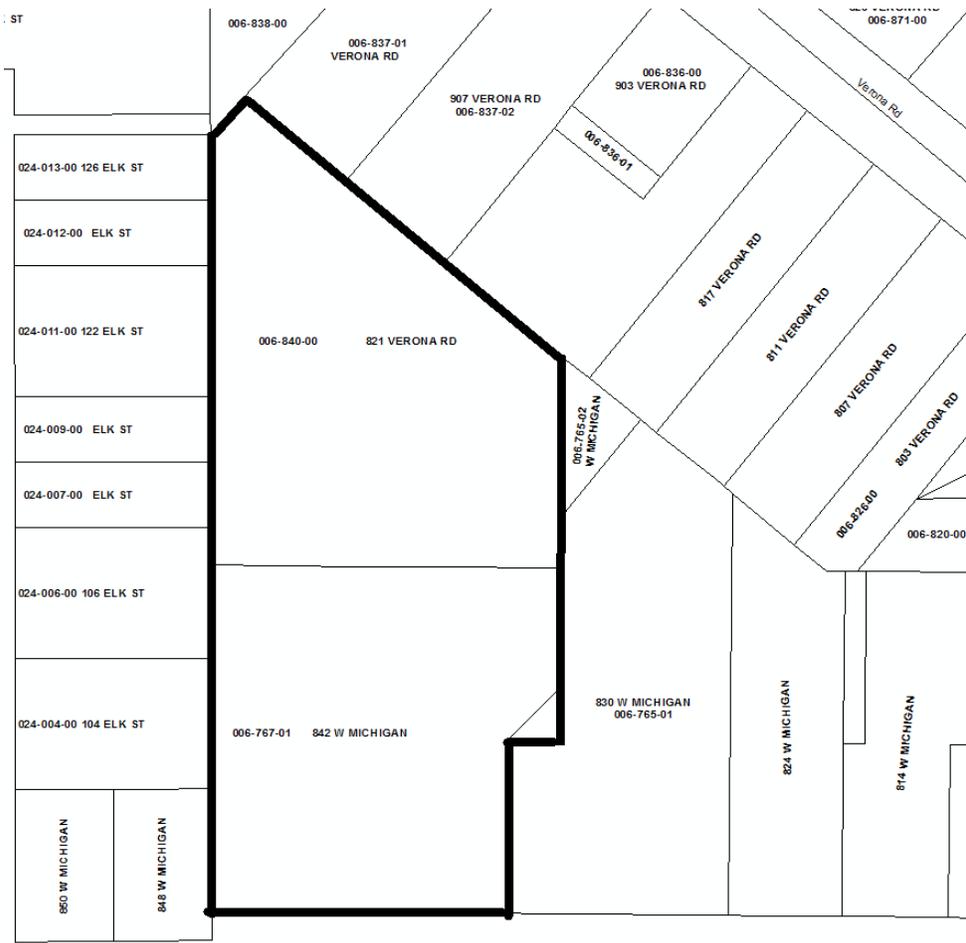
**CITY OF MARSHALL
ORDINANCE #2014-02**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS 842 WEST MICHIGAN AVENUE, NEW PARCEL #13-53-006-767-03 (FORMERLY PARCEL #13-53-006-767-01) FROM THE PARTIAL ZONING DISTRICTS OF SUBURBAN RESIDENTIAL DISTRICT (R-2) AND REGIONAL COMMERCIAL DISTRICT (B-4) TO REGIONAL COMMERCIAL DISTRICT (B-4) ENTIRELY.

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Sections 156.021 and 156.030 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the split zoning district for the below described property from to Suburban Residential District (R-2) and Regional Commercial District (B-4) to Regional Commercial District (B-4) entirely.

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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 16th day of June, 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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Patrol Union Agreement:

Moved Williams, supported Revore, to approve the Union Agreement with Police Officers Labor Council, Patrol Officer's Division. On a roll call vote – ayes: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

B. Command Union Agreement:

Moved Revore, supported Metzger, to approve the Union Agreement with Police Officers Labor Council, Command Unit. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

C. Police Vehicle Purchase:

Moved Miller, supported Mankerian, to authorize the purchase of a 2015 Ford Police Interceptor Utility Vehicle from Boshears Ford in the amount not to exceed \$26,895. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, Metzger, Miller, and Reed; nays: none. **MOTION CARRIED.**

D. FY 2014 Year-End Budget Amendments:

Moved Williams, supported Metzger, to adopt the resolution to amend the FY 2014 Adopted Budget. On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Revore, Williams, and Mayor Dyer nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2014-11
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:

<u>General Fund Revenues</u>	<u>Adopted</u>	<u>Amended June, 2014</u>	<u>Change</u>
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
<u>General Fund Expenditures</u>			
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	17,580
Human Resources	63,512	63,512	0

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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
Fire	797,859	814,359	16,500
	<u>Adopted</u>	<u>Amended June, 2014</u>	<u>Change</u>
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	5,740,765	-45,443
GF Net Surplus/(Deficit)	0	81,517	81,517

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

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

<u>GF - Airport</u>			
Revenues	170,440	170,440	0
Expenditures	170,440	144,440	-26,000

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Net Surplus/(Deficit)	0	26,000	26,000
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<u>MVH-Major & Trunkline</u>			
Revenues	423,277	423,277	0
Expenditures	442,156	499,181	57,025
Net Surplus/(Deficit)	-18,879	-75,904	-57,025

<u>MVH-Local</u>			
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 June, 2014</u>	<u>Change</u>
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<u>Leaf, Brush & Trash Removal</u>			
Revenues	98,811	98,811	0
Expenditures	98,811	97,311	-1500
Net Surplus/(Deficit)	0	1,500	1500

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

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

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

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<u>MAEDA</u>			
Revenues	653,619	654,756	1,137
Expenditures	653,619	563,619	-90,000
Net Surplus/(Deficit)	0	91,137	91,137

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

<u>Electric</u>			
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*

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

<u>Wastewater</u>			
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

<u>Water</u>			
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

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

Safety			
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

APPOINTMENTS / ELECTIONS

A. Brooks Nature Area Board:

Moved Reed, supported Mankerian, to approve the reappointment of Janet Schoenmeyer and Randy Eshuis to the Brooks Nature Area Board with terms ending August 14, 2017. On a voice vote – **MOTION CARRIED.**

B. Parks, Recreation, and Cemetery Board:

Moved Miller, supported Williams, to approve the reappointment of Randy Eshuis and Norman Ostrum to the Parks, Recreation, and Cemetery Board with terms ending July 1, 2017. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk