

CALL TO ORDER

IN REGULAR SESSION Monday, July 21, 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, and Revore.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Williams.

Moved Williams, supported Mankerian to excuse Council Member Williams. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Jeremy Young of Marshall Church of Christ gave the Invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Mankerian, to approve the agenda with the addition of item 11B – Michigan Main Street Program Discussion and item 17 – Closed Session. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Approve minutes of the City Council Regular Session and Work Session held on Tuesday, July 8 , 2014;
- B. Approve city bills in the amount of \$ 1,482,958.20.

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

PRESENTATIONS AND RECOGNITIONS

A. Farmer's Market:

Moved Metzger, supported Mankerian, to continue the Farmer's Market Study Committee as a community committee of the Council and have the committee make a recommendation to the City Council regarding structure, marketing, and location by the 2nd meeting in January 2015. On a voice vote – **MOTION CARRIED.**

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

A. Approval of changes to the addition of §156.224, draft Donation Collection Bins Ordinance and accompanying addition of definitions to §156.003:

Moved Metzger, supported Miller, to approve the changes to the addition of §156.224, draft Donation Collection Bins Ordinance and accompanying addition of definitions to §156.003. On a roll call vote – ayes: Miller, Reed, Revore, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL ORDINANCE #2014-03

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 section is to facilitate 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 are valid for a one (1) year period and are renewable annually.
 2. A maximum of six (6) 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.
- (D) Donation Collection Bins shall conform to the following standards:
1. Donation Collection Bins shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti. Donation Collection Bins are required to be placed on a paved or concrete surface. Bins must be level and stable.
 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. The font size used on the sign shall not be less than 1 inch in height.
 4. The Donation Collection Bin Operator and Property Owner shall maintain, or cause to be maintained, the area surrounding the bins, free from any junk, noxious odor, debris and donated items.

5. Donation Collection Bins shall be located on a parcel where there is a functioning, permitted use.
6. 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.
7. The total size of a Donation Collection Bin shall not exceed 7 feet in height, five feet in width and four feet in depth.
8. Donation Collection Bins shall not cause a visual obstruction to vehicular or pedestrian traffic. Any 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.
9. Donation Collection Bins shall not be placed in a designated fire lane or blocking a building entrance or exit.

(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 21st day of July, 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 July 21, 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

B. Michigan Main Street Program:

Moved Miller, supported Metzger, to accept the recommendation made by the DDA in 2011 and the recommendation of the Community Board and indicate to the Michigan State Housing and Development Authority that the City of Marshall respectfully requests to graduate from the Michigan Main Street program. On a roll call vote – ayes: Reed, Revore, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

REPORTS AND RECOMMENDATIONS

A. Proposed fees for Donation Collection Bin Permits:

Moved Reed, supported Metzger, to approve a \$200 annual fee for Donation Collection Bin Permits. On a roll call vote – ayes: Miller, Reed, Revore, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2014-15**

RESOLUTION ESTABLISHING FEES UNDER CHAPTER 156: ZONING, SECTION 156.224 OF THE MARSHALL CITY CODE.

WHEREAS, the City of Marshall may adopt a fee to defray the City's expenses for administrative time, inspection and enforcement, and;

WHEREAS, the City of Marshall now wishes to establish those fees in accordance with City policy;

NOW THEREFORE, BE IT RESOLVED, that the following fees shall be established.

Permit fee for Donation Collection Bins, shall be:

\$200.00 Annually

A copy of this Schedule as amended from time to time, shall be maintained by the Marshall City Clerk.

AYES, Council members: Mayor Dyer, Mankerian, Metzger, Miller, Reed and Revore.

NAYES, Council members:

ABSTAIN, Council members:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on July 21, 2014. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

City Clerk

B. FY 2015 Fire Vehicle Purchase:

Moved Miller, supported Reed, to approve the resolution authorizing the purchase of a 2014 Spartan Mini Attach Pumper/Emergency Medical Vehicle from EVS of Greenville, MI in the amount not to exceed \$135,000. On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Revore, and

Mayor Dyer; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION 2014-16**

WHEREAS, the City of Marshall desires to purchase a 2014 Spartan ERV mini pumper; and

WHEREAS, The City of Marshall will forego the formal bid process as required by the City of Marshall's Code of Ordinance, chapter 32.03 due to a demo vehicle meeting the needs of the City and available; and

WHEREAS, Spartan Motors is a Michigan Based Company located in Charlotte, MI. and has provided four other fire apparatus for the City of Marshall; and

WHEREAS, Spartan ERV has submitted a bid not to exceed \$135,000, including delivery; and

WHEREAS, the City of Marshall's Code of Ordinance chapter 32.07 allows exceptions to the formal competitive bid process where no advantage to the city would result; and

NOW THEREFORE BE IT RESOLVED that based upon a motion made by Miller, and supported by Reed that the purchasing agent may execute a purchase order to Spartan ERV Company for a not to exceed amount of \$135,000 for the purchase of the Spartan ERV mini pumper.

Voting for: Mankerian, Metzger, Miller, Reed, Revore, and Mayor Dyer.

Voting Against: None.

Absent: Williams.

CERTIFICATION OF CITY CLERK/TREASURER

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 21st day of July, 2014.

City Clerk

Date

C. Fourth Quarter Financial Report:

Moved Metzger, supported Mankerian, to receive and place on file the 4th Quarter Financial Report for the City of Marshall. On a voice vote – **MOTION CARRIED.**

D. Fourth Quarter Investment Portfolio:

Moved Reed, supported Mankerian, to receive and place on file the 4th Quarter Investment Portfolio for the City of Marshall. On a voice vote – **MOTION CARRIED.**

E. BS&A Software Purchase:

Moved Miller, supported Mankerian, to approve the purchase of the BS&A Utility Billing, Cash Receipting and Human Resources software modules, for an estimated amount of \$54,000. On a roll call vote – ayes: Metzger, Miller, Reed, Revore, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

F. Assessing Contract:

Moved Metzger, supported Reed, to approve the resolution to approve the City of Marshall's termination of the Assessment Services Agreement and Employee Leasing Agreement with Calhoun County. On a roll call vote – ayes: Miller, Reed, Revore, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2014-17

THE CITY OF MARSHALL
TERMINATION OF ASSESSMENT SERVICES AGREEMENT and
EMPLOYEE LEASING AGREEMENT

THE CITY OF MARSHALL RESOLVES, pursuant to the termination provisions in the Assessment Services Agreement and the Employee Leasing Agreement entered into between the City of Marshall and the County of Calhoun that the City of Marshall intends to terminate both Agreements as of August 31, 2014.

This Resolution shall take effect immediately.

Dated: July 21, 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 July 21, 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

G. Testing, Hauling, Land Application, and Agronomic Management of Wastewater Biosolids:

Moved Metzger, supported Miller, to authorize the City Clerk to sign a three-year agreement with Gawne Trucking, LLC for Testing, Hauling, Land Application, and Agronomic Management of Wastewater Biosolids in the amount of \$0.034/gallon. On a roll call vote – ayes: Reed, Revore, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

H. Proposal 1 Resolution:

Moved Metzger, supported Reed, to approve the resolution in support of Proposal 1 on the August 5, 2014 ballot. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2014-18**

**RESOLUTION SUPPORTING PROPOSITION 1
ON THE AUGUST 5, 2014 BALLOT**

WHEREAS, local governments in Michigan, including the City of Marshall, have struggled with unstable funding needed to provide services; and

WHEREAS, Michigan businesses have struggled with an uncompetitive tax on business; and

WHEREAS, Michigan's personal property tax is an antiquated unfair double tax on Michigan's small businesses; and

WHEREAS, small businesses and manufacturers power our economy and are the largest contributor to job growth in Michigan; and

WHEREAS, no other state in our region taxes business equipment the way Michigan does – and most of those states don't tax it at all, which makes Michigan significantly less competitive when it comes to job creation and business investment; and

WHEREAS, Michigan communities have relied on this shrinking source of Personal Property Tax revenue to provide other community services as well, including roads, transportation and libraries; and

WHEREAS, with bipartisan support the Michigan legislature has voted to reform the antiquated personal property tax to help increase Michigan's competitiveness with other states and remove an onerous tax that will allow more business investment and create more jobs while making local community more financially stable at the same time; and

WHEREAS, this is not a constitutional amendment but the state constitution requires Michigan voters to approve certain changes in local taxes; and

WHEREAS, local governments have struggled with unstable funding needed to provide services and business have struggled with an uncompetitive tax on equipment for years; and

WHEREAS, the proposal will make Michigan more competitive, which will help local communities to attract more businesses and create local jobs; and

WHEREAS, if this proposal is not passed by Michigan voters, the antiquated unfair tax on our state's small businesses and manufacturers will go back into effect and Michigan communities will not have stable revenue to fund local services and ;

WHEREAS, the proposal is supported by the following organizations (among others): Michigan Association of Counties, Michigan Municipal League, the Michigan Townships Association, Michigan Farm Bureau, the Small Business Association of Michigan, Michigan Sheriffs Association, Michigan Chamber of Commerce, and the Michigan Manufacturers Association.

NOW, THEREFORE, BE IT RESOLVED, the Marshall City Council hereby expresses its strong support for the proposal to eliminate the unfair double tax and strengthen our communities. We urge our residents to vote YES on this proposal on August 5, 2014.

DATED: July 21, 2014

James L. Dyer, Mayor

APPOINTMENTS / ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

CLOSED SESSION

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

Move to Closed Session at 8:25 p.m.

Return to Open Session at 8:55 p.m.

Moved Metzger, supported Mankerian, to authorize the City Manager to sign a collective bargaining agreement with the teamsters for lineman compensation subject to ratification by the union. On a roll call vote – ayes: Miller, Reed, Revore, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk