

IN REGULAR SESSION Monday, January 05, 2009, 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 Smith.

Roll was Called:

Present: Council Members: Dyer, K. Miller, L. Miller, Metzger, Mayor Smith, Traver and Williams.

Also Present: City Manager Olson, Clerk-Treasurer Hovarter and Deputy Clerk-Treasurer Townley.

Absent: None.

The invocation was given by Richard Gerten of the Family Bible Church.

Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved L. Miller, supported Dyer, to approve the agenda as presented. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

Chris Olson presented Council with an update on the sale of Marshall Brass, as well as the tax issues that need to be resolved.

Moved Dyer, supported K. Miller, to re-instate work study meetings before Regular Council Meetings from 6:00 p.m. – 6:45 p.m. beginning at the January 20, 2009 meeting. On a voice vote: **MOTION CARRIED.**

Moved Dyer, supported Williams, to schedule an orientation for Council Members. On a voice vote: **MOTION CARRIED.**

Chris Olson extended the opportunity for any Council Members to tour all of the City Facilities.

The Pristanchia subdivision development agreement is due to expire mid-February 2009.

PUBLIC COMMENT ON AGENDA ITEMS

None.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

Moved Dyer, supported Williams, to approve the purchase of the mechanical systems from Georgia Fountain in the amount of \$101,183. On a roll call vote -- ayes: Dyer, K. Miller, L. Miller, Metzger, Mayor Smith, Traver and Williams; nays: none. **MOTION CARRIED.**

Moved Dyer, supported L. Miller, to accept the bid and award DLZ, Inc. of Lansing the complete design of both the Monroe Street Bridge over Rice Creek and South Marshall Avenue Bridge over the Kalamazoo River for the cost of \$62,948.41. On a roll call vote -- ayes: K. Miller, L. Miller, Metzger, Mayor Smith, Traver, Williams and Dyer; nays: none. **MOTION CARRIED.**

Moved Williams, supported Dyer, to approve the Resolution as presented for data/telecommunication fees to the current electrical permit fees. On a roll call vote -- ayes: L. Miller, Metzger, Mayor Smith, Traver, Williams, Dyer and K. Miller; nays: none. **MOTION CARRIED.**

**City of Marshall
County of Calhoun, State of Michigan**

RESOLUTION NO 09-01

**RESOLUTION ESTABLISHING REASONABLE PERMIT FEES UNDER TITLE XV
LAND USAGE OF CHAPTER 150, SECTION 150.004 OF THE MARSHALL CITY
CODE.**

WHEREAS, the State Construction Code Act known as Public Act 230 of 1972 as amended, Section 125.1522 states a Governmental Unit may charge reasonable fees to cover the costs of enforcing this Act; and

WHEREAS, the City of Marshall now wishes to add to the fees already established, fees for the inspection of Data/Telecommunication installations in accordance with the State Electrical Code and in accordance with PA 230 and Title XV, Chapter 150, Section 150.004 of the City of Marshall Codified Ordinance;

NOW THEREFORE, BE IT RESOLVED, that the following permit fees shall be added to the electrical permit as follows:

Electrical Permit Fees	
Data/Telecommunication Outlets	

1 – 19 Devices	\$5.00 each
20 – 300 Devices	\$100.00
Over 300 Devices	\$300.00
Energy Retrofit – Temp. Control	\$45.00
Conduit Only or grounding only	\$45.00

The City Manager or his designee may waive the permit fees for public projects that serve the community as a whole.

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

AYES, Council members: Council Members L. Miller, Metzger, Mayor Smith, Traver, Williams, Dyer and K. Miller.

NAYES, Council members: None.

ABSTAIN, Council members: None.

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on January 5, 2009. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 5th day of January A.D., 2009.

Date

Tracy Hovarter, Clerk Treasurer

Moved Williams, supported Dyer, to approve retaining AMP Ohio to perform tree trimming and authorize the Clerk Treasurer to sign the Agreement. On a roll call vote -- ayes: Metzger, Mayor Smith, Traver, Williams, Dyer, K. Miller and L. Miller; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

Moved Dyer, supported L. Miller, to nominate Brent Williams to the Mayor Pro-Tem position. On a voice vote: **MOTION CARRIED.**

Mayor Smith appointed Board/Commission Liaisons positions to Council Members.

CONSENT AGENDA

Moved Williams, supported Dyer, to approve the consent agenda as presented:

- to approve to schedule a public hearing on Tuesday, January 20, 2009, for discussion and public comment regarding adopting the July 1, 2009 – June 30, 2015 Capital Improvement Program;
- to authorize the City of Marshall DART to adopt the Resolution of Intent and seek financial assistance from the State of Michigan for its public transportation service;

**City of Marshall
County of Calhoun, State of Michigan**

RESOLUTION NO 09-02

THE APPROVED RESOLUTION OF INTENT TO APPLY FOR FINANCIAL ASSISTANCE FOR FISCAL YEAR 2009/10 UNDER ACT NO. 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED

WHEREAS, pursuant to Act No. 51 of the public Acts of 1951, as amended (Act 51), it is necessary for the City of Marshall to provide a local transportation program for the state fiscal year of 2010 and therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the City Council, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the Council or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the City Council has reviewed the proposed preliminary budget and funding sources of \$59,326 (16%) estimated federal funds, \$132,075 (35.62%) estimated state funds, \$105,700 estimated local funds, \$45,000 estimated fare receipts, and \$28,688 estimated other funding sources, with total estimated eligible expenses of \$370,789 and estimated ineligible expenses of \$69,520 for 2010.

NOW THEREFORE, be it resolved that the City Council does hereby make its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

HEREBY, appoints Deputy Director of Utilities and Infrastructure for the City of Marshall, as the Transportation Coordinator for all public transportation matters, who is authorized to provide such information as deemed necessary by the Council for its administration of Act 51, for fiscal year 2010.

AYES, Council members: Council Members Mayor Smith, Traver, Williams, Dyer, K. Miller, L. Miller and Metzger.

NAYES, Council members: None.

ABSTAIN, Council members: None.

RESOLUTION DECLARED ADOPTED.

I, Tracy Hovarter, being duly sworn as the Clerk-Treasurer 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 January 5, 2009, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 5th day of January A.D., 2009.

Date

Tracy Hovarter, Clerk Treasurer

- to accept the bid of \$3,011.99 for the 1998 Ford Pickup from Ellen Brodock of Homer, the bid of \$5,151.51 for the 1991 New Holland Skid Steer from Norman Reincke of Marshall, and the bid of \$351.00 for the Snow Ex Salt Spreader from Glen Waidelich of Tekonsha;
- to approve the December 2, 2008 Closed Session City Council Minutes and the December 15, 2008 Closed Session and Regular City Council Minutes; and
- to approve the city bills in the amount of \$1,209,887.87.

On a roll call vote -- ayes: Mayor Smith, Traver, Williams, Dyer, K. Miller, L. Miller and Metzger; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

The meeting was adjourned at 8:30 p.m.

Bruce R. Smith, MAYOR

Tracy Hovarter, CLERK-TREASURER