



**MARSHALL CITY COUNCIL AGENDA**

**MONDAY – 7:00 P.M.**

**June 15, 2015**

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Richard Gerten, Family Bible 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. **Renewable Energy Plan** **P. 3**  
 City Council will offer opportunity for public comment on the Renewable Energy Plan as is normal for agenda items.
  - B. **City Council Minutes** **P. 11**  
 Regular Session..... Monday, June 1, 2015
  - C. **City Bills**

Regular Purchases .....	\$ 424,387.25
Weekly Purchases –5/29/15.....	\$ 16,378.57
Weekly Purchases –6/5/15 .....	\$ 33,755.08
<b>Total .....</b>	<b>\$ 474,520.90</b>
- 8) **PRESENTATIONS AND RECOGNITIONS**
  - A. **Girl Scout Gold Awards** **P. 21**  
 City Council will present a resolution to Alena Buczynski and Nicole Stanley to express congratulations and public appreciation on the occasion of earning the Girl Scout Gold Award.
  - B. **Introduction of New Patrol Officer**  
 Chief Schwartz will introduce Phillip Goodrich as the new Patrol Officer for the Marshall Police Department.
- 9) **INFORMATIONAL ITEMS**
  - A. **Event Report – Walk to End Alzheimer’s 2015** **P. 23**
  - B. **Event Report – Bellevue Schools Mud Run** **P. 25**
  - C. **Event Report – Chicken BBQ** **P. 26**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**Mayor:**

Jack Reed

**Council Members:**

- Ward 1 - Kari Schurig
- Ward 2 - Nick Metzger
- Ward 3 - Brent Williams
- Ward 4 - Michael McNeil
- Ward 5 - Vacant
- At-Large - Kathy Miller



**11) OLD BUSINESS**

**A. Traffic Control Order #98**

City Council will discuss Traffic Control Order #98.

**12) REPORTS AND RECOMMENDATIONS**

**A. Freedom of Information Act Policy**

**P. 27**

City Council will consider the recommendation to adopt the proposed Freedom of Information Act Policy.

**B. FY 2015 Year-End Budget Amendment**

**P. 60**

City Council will consider the recommendation to adopt the resolution to amend the FY 2015 Budget.

**C. Calhoun County Foreclosure**

**P. 67**

City Council will consider the recommendation to adopt a resolution authorizing City staff to submit a Public Use Plan to the County Treasurer for the property at 228 West Michigan Avenue.

**D. Construction Engineering Services for Jefferson & Madison**

City Council will consider the recommendation to approve the proposal from Civil Engineers, Inc. (CEI) of Battle Creek, MI in an amount not to exceed \$25,000.

**E. City Manager Salary**

**13) APPOINTMENTS / ELECTIONS**

**A. Brooks Nature Area Board**

City Council will consider the recommendation to approve the reappointment of David Fhaner, Patti Hoch-Melluish, and James Coury to the Brooks Nature Area Board with terms expiring August 15, 2018.

**B. Parks and Recreation Board**

City Council will consider the recommendation to approve the reappointment of David Fhaner and Theresa Chaney-Huggett to the Parks and Recreation Board with terms expiring July 1, 2018.

**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 15, 2015

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**ADMINISTRATIVE REPORT**  
**JUNE 15, 2015 - CITY COUNCIL MEETING**

**FROM:** Ed Rice, Director of Electric Utilities  
Tom Tarkiewicz, City Manager

**SUBJECT:** Renewable Energy Plan -- 2014 Biennial Filing Under PA 295

**BACKGROUND:** In order to remain compliant with the State of Michigan's Clean, Renewable and Efficient Energy Act (PA 295) of 2008 the City of Marshall must make its renewable plan biennially available for public comment. This plan is filed on behalf of all the Michigan South Central Power Agency members and includes the following:

- The strategy for meeting the Renewable Portfolio Standard (RPS) of 10% by 2015. The Marshall strategy includes local hydro in Marshall, hydro projects in Wisconsin and Upper Michigan and hydro projects on the Ohio River.
- The RPS requirement is based on Marshall's average of the last three years of megawatt hour sales of electricity.
- The expected incremental cost of compliance which has been determined to be zero.

The plan is attached and can be viewed at [www.cityofmarshall.com](http://www.cityofmarshall.com). Comments can also be filed the City's Electric Department for 30 days.

**RECOMMENDATION:** It is recommended that the City Council offer opportunity for public comment as is normal for agenda items for City Council meetings.

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

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Ed Rice  
Director of Electric Utilities

Tom Tarkiewicz  
City Manager

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Marshall, MI 49068

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**Municipal Electric Provider**

**Joint Submittal by the Michigan South Central Power Agency**

**Renewable Energy Plan Filing  
Under PA 295**

**On Behalf of Its Members; the**

**Village of Clinton – MPSC Case No. U-16603,**

**City of Coldwater – MPSC Case No. U-16604,**

**City of Hillsdale – MPSC Case No. U-16616,**

**City of Marshall – MPSC Case No. U-16622, and the**

**Village of Union City – MPSC Case No. U-16636**

This joint filing by the Michigan South Central Power Agency (MSCPA) on behalf of its Members, the Village of Clinton, the City of Coldwater, the City of Hillsdale, the City of Marshall, and the Village of Union City, complies with Public Act 295 of 2008 (the Act), the related December 4, 2008 Michigan Public Service Commission Order (MPSC Case No. U-15800), and the related October 4, 2011 and December 12, 2012 Michigan Public Service Commission Orders entered in each of the cases associated with this filing (MPSC Case Nos. U-16603, U-16604, U-16616, U-16622, U-16636).

Part 2, Section 25, of the Act requires municipal utilities to file a twenty year plan to achieve renewable energy credit portfolio standards that are specified in Section 27. The plan must be filed with the MPSC within 120 days of the MPSC's temporary order, issued pursuant to Section 191. Each electric provider's plan must do the following:

- a) Describe how the provider will meet the RPS standards;
- b) Specify whether the number of megawatt hours of electricity used in the calculation of the renewable energy credit portfolio will be weather normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state;
- c) Include the expected incremental cost of compliance with the renewable energy standards;
- d) Describe the manner in which the provider will allocate costs.

This document and its attachments satisfy all of the requirements of Section 25 (2) for the twenty year period running from 2009 through 2028.

**Section 25 (2) (a) "Describe how the provider will meet the renewable energy standards"**

The MSCPA, on behalf of its Members, will meet the renewable energy standards through the use of:

- a) Existing hydro resources for the City of Marshall and the Village of Union City; (*Section 11, (i), (iv), (B) of the Act*)
- b) New hydro resources under purchase power agreements with N.E.W. Hydro, LLC; (*Section 11, (i), (iv), (B) of the Act*)
- c) New hydro resources currently under development through AMP; (*Section 11, (i), (iv), (B) and Section 29, (2), (f) of the Act*)

The above described resources are further described in Attachment A.

**Section 25 (2) (b) “Specify whether the number of megawatt hours of electricity used in the calculation of the renewable energy credit portfolio will be weather normalized or based on the average number of megawatt hours of electricity sold by the electric provider annually during the previous 3 years to retail customers in this state”**

The MSCPA, and each of its Members, will be calculating their renewable energy credit portfolio requirements based on the average number of megawatt hours of electricity sold by each member annually during the previous three years to retail customers in this state.

**Section 25 (2) (c) “Include the expected incremental cost of compliance with the renewable energy standards”**

Following the *Filing Requirements and Instructions for Renewable Energy Plans for Municipally-Owned Electric Utilities* provided in Attachment C of the MPSC Order to implement PA 295, we have provided *Attachment B – Renewable Energy Plan Surcharge Summary* which details the compliance cost for each MSCPA Member. As shown in each Member’s *Attachment B*, MSCPA Members do not anticipate any additional costs of compliance associated with the renewable energy standards. Production costs for both the current and future hydro are not expected to add to MSCPA’s energy supply costs.

**Section 25 (2) (d) “Describe the manner in which the provider will allocate costs”**

Due to the fact that no additional cost of compliance is anticipated, there will be no charges allocated to MSCPA Member customers.

## Attachment A – MSCPA Member Renewable Energy Resources

### Existing Hydro Resources

City of Marshall – Owns and operates an existing run-of-the-river hydro facility consisting of two units with a combined capacity of 0.319 MW. During the past three years, this facility generated a total of 3,352 megawatt hours, an annual average of 1,117 megawatt hours, which equates to an average annual capacity factor of 33%.

Village of Union City – Owns and operates an existing run-of-the-river hydro facility consisting of two units with a combined capacity of 0.418 MW. During the past three years, this facility generated a total of 4,047 megawatt hours, an annual average of 1,349 megawatt hours, which equates to an average annual capacity factor of 37%.

### New Hydro Resources

The MSCPA Members have committed to purchase 8.56 MW of two hydro units located at Menominee, Michigan and Oconto Falls, Wisconsin under a twenty-year PPA with N.E.W. Hydro, LLC. These units are currently in operation and MSCPA will begin receiving power on July 1, 2013 from these units. The units have an installed capacity of 8.56 MW and an anticipated annual capacity factor of 55%.

The allocation of interest in these projects for the participating MSCPA members is as follows:

Member	Capacity (MW)	Expected Annual Energy (MWh)
Village of Clinton	0.56	2,615
City of Coldwater	3.43	16,092
City of Hillsdale	2.18	10,259
City of Marshall	2.06	9,655
Village of Union City	.34	1,609

Four of the five MSCPA Members have also committed to purchase 13.4 MW of a hydro development project through AMP, an Ohio corporation that provides energy related services to, at present, 130 municipal members located in seven states. The original hydro project consists of the development of three hydro generation stations at existing lock and dam facilities located on the Ohio River. The units were originally scheduled to be online in 2012, but with construction delays the first two units are now projected to be on line by late-2015 with the final unit to be on line mid-2016. Collectively, these units are expected to have an installed capacity of 206 MW, with an anticipated annual capacity factor of 55%.

The allocation of interest in this project for the participating MSCPA members is as follows:

Member	Capacity (MW)	Expected Annual Energy (MWh)
Village of Clinton	0.7	3,373
City of Coldwater	6.5	31,299
City of Hillsdale	3.4	16,342
City of Marshall	2.8	13,481

# MUNICIPALLY OWNED ELECTRIC UTILITIES - RENEWABLE ENERGY PLAN SURCHARGE AND COMPLIANCE SUMMARY

## Attachment B - Renewable Energy Plan Surcharge Summary

City of Marshall - MPSC Case U-16622

	Units	2009	2010	2011	2012	2013	2014	2015	2016
<b>Annual Retail Sales (Actual/Forecast 2009-2029)</b>	MWH	103,120	107,890	110,018	108,940	101,795	104,937		
<b>Sales Forecast (3-yr running average)</b>	MWH				107,012	108,950	106,918	105,224	
<b>RPS Renewable Energy Credit Compliance Requirement</b>									
RE Portfolio (Sales Forecast Multiplied by 10%)	REC				10,701	10,895	10,692	10,522	10,522
Baseline (REC from existing RE Supply (Pre RPS))	REC				1,318	1,318	1,318	1,318	1,318
Additional REC necessary to meet Compliance (RE Portfolio Less Baseline)	REC				9,383	9,577	9,374	9,204	9,204
RPS Requirements Adder (2012: 20%, 2013: 33%, 2014: 50%, 2015: 100%) (ie: 20% of Additional REC necessary)	REC	0%	0%	0%	20%	33%	50%	100%	100%
REC's Required due to RPS Requirements Adder		-	-	-	1,876.64	3,160.41	4,686.90	9,204.40	9,204.40
Compliance Requirement (Sum of RPS Requirements Adder above and Baseline)	REC	-	-	-	3,194.64	4,478.41	6,004.90	10,522.40	10,522.40
<b>REC Inventory</b>									
REC Obtained:									
<u>Generation Based</u>									
Banked from Prior Year	REC		1,843	3,508	5,183	8,591	14,030	17,897	-
Future Year REC's (up to 120 days)	REC								-
Future Year Incentive REC's (up to 120 days)	REC								-
Less: REC's Allocated to Prior Year	REC								-
Less: Incentive REC's Allocated to Prior Year	REC								-
Build/BOT	REC	1,675	1,512	1,531	1,045	1,129	1,178	1,300	1,300
PPA N.E.W. Hydro, LLC	REC	-	-	-	-	4,379	8,930	9,655	9,655
PPA AMP Hydros	REC	-	-	-	-	-	-	2,378	12,294
<b>Subtotal (1)</b>	REC	1,675	3,355	5,039	6,238	14,099	24,138	31,230	23,249
Purchase	REC	-	-	-	6,406	5,262	-	-	-
Incentive (SB 213 Sec 39 (2))	REC	168	153	154	101	503	934	1,233	2,125
<b>Subtotal (2)</b>	REC	1,843	3,508	5,193	12,745	19,864	25,072	32,463	25,374
Less: Sold	REC	-	-	-	(959)	(1,355)	(1,170)	(21,940)	(14,851)
Less: Retired for Compliance	REC	-	-	-	(3,195)	(4,479)	(6,005)	(10,523)	(10,523)
Less: Expired	REC	-	-	-	-	-	-	-	-
<b>Year-End REC Balance</b>	REC	1,843	3,508	5,183	8,591	14,030	17,897	-	-
<b>RPS Renewable Energy Credit Compliance Requirement</b>									
Compliance Requirement	REC				3,195	4,479	6,005	10,523	10,523
Retired for Compliance	REC				3,195	4,479	6,005	10,523	10,523
REC Compliance Percentage (Retired for Compliance/Sales Forecast)	%				2.99%	4.11%	5.62%	10.00%	10.00%
<b>Revenue Requirement (Renewable only)</b>									
Build/BOT	\$%				-	-	-	-	-
PPA	\$%				-	213,827	429,738	762,281	2,001,781
REC Purchases (Sales) 2012-14 Actual, Remainder @ \$3 Estimated per REC	\$s				1,528	1,694	(469)	(65,820)	(44,553)
<b>Total</b>	\$s				1,528	215,521	429,270	696,461	1,957,228
<b>\$ Per MWH/ (\$ Per REC if no Build/BOT or PPA for that year)</b>	\$/MWH or \$/REC				-	11	17	21	77
<b>Forecasted Transfer Price</b>	\$/MWH				133	133	133	133	133
<b>Amount recoved through PSQR (transfer price * volume of energy or REC's)</b>	\$s				990,983	1,432,410	1,344,364	1,773,289	3,092,117
<b>Incremental Cost of Compliance</b>	\$s				1,528	1,694	-	-	-

# MUNICIPALLY OWNED ELECTRIC UTILITIES - RENEWABLE ENERGY PLAN SURCHARGE AND COMPLIANCE SUMMARY

## Attachment B - Renewable Energy Plan Surcharge Summary

City of Marshall - MPSC Case U-16622

	Units	2017	2018	2019	2020	2021	2022	2023
<b>Annual Retail Sales (Actual/Forecast 2009-2029)</b>	MWH							
<b>Sales Forecast (3-yr running average)</b>	MWH							
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
RE Portfolio (Sales Forecast Multiplied by 10%)	REC	10,522	10,522	10,522	10,522	10,522	10,522	10,522
Baseline (REC from existing RE Supply (Pre RPS))	REC	1,318	1,318	1,318	1,318	1,318	1,318	1,318
Additional REC necessary to meet Compliance (RE Portfolio Less Baseline)	REC	9,204	9,204	9,204	9,204	9,204	9,204	9,204
RPS Requirements Adder (2012: 20%, 2013: 33%, 2014: 50%, 2015: 100%) (ie: 20% of Additional REC necessary)	REC	100%	100%	100%	100%	100%	100%	100%
REC's Required due to RPS Requirements Adder		9,204.40	9,204.40	9,204.40	9,204.40	9,204.40	9,204.40	9,204.40
Compliance Requirement (Sum of RPS Requirements Adder above and Baseline)	REC	10,522.40	10,522.40	10,522.40	10,522.40	10,522.40	10,522.40	10,522.40
<b>REC Inventory</b>								
REC Obtained:								
<u>Generation Based</u>								
Banked from Prior Year	REC	-	-	-	-	-	-	-
Future Year REC's (up to 120 days)	REC	-	-	-	-	-	-	-
Future Year Incentive REC's (up to 120 days)	REC	-	-	-	-	-	-	-
Less: REC's Allocated to Prior Year	REC	-	-	-	-	-	-	-
Less: Incentive REC's Allocated to Prior Year	REC	-	-	-	-	-	-	-
Build/BOT	REC	1,300	1,300	1,300	1,300	1,300	1,300	1,300
PPA N.E.W. Hydro, LLC	REC	9,655	9,655	9,655	9,655	9,655	9,655	9,655
PPA AMP Hydros	REC	13,481	13,481	13,481	13,481	13,481	13,481	13,481
<i>Subtotal (1)</i>	REC	24,436	24,436	24,436	24,436	24,436	24,436	24,436
Purchase	REC	-	-	-	-	-	-	-
Incentive (SB 213 Sec 39 (2))	REC	2,232	2,232	2,232	2,232	2,232	2,232	2,232
<i>Subtotal (2)</i>	REC	26,668	26,668	26,668	26,668	26,668	26,668	26,668
Less: Sold	REC	(16,145)	(16,145)	(16,145)	(16,145)	(16,145)	(16,145)	(16,145)
Less: Retired for Compliance	REC	(10,523)	(10,523)	(10,523)	(10,523)	(10,523)	(10,523)	(10,523)
Less: Expired	REC	-	-	-	-	-	-	-
Year-End REC Balance	REC	-	-	-	-	-	-	-
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
Compliance Requirement	REC	10,523	10,523	10,523	10,523	10,523	10,523	10,523
Retired for Compliance	REC	10,523	10,523	10,523	10,523	10,523	10,523	10,523
REC Compliance Percentage (Retired for Compliance/Sales Forecast)	%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
<b>Revenue Requirement (Renewable only)</b>								
Build/BOT	\$s	-	-	-	-	-	-	-
PPA	\$s	2,150,156	2,150,156	2,150,156	2,150,156	2,150,156	2,150,156	2,150,156
REC Purchases (Sales) 2012-14 Actual, Remainder @ \$3 Estimated per REC	\$s	(48,435)	(48,435)	(48,435)	(48,435)	(48,435)	(48,435)	(48,435)
<b>Total</b>	\$s	2,101,721	2,101,721	2,101,721	2,101,721	2,101,721	2,101,721	2,101,721
<b>\$ Per MWH/ (\$ Per REC if no Build/BOT or PPA for that year)</b>	\$/MWH or \$/REC	79	79	79	79	79	79	79
<b>Forecasted Transfer Price</b>	\$/MWH	133	133	133	133	133	133	133
<b>Amount received through PSCR (transfer price * volume of energy or REC's)</b>	\$s	3,249,988	3,249,988	3,249,988	3,249,988	3,249,988	3,249,988	3,249,988
<b>Incremental Cost of Compliance</b>	\$s	-	-	-	-	-	-	-

## MUNICIPALLY OWNED ELECTRIC UTILITIES - RENEWABLE ENERGY PLAN SURCHARGE AND COMPLIANCE SUMMARY

### Attachment B - Renewable Energy Plan Surcharge Summary

City of Marshall - MPSC Case U-16622

	Units	2024	2025	2026	2027	2028	2029	Total/Plan to Date
<b>Annual Retail Sales (Actual/Forecast 2009-2029)</b>	MWH							
<b>Sales Forecast (3-yr running average)</b>	MWH							
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
RE Portfolio (Sales Forecast Multiplied by 10%)	REC	10,522	10,522	10,522	10,522	10,522	10,522	
Baseline (REC from existing RE Supply (Pre RPS))	REC	1,318	1,318	1,318	1,318	1,318	1,318	
Additional REC necessary to meet Compliance (RE Portfolio Less Baseline)	REC	9,204	9,204	9,204	9,204	9,204	9,204	
RPS Requirements Adder (2012: 20%, 2013: 33%, 2014: 50%, 2015: 100%) (ie: 20% of Additional REC necessary)	REC	100%	100%	100%	100%	100%	100%	
REC's Required due to RPS Requirements Adder		9,204.40	9,204.40	9,204.40	9,204.40	9,204.40	9,204.40	
Compliance Requirement (Sum of RPS Requirements Adder above and Baseline)	REC	10,522.40	10,522.40	10,522.40	10,522.40	10,522.40	10,522.40	171,513.95
<b>REC Inventory</b>								
REC Obtained:								
<u>Generation Based</u>								
Banked from Prior Year	REC	-	-	-	-	-	-	-
Future Year REC's (up to 120 days)	REC	-	-	-	-	-	-	-
Future Year Incentive REC's (up to 120 days)	REC	-	-	-	-	-	-	-
Less: REC's Allocated to Prior Year	REC	-	-	-	-	-	-	-
Less: Incentive REC's Allocated to Prior Year	REC	-	-	-	-	-	-	-
Build/BOT	REC	1,300	1,300	1,300	1,300	1,300	1,300	27,570
PPA N.E.W. Hydro, LLC	REC	9,655	9,655	9,655	9,655	9,655	9,655	158,134
PPA AMP Hydros	REC	13,481	13,481	13,481	13,481	13,481	13,481	189,925
<i>Subtotal (1)</i>	REC	24,436	24,436	24,436	24,436	24,436	24,436	375,629
Purchase	REC	-	-	-	-	-	-	11,668
Incentive (SB 213 Sec 39 (2))	REC	2,232	2,232	2,232	2,232	2,232	2,232	34,367
<i>Subtotal (2)</i>	REC	26,668	26,668	26,668	26,668	26,668	26,668	421,684
Less: Sold	REC	(16,145)	(16,145)	(16,145)	(16,145)	(16,145)	(16,145)	(250,160)
Less: Retired for Compliance	REC	(10,523)	(10,523)	(10,523)	(10,523)	(10,523)	(10,523)	(171,524)
Less: Expired	REC	-	-	-	-	-	-	(421,684)
Year-End REC Balance	REC	-	-	-	-	-	-	-
<b>RPS Renewable Energy Credit Compliance Requirement</b>								
Compliance Requirement	REC	10,523	10,523	10,523	10,523	10,523	10,523	
Retired for Compliance	REC	10,523	10,523	10,523	10,523	10,523	10,523	171,524
REC Compliance Percentage (Retired for Compliance/Sales Forecast)	%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	
<b>Revenue Requirement (Renewable only)</b>								
Build/BOT	\$s	-	-	-	-	-	-	-
PPA	\$s	2,150,156	2,150,156	2,150,156	2,150,156	2,150,156	2,150,156	31,359,656
REC Purchases (Sales) 2012-14 Actual, Remainder @ \$3 Estimated per REC	\$s	(48,435)	(48,435)	(48,435)	(48,435)	(48,435)	(48,435)	(737,274)
<b>Total</b>	\$s	2,101,721	2,101,721	2,101,721	2,101,721	2,101,721	2,101,721	30,622,381
<b>\$ Per MWH/ (\$ Per REC if no Build/BOT or PPA for that year)</b>	\$MWH or \$REC	79	79	79	79	79	79	
<b>Forecasted Transfer Price</b>	\$/MWH	133	133	133	133	133	133	
<b>Amount recoved through PSCR (transfer price * volume of energy or REC's)</b>	\$s	3,249,988	3,249,988	3,249,988	3,249,988	3,249,988	3,249,988	50,883,007
<b>Incremental Cost of Compliance</b>	\$s	-	-	-	-	-	-	3,222

**CALL TO ORDER**

IN REGULAR SESSION Monday, June 1, 2015 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 Reed.

**ROLL CALL**

Roll was called:

Present: Council Members: McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**Moved** Miller, supported Metzger, to accept, with regret, the resignation of Council Member Joe Caron. On a voice vote – MOTION CARRIED.

**INVOCATION/PLEDGE OF ALLEGIANCE**

David Good of First Baptist Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Williams, supported Schurig, to approve the agenda with the addition of item 13A – Ward 5 Council Vacancy. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

Dan Shellenbarger of 904 Forest Street spoke in opposition of the Forest Street name change.

County Prosecutor David Gilbert announced the reinstatement of the Bad Check Department at the County.

**CONSENT AGENDA**

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

- A. Approve the street closure of South Marshall Avenue, between E. Spruce and Hanover Street on Saturday, August 1, 2015 from 5:00 p.m. to 9:00 p.m. for a Neighborhood Block Party;
- B. Approve the recommendation to enter into a 10-year financing agreement with Southern Michigan Bank & Trust in the amount of \$400,000 at a rate of 2.33% for the purchase of the new fire truck;

- C. Approve the bid from Asphalt Solutions Plus, LLC of Marshall, MI in the amount of \$11,180 and an additional amount of \$18,820 for pavement repairs;
- D. Schedule a public hearing for Monday, July 20, 2015 to hear comments on the proposed changes to §97.04 – Keeping of Poultry;
- E. Minutes of the City Council Regular Session held on Monday, May 18, 2015;
- F. Approve city bills in the amount of \$ 717,383.07.

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

### **PRESENTATIONS AND RECOGNITIONS**

None.

### **INFORMATIONAL ITEMS**

None.

### **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

#### **A. IFT Certificate Application for Progressive Dynamics, Inc.:**

Mayor Reed opened the public hearing to hear public comment on the proposed IFT Certificate Application for Progressive Dynamics, Inc., 507 Industrial Road.

Associate Vice President of MAEDA, Jim Robey, provided background on the application for an Industrial Facilities Tax Exemption Certificate for Progressive Dynamics. The company is investing \$292,009, retaining 90 jobs, and creating 10 new jobs.

Hearing no additional comment, the hearing was closed.

**Moved** Miller, supported Schurig, to approve the application for an Industrial Facilities Tax Exemption Certificate for Progressive Dynamics, Inc., at 507 Industrial Road. On a roll call vote – ayes: Metzger, Miller, Mayor Reed, Schurig, Williams, and McNeil; nays: none. **MOTION CARRIED.**

### **CITY OF MARSHALL, MICHIGAN RESOLUTION #2015-21**

Minutes of a regular meeting of the City Council of the City of Marshall held on Monday, June 1, 2015, in the Council Chambers of City Hall in Michigan 323 West Michigan Avenue, Marshall, Michigan.

The following preamble and resolution were offered by Council Member Miller and supported by Council Member Schurig.

**RESOLUTION TO APPROVE APPLICATION OF  
PROGRESSIVE DYNAMICS, INC.  
507 INDUSTRIAL ROAD,  
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR  
REAL AND PERSONAL PROPERTY - NEW MACHINERY AND EQUIPMENT**

**WHEREAS**, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on August 16, 2010, the Council by Resolution established Industrial Development District No. D-33 as requested; and

**WHEREAS**, Progressive Dynamics, Inc. has filed an application for an Industrial Facilities Exemption Certificate with respect to real and personal property improvements and the acquisition and installation of new machinery and equipment within Industrial Development District D-31; and

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

**WHEREAS**, before acting on said application, the City of Marshall held a hearing on June 1, 2015 in the Council Chambers of City Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 6:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

**WHEREAS**, the acquisition and installation of the new equipment, had not begun earlier than six (6) months before May 13, 2015, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

**WHEREAS**, the acquisition of the new equipment and machinery is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

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

**WHEREAS**, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will

exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted; and

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

1. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
2. The application of Progressive Dynamics, Inc., 507 Industrial Drive, for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-33 is hereby approved.
3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES: McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

NAYS: None.

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Trisha Nelson, City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan, at a regular meeting held June 1<sup>st</sup>, 2015.

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Trisha Nelson, City Clerk

### **OLD BUSINESS**

#### **A. Forest Street Name Change:**

**Moved** Williams, supported McNeil, to allow Council Member Metzger to abstain from voting due to a conflict of interest. On a voice vote – **MOTION CARRIED.**

**Moved** Miller, supported Williams, to change the name of Forest Street from Allen Road to O'Keefe Road to Briarwood Lane. On a roll call vote – ayes: Miller; nays: McNeil, Mayor Reed, Schurig, and Williams. **MOTION DEFEATED.**

**REPORTS AND RECOMMENDATIONS**

None.

**APPOINTMENTS/ELECTIONS**

**A. Ward 5 Council Vacancy:**

City Council discussed the process for filling the Ward 5 Council vacancy. Letters of interest/resumes will be accepted until July 1, 2015 and a decision will be made for a replacement at the July 20, 2015 City Council meeting.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

**ADJOURNMENT**

The meeting was adjourned at 7:58 p.m.

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Jack Reed, Mayor

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Trisha Nelson, City Clerk

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
48851	A - Z KEY SHOP	INSTALL LOCKS, ELECTRIC STRIKE, REMASTE	2015.344	1,723.39
6846	ALL RAILROAD SERVICES	TREE TRIMMING THRU 05/15/15	2015.264	6,899.20
13-761487	ARROW UNIFORM	CUST #010198-02		54.32
13-761488	ARROW UNIFORM	CUST #010198-04		51.42
13-761483	ARROW UNIFORM	CUST #010198-01		27.47
13-761490	ARROW UNIFORM	CUST #010198-06		31.23
13-761491	ARROW UNIFORM	CUST #010198-05		20.00
13-761489	ARROW UNIFORM	CUST #010198-03		124.59
13-769272	ARROW UNIFORM	CUST #010198-06		31.23
13-769273	ARROW UNIFORM	CUST #010198-05		20.00
13-769264	ARROW UNIFORM	CUST #010198-01		27.47
13-769270	ARROW UNIFORM	CUST #010198-04		51.42
13-661422CR	ARROW UNIFORM	CREDIT		(23.94)
13-769271	ARROW UNIFORM	CUST #010198-02		124.59
13-769269	ARROW UNIFORM	CUST #010198-02		54.32
388-178619	AUSTIN-BATTERIES PLUS	LAMPS		57.25
225-371820	AUTO VALUE MARSHALL	FILTERS		69.21
225-370467	AUTO VALUE MARSHALL	REMAN STARTER		144.99
225-372455	AUTO VALUE MARSHALL	OIL FILTER, 5W 30		53.40
225-371029	AUTO VALUE MARSHALL	IMPORT STARTER CREDIT		(35.00)
225-370939	AUTO VALUE MARSHALL	MASTER SWITCH		22.29
225-371638	AUTO VALUE MARSHALL	ULTRA-BLACK		6.69
225-371768	AUTO VALUE MARSHALL	ELEC FLASHER, QUICK LINKS		25.86
225-371072	AUTO VALUE MARSHALL	TURN INDICATOR		92.19
225-371070	AUTO VALUE MARSHALL	DUAL FAN ASSY		243.69
225-370736	AUTO VALUE MARSHALL	ELEC FLASHER, 7 BLADE TV PLUG, KWIK CAR		36.96
225-371144	AUTO VALUE MARSHALL	OIL STICKERS		15.00
225-371703	AUTO VALUE MARSHALL	FILTER, BRAKE FLUID, OIL		69.28
225-371299	AUTO VALUE MARSHALL	MINI LAMP		6.28
225-371346	AUTO VALUE MARSHALL	C.B. W/HORIZ BKT		4.44
225-371215	AUTO VALUE MARSHALL	FILTER, OIL, HALOGEN CAPSULE		69.18
225-371143	AUTO VALUE MARSHALL	OIL FILTER		61.80
225-370798	AUTO VALUE MARSHALL	MUD FLAP		53.49
225-370814	AUTO VALUE MARSHALL	HOOP II		88.59
225-371030	AUTO VALUE MARSHALL	PM EXT LIFE 6/1		59.94
225-370549	AUTO VALUE MARSHALL	BK LUBE		13.89
225-370369	AUTO VALUE MARSHALL	16GA MECH WIRE		10.29
225-370300	AUTO VALUE MARSHALL	FUEL LINE HOSES		34.80
225-370221	AUTO VALUE MARSHALL	RADIATOR, THERMOSTAT, WATER OUTLET GASK		128.05
225-369929	AUTO VALUE MARSHALL	MED ROLOC		8.90
225-370110	AUTO VALUE MARSHALL	UNLOADED CAL W/BKT, AUTO/MARINE CORE CR		(81.00)
225-370013	AUTO VALUE MARSHALL	OIL FILTER		5.91
225-372062	AUTO VALUE MARSHALL	OIL FILTER		5.91
225-371947	AUTO VALUE MARSHALL	CLASS III HITCH		165.21
225-371253	AUTO VALUE MARSHALL	MARINE TERMINALS		8.36
225-370548	AUTO VALUE MARSHALL	SEVERE DUTY PADS		50.49
225-371434	AUTO VALUE MARSHALL	WINDOW LIFT MTR		45.39
225-371584	AUTO VALUE MARSHALL	PQ ROTOR, SEVERE DUTY PADS, REAR WHL SE		400.99
225-371641	AUTO VALUE MARSHALL	RT REB CAP W/HD		139.99
225-373333	AUTO VALUE MARSHALL	FEMALE PLUG & BODY		19.58
225-373080	AUTO VALUE MARSHALL	RADIATOR CAP		4.49
225-373180	AUTO VALUE MARSHALL	ELECTRICAL TAPE		16.18
225-373250	AUTO VALUE MARSHALL	OIL SEAL, SPRING HOOK		38.16
225-373143	AUTO VALUE MARSHALL	COURTESY LAMP, LICENSE BRACKET		14.05
225-372132	AUTO VALUE MARSHALL	BLADERUNNER BELT		65.39
225-372681	AUTO VALUE MARSHALL	OIL FILTER		5.46
225-372938	AUTO VALUE MARSHALL	ROLOC DISCS		9.44
225-372880	AUTO VALUE MARSHALL	OIL DRI		16.98
1354	BACK ALLEY CYCLE SHOP	REPAIR		746.71
052815	BAKER TOOL RENTAL & S	SCAFFOLD, BOARD, WHEELS, STACKING PINS		44.00
630028	BOSHEARS FORD SALES I	REINFORCE		19.80
052715	BOSSERD FAMILY FARM	2015 DOWNTOWN HANGING BASKETS	2015.305	2,091.00
434	BUDGET DRAIN CLEANING	SERVICE ON E MICHIGAN AVE		250.00
051515	BURGHDORF CONTRACTING	NATALIE DEAN'S OFFICE UPGRADES		1,380.00
60044	C2AE	FIRE STATION DEMO/PARKING LOT	2015.210	1,010.31
60045A	C2AE	FIRE STATION	2015.342	4,713.49
GARVIN PARK NATIVE	CALHOUN CONSERVATION	NATIVE PLANT SALES		216.00
19458	CLARK CONSTRUCTION CO	CONSTRUCTION MANAGER SERVICES-POLICE DE	2014.152	264,979.60
2015-218	CLEARZONING	CITY OF MARSHALL MASTER PLAN UPDATE	2015.087	6,040.00
052915	COLE CHRYSLER DODGE J	HEATER RETURN		106.68
667140	COMMERCIAL OFFICE PRO	PAPER		207.30
668261	COMMERCIAL OFFICE PRO	BOOKCASE		1,098.00
9947	COURTNEY & ASSOCIATES	MONTHLY RETAINER		250.00
88229	CRT, INC	CABLE CAT5 BLUE		8.00
88309	CRT, INC	CLOUD STORAGE		577.32
88255	CRT, INC	CABLE CAT5 BLUE		19.00
822195	CRYSTAL FLASH ENERGY	PROPANE CYLINDERS <sup>16</sup>		17.42
664517001	CRYSTAL FLASH ENERGY	FUEL		994.50
807153	CRYSTAL FLASH ENERGY	SALES TAX, REFUND OF FUEL REGULATORY FE		(57.63)

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
128631	D & D MAINTENANCE SUP	PSB CARPET CLEANING		825.00
128620	D & D MAINTENANCE SUP	WYPAL PAPER ROLL		109.50
128312	D & D MAINTENANCE SUP	HD LINERS		33.70
128397	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		322.95
307753	D & G EQUIPMENT INC	SUPPLIES		480.64
79249	DADOW POWER EQUIPMENT	SPRING		5.44
79387	DADOW POWER EQUIPMENT	SPINDLE		41.20
466159	DARLING ACE HARDWARE	2015 OAKRIDGE CEMETERY BEDDING FLOWERS	2015.275	1,409.50
466469	DARLING ACE HARDWARE	KEY		1.99
467183	DARLING ACE HARDWARE	LP GAS		14.36
465045	DARLING ACE HARDWARE	PHILP FL WD SCR 8X3/4, BAGS 39 GAL		12.48
465033	DARLING ACE HARDWARE	CONDUIT, ROUNDUP, ORTHO, TAPE, STRAP RI		108.68
83409	DEFOREST BROTHERS CON	RAMP ON MULBERRY		1,250.00
83408	DEFOREST BROTHERS CON	FRONT SIDEWALK AND CURB REPLACEMENT	2015.330	10,765.00
INV20438	DORNBOS SIGN INC	SIGN POSTS	2015.312	4,549.10
13840	EMERGENCY VEHICLE SER	LED TAILLIGHT		29.36
MIMA159587	FASTENAL COMPANY	BATTERY		74.96
MIMA159692	FASTENAL COMPANY	CAGE NUTS, CASHRD FB		11.07
MIMA159696	FASTENAL COMPANY	SUPPLIES		25.71
MIMA159631	FASTENAL COMPANY	BENT CLAUSS SHEARS		25.88
MIMA159630	FASTENAL COMPANY	SHEARS RETURNED		(25.88)
MIMA159593	FASTENAL COMPANY	THREADED ROD		4.19
MIMA159595	FASTENAL COMPANY	CONCRETE ANCHORS		4.10
MIMA159498	FASTENAL COMPANY	HANDWASH		65.94
213504	FIRE EXTINGUISHER SER	FIRE EXTINGUISHER SERVICE		107.00
060115-MICHIGAN AV	FIVE STAR UNDERGROUND	START UP SPRINKLER SYSTEM - MICHIGAN AV		145.00
060115-DOWNTOWN	FIVE STAR UNDERGROUND	START UP SPRINKLER SYSTEM		220.00
060115-CITY HALL	FIVE STAR UNDERGROUND	START UP SPRINKLER SYSTEM AT CITY HALL		70.00
060115-FOUNTAIN	FIVE STAR UNDERGROUND	START UP SPRINKLER SYSTEM AT FOUNTAIN P		170.00
060115-PSB	FIVE STAR UNDERGROUND	START UP SPRINKLER SYSTEM AT PSB		90.00
060115-CARVER PK	FIVE STAR UNDERGROUND	START UP SPRINKLER SYSTEM @ CARVER PARK		270.00
5486	FUG	VEHICLE MAGNETS		60.00
11-22243	GARAGE DOORS UNLIMITE	SERVICE CALL - KETCHUM PARK		95.00
11-22515	GARAGE DOORS UNLIMITE	SUPPLY & INSTALL 12" WEATHER SEAL KEYLO		400.00
1011	GRAHAM OUTDOOR SERVIC	2015 LAWN MOWING AT CITY BUILDINGS	2015.290	530.00
1013	GRAHAM OUTDOOR SERVIC	2015 LAWN MOWING AT CITY BUILDINGS	2015.290	505.00
16895990	GUARDIAN ALARM	ADDED KEYPAD	2015.297	205.00
16896718	GUARDIAN ALARM	CITY HALL SECURITY SYSTEM	2015.297	6,817.80
937531	GWIN, DARWIN	MOW BROOKS NATURE AREA, REMOVE GARBAGE,		225.00
245413	GWIN, DARWIN	FINISH OFF 3 FOOD PLOTS		150.00
9392872	HACH COMPANY	AMMONIA		550.57
72030	HERMANS MARSHALL HARD	SCREENS, ANT SPRAY		23.27
71170	HERMANS MARSHALL HARD	STEEL WOOL		2.99
71130	HERMANS MARSHALL HARD	BATTERIES		17.99
72042	HERMANS MARSHALL HARD	CLAW HAMMER		9.79
72015	HERMANS MARSHALL HARD	WASTE ARM		5.99
71239	HERMANS MARSHALL HARD	ZIP TIE		8.29
72027	HERMANS MARSHALL HARD	POOL SKIMMER, SHOCK, CHLORINATOR		24.06
72043	HERMANS MARSHALL HARD	FLUSH VALVE		9.99
72126	HERMANS MARSHALL HARD	POCKET HOSE		24.99
72091	HERMANS MARSHALL HARD	CLOTH		8.49
72110	HERMANS MARSHALL HARD	STORM DOOR SPRING		4.29
72108	HERMANS MARSHALL HARD	TOLLET KIT		27.49
27974748-001	HERTZ EQUIPMENT RENTA	BOOM RENTAL		1,426.52
11124	HUNTER PRELL COMPANY	SERVICE CALL AT MH		435.00
2875644	IIX INSURANCE INFORMA	MOTOR VEHICLE REPORTS		18.85
2860282	IIX INSURANCE INFORMA	MOTOR VEHICLE REPORTS		41.55
1901801012130	INTERSTATE ALL BATTER	AUTOMOTIVE BATTERY		119.95
95890	J & K PLUMBING SUPPLY	UNI-STRUT		8.65
96021	J & K PLUMBING SUPPLY	MACHINE PIPE THREAD		8.66
96054	J & K PLUMBING SUPPLY	SUPPLIES		21.69
96244	J & K PLUMBING SUPPLY	VINYL TUBE		8.40
PC01267820:001	JACKSON TRUCK SERVICE	STROBE		121.17
PC0126891:001	JACKSON TRUCK SERVICE	THERMOSTAT, GASKET, C2 LED BEACON		152.65
PC01265891:001	JACKSON TRUCK SERVICE	THERMOSTAT, GASKET, LED BEACON		152.65
053115	JIMMY'S JOHNS	COMPOST CENTER		26.25
5774	JS BUXTON	BULK LIME	2015.014	1,125.49
560847	KENNEDY INDUSTRIES IN	KETCHUM PARK GRINDER PUMP STATION	2015.308	6,464.00
28304	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		225.21
28273	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		225.21
28338	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		226.83
283330	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		502.57
28322	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		238.65
28353	LAKELAND ASPHALT CORP	BITUMINOUS AGGREGATES		217.69
107017	LARRY'S FLOOR COVERIN	IMPERVO, MIXER		26.25
1034713	LEGG LUMBER	GRAVEL MIX, MASONRY BIT		28.87
1034707	LEGG LUMBER	CONCRETE, 2X8X10 #1 SYP		12.98
1034729	LEGG LUMBER	1/2 X 4 PINE C SELECT		9.60
1034644	LEGG LUMBER	WOOD STAKES		17.98

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EXP CHECK RUN DATES 06/10/2015 - 07/09/2015

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
233	MARSHALL AREA CHAMBER	MEMBERSHIP		200.00
316573	MARSHALL FEED & GRAIN	TORDON RTU		138.00
20990	MARSHALL MEDICAL ASSO	MCDONALD, DEWITT, GOODRICH		539.00
20790	MARSHALL MEDICAL ASSO	NICKELS, DAMRON		336.00
11919	MARSHALL TIRE CITY	CHASSIS & STEERING LABOR		245.14
11908	MARSHALL TIRE CITY	2 TIRES		268.66
11915	MARSHALL TIRE CITY	2 NEW TIRES INSTALLED		263.04
13566	MARSHALL TIRE CITY	ALIGNMENT CHECK		45.00
6981	MARSHALL WELDING & FA	MOTOR MOUNT FOR FLOODGATE		14.04
A19671	MIRATECH HOLDINGS, LL	PROPOSAL GL-11-1313 R3 / ELECTRIC GENER	2015.231	49,133.00
58876155	MSC INDUSTRIAL SUPPLY	MARKING PAINT - ENGINEERING		28.92
410103	NAPA OF MARSHALL	CIRCUIT BREAKER		6.99
409547	NAPA OF MARSHALL	THERMOSTATE HOUSING SEAL, CONC GOLD		23.47
410693	NAPA OF MARSHALL	PRI WIRE		40.35
410197	NAPA OF MARSHALL	UAS 9008 LAMP		14.49
409388	NAPA OF MARSHALL	FUEL FILTER		2.81
409177	NAPA OF MARSHALL	ABRASIVE WHEEL		12.49
411900	NAPA OF MARSHALL	PARTS WASHER		199.00
509126	NYE UNIFORM COMPANY	PANTS		84.71
509123	NYE UNIFORM COMPANY	SHIRTS, PANTS		174.83
26604	PAPER & I	KRAFT BAGS, PAPER/BROCHURE		44.00
5926637	POWER LINE SUPPLY	MATERIALS FOR NORTH CIRCUIT RECLOSURE P	2015.311	427.82
5928118	POWER LINE SUPPLY	MATERIALS FOR NORTH CIRCUIT RECLOSURE P	2015.311	325.28
5924664	POWER LINE SUPPLY	HOOD W/COOLING FAN		591.50
5926624	POWER LINE SUPPLY	GLOVES		77.85
5928000	POWER LINE SUPPLY	RED METER SEALS		539.89
5928289	POWER LINE SUPPLY	GLOVES		96.00
5928288	POWER LINE SUPPLY	LEATHER GLOVES		384.00
5928247	POWER LINE SUPPLY	BURNDY TOOL DIE		42.65
5926635	POWER LINE SUPPLY	15KV PIN INSULATOR		173.88
5928115	POWER LINE SUPPLY	5" PLASTIC BUSHING		60.95
5930368	POWER LINE SUPPLY	TOP TIES		828.75
5930369	POWER LINE SUPPLY	3KV ARRESTER		354.09
5930364	POWER LINE SUPPLY	FOCUS CL200 AIRPORT MODULE HP	2015.340	3,279.00
5930365	POWER LINE SUPPLY	METERS AXS4		326.58
5930367	POWER LINE SUPPLY	STEEL ANGLE BRACKET		310.49
5930039	POWER LINE SUPPLY	ATB2 ROADWAY LED LIGHT FIXTURES	2015.331	5,616.00
90422	PRINTING SYSTEMS	520 STANDARD CANCELLATION WHITE		73.85
6760	QUALITY ENGRAVING SER	UPS CHARGES		176.72
6764	QUALITY ENGRAVING SER	ENGRAVING OF WIND CHIMES FOR CAROL HAGA		8.00
6763	QUALITY ENGRAVING SER	VASE FOR MAYORS PRAYER BREAKFAST		40.00
6761	QUALITY ENGRAVING SER	NAME PLATE FOR HALEY BLACK		10.00
I1505054265	REALPAGE INC	ANNUAL FEES FOR LEASING & RENTS AFFORDA	2015.334	2,477.54
607567-00	RESCO	GE LED FIXTURES FOR RIVERWALK WITH CUST	2015.283	3,556.00
060115	ROACH HOME IMPROVEMEN	REMODELING OF ED RICE'S OFFICE AREA AT	2015.338	2,613.00
339890	ROE-COMM., INC	BASE STATION AND ANTENNA INSTALATION	2015.294	1,614.00
102182	SHAFER REDI-MIX INC	LIMESTONE		2,513.70
15056	STANDARD PRINT & OFFI	DEPOSIT ONLY STAMP		24.40
15021	STANDARD PRINT & OFFI	BUSINESS CARDS - KRISTIN BAUER		59.96
P020013528	TELEDYNE ISCO, INC	SAMPLER REPAIR	2015.299	1,244.43
1	THE TOWER CLOCK COMPA	REPAIR OF CITY HALL'S CLOCK TOWER	2015.341	2,300.00
21523182-1	TOM'S BODY SHOP	DART BUS REPAIR		1,842.14
3175A	TRAFFIC SIGNS, INC	ARROW SIGNS		111.00
79878	TROUP ELECTRONICS INC	KENWOOD RADIO	2015.267	808.00
78231	TROUP ELECTRONICS INC	REMOVE RADIO SYSTEM AND REINSTALL IN FO		679.00
				424,387.25

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1110012-000	AD-VISOR & CHRONICLE	FACILITIES MANAGER AD		79.96
05/27/2015	AYRES, ERICHA	UB refund for account: 2901430023		2.57
052515	BALLARD, FRANK R	INSPECTOR COMMISSION		2,383.66
052215	BEARDSLEE LAW OFFICES	MAY SERVICES		1,389.50
052815	BEURER, DUSTIN	REFUND OVERPAYMENT OF SOFTBALL SPONSOR		144.00
3015	CB HALL ELECTRIC COMP	ELECTRIC SERVICES FOR FARMERS MARKET	2015.323	4,300.00
3014	CB HALL ELECTRIC COMP	ELECTRICAL WORK FOR NEW DART OFFICE REM	2015.324	1,500.00
71669936	CNA SURETY	SURETY BOND - BLUES FEST		50.00
203495451484	CONSUMERS ENERGY	1000 0916 3435		179.76
201448576145	CONSUMERS ENERGY	1000 0759 4680		62.31
206432116197	CONSUMERS ENERGY	1000 6710 1772		19.38
204029400915	CONSUMERS ENERGY	1030 0915 7670		23.29
202872467018	CONSUMERS ENERGY	1030 1352 1119		14.22
203851425523	CONSUMERS ENERGY	1030 1580 0248		175.35
203495451486	CONSUMERS ENERGY	1000 0916 3971		345.52
203495451485	CONSUMERS ENERGY	1000 0916 3708		41.70
203495451483	CONSUMERS ENERGY	1000 0916 3203		94.94
052515	DEVENEY, JAMES R	INSPECTOR COMMISSION		296.25
5-038-88340	FEDEX	OVERNIGHT CHECK TO POTTER DIST		21.68
052015	FISHER, CHARLIE	SCHOOL LUNCH		15.47
052015	FREDS, MATT	SCHOOL LUNCH		18.76
052515	GROSS, JOHN	INSPECTOR COMMISSION		342.50
05/27/2015	JOSEPH, BETSY & JEREM	UB refund for account: 1301920011		18.74
3960-0515	MARSHALL COMMUNITY CU	3960 - SCHWARTZ		961.30
3225-0515	MARSHALL COMMUNITY CU	3225 - RAMEY		1,038.35
30079488	MCMASTER-CARR	BRASS BODY LOCKS		167.15
052515	NICHOLS, JEFFREY S	INSPECTORS COMMISSION		285.00
12022	QUALITY LAWN CARE	LAWN CARE AT STATE FARM BLDG		920.00
052715	R W MERCER COMPANY	REFUND PERMIT FEE OVERPAYMENT - 104 WIN		5.00
052015	RICE, EDWARD	PARKING FEE AT MMEA MEETING		9.00
042415	SEARS, THERESA	NAHRO SPRING CONFERENCE		127.69
38-6004708-ADJ	STATE OF MICHIGAN	38-6004708 ADDITIONAL TAX DUE, FEB 2015		81.43
052615	STATE OF MICHIGAN ENV	OPERATOR LICENSE RENEWAL--A EGNATUK		95.00
52615	STATE OF MICHIGAN ENV	OPERATOR LICENSE RENEWAL--LYNN COOK		95.00
051915	SUNDBERG, KIP	SCHOOL LUNCH		18.76
052815	TRUDEAU, TERT	ENCHANTED FOREST SUPPLIES		158.73
9744939058	VERIZON WIRELESS	ACCT #987146080-00002		40.01
042415	WALLING, ROBIN	NAHRO SPRING CONFERENCE		120.84
10040269-0515	WOW! BUSINESS	ACCT #010040269		709.52
052015	ZEBOLSKY, JOEL	SCHOOL LUNCH		16.23
52015	ZEBOLSKY, JOEL	PARKING FEES FOR GLEUS CONFERENCE		10.00
				16,378.57

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
SEC DEP	BANFIELD, BRIAN	REFUND SECURITY DEPOSIT		150.00
MAY 2015	CALHOUN COUNTY TREASU	TRAILER FEE REMITTANCE - MAY 2015		80.00
2550568915-0615	CHEMICAL BANK SOUTH	HSA ACCT#2550568915 TRACY HALL		585.00
2551293919	CHEMICAL BANK SOUTH	HSA ACCT #2551293919 KRISTIN BAUER		682.50
2551002567-0615	CHEMICAL BANK SOUTH	HSA ACCT# 2551002567 CHARLES FISHER		585.00
060215	CLARK, DANNY	ENERGY OPTIMIZATION - LIGHTING		20.00
667688	COMMERCIAL OFFICE PRO	WASTEBASKET, CHAIR, DRAWER, MATS		843.51
201537574276	CONSUMERS ENERGY	1000 0033 5602		1,038.30
200280021	DEVERS, LINDA	REFUND UTILITY OVERPAYMENT		58.77
052915	DOPP, WILLIAM	EXPENSE REIMBURSEMENT		129.95
31358366	MCMASTER-CARR	SHOP TOWELS/RAGS		193.61
S3771462.001	MEDLER ELECTRIC COMPA	LIGHTING FOR CITY HALL		78.25
S3771462.002	MEDLER ELECTRIC COMPA	LIGHTING FOR CITY HALL		89.10
S3768706.001	MEDLER ELECTRIC COMPA	LED 6' CAN TRIM - CITY HALL LIGHTING		67.82
060115	MERUCCI, JOHN & KELLY	SEWER LINE SETTLEMENT ON LOCATION OF SE		1,240.01
052215	MESERVEY, LYNNE	FARMERS MARKET EXPENSES		2,379.53
060215	MID-MICHIGAN ASSESSOR	JUNE MEETING - JULIE CAIN-DEROUIN		15.00
06/04/2015	MILLER, ASHLEIGH	UB refund for account: 700500021		78.10
38-6004708-12/2014	STATE OF MICHIGAN	#38-6004708 SALES TAX FOR 12/2014		382.84
38-6004708-0515	STATE OF MICHIGAN	38-6004708 MAY 2015 SALES TAX		24,888.31
06/04/2015	SUTTON, ASHLEY	UB refund for account: 2100700004		26.22
06/04/2015	WARNER, STEPHANIE	UB refund for account: 700770021		48.11
14226414	WOW! BUSINESS	ACCT #014226414		95.15
				33,755.08

**CITY OF MARSHALL  
COUNTY OF CALHOUN, STATE OF MICHIGAN  
RESOLUTION # 2015-**

**A RESOLUTION TO EXPRESS CONGRATULATIONS  
AND PUBLIC APPRECIATION TO NICOLE STANLEY ON  
THE OCCASION OF EARNING THE GIRL SCOUT GOLD  
AWARD, AND FOR HER GOLD AWARD PROJECT TITLED  
“SAFER BARRIER, SAFER RACING” WHICH INCREASED  
SAFETY FOR DRIVERS OF RACE CARS ON A LANSING  
TRACK.**

WHEREAS, the City Council of the City of Marshall is aware that Nicole Stanley has earned the Girl Scout Gold Award by completing all requirements of that award, and was recognized in a court of honor held on May 3<sup>rd</sup>, 2015; and

WHEREAS, Nicole Stanley has distinguished herself by earning the Gold Award, the highest level of achievement in the Girl Scouts of the USA, which is earned by only 5.4% of eligible Girls in GSUSA; and

WHEREAS, Nicole Stanley has also provided Members of the Capitol Quarter Midgets Association and other drivers of race cars, through her Gold Award Project, safer racing conditions by securing funds to replace old steel guardrail with plastic barrier at a local Lansing racetrack, and

WHEREAS, Girl Scout Troop 80200, of Marshall, MI, and Nicole Stanley most particularly, embody the spirit of Scouting in America.

NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Marshall hereby recognizes and congratulates Nicole Stanley on her significant life achievement, to thank her for her time and effort spent to better herself and those with whom she is acquainted and wishes her well on all of her future endeavors.

BE IT FURTHER RESOLVED that the City Council of the City of Marshall encourages its citizens to consider Nicole Stanley as an example of one of Marshall’s finest community-minded and goal-oriented young women.

This Resolution shall take effect upon adoption.

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Date

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Jack Reed, Mayor

**CITY OF MARSHALL  
COUNTY OF CALHOUN, STATE OF MICHIGAN  
RESOLUTION # 2015-**

**A RESOLUTION TO EXPRESS CONGRATULATIONS  
AND PUBLIC APPRECIATION TO ALENA BUCZYNSKI ON  
THE OCCASION OF EARNING THE GIRL SCOUT GOLD  
AWARD, AND FOR HER GOLD AWARD PROJECT OF  
SUSTAINING A TRAP SHOOTING CLUB AT MARSHALL  
HIGH SCHOOL.**

WHEREAS, the City Council of the City of Marshall is aware that Alena Buczynski has earned the Girl Scout Gold Award by completing all requirements of that award, and was recognized in a court of honor held on May 3<sup>rd</sup>, 2015; and

WHEREAS, Alena Buczynski has distinguished herself by earning the Gold Award, the highest level of achievement in the Girl Scouts of the USA, which is earned by only 5.4% of eligible Girls in GSUSA; and

WHEREAS, Alena Buczynski has also provided Marshall High School, through her Gold Award Project, all students, even students with disabilities, an opportunity to earn a Varsity Athletic Award, and

WHEREAS, Girl Scout Troop 89812, of Marshall, MI, and Alena Buczynski most particularly, embody the spirit of Scouting in America.

NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Marshall hereby recognizes and congratulates Alena Buczynski on her significant life achievement, to thank her for her time and effort spent to better herself and those with whom she is acquainted and wishes her well on all of her future endeavors.

BE IT FURTHER RESOLVED that the City Council of the City of Marshall encourages its citizens to consider Alena Buczynski as an example of one of Marshall's finest community-minded and goal-oriented young women.

This Resolution shall take effect upon adoption.

\_\_\_\_\_ Date

\_\_\_\_\_ Jack Reed, Mayor

## EVENT REPORT

**EVENT:** Walk to End Alzheimer's 2015

**EVENT LOCATION:** Stuarts Landing

**SPONSOR:** Alzheimer's Association Michigan Great Lakes Chapter  
Event Organizer Kristin Burt

**EVENT DATE:** Saturday, August 29, 2015

**EVENT TIMEFRAME:** 5:30a – Noon

**MDOT PERMIT REQUIRED:** No

**MDOT PERMIT GRANTED:** NA

**ROAD CLOSURE DETAIL:** None – Event will be on the trails around the Stuart Landing Park.

**ROAD CLOSURE TIMEFRAME:** N/A

**EVENT CLOSURE DETAIL:** The Park will be used for the event and will limit the use of other activities. The Park will remain open to all community members, but may impact uses because of tents and use of the pavilion area.

**DETOUR DETAIL:** N/A

### **EVENT DETAIL:**

Walkers will begin to arrive around 7:30am. We will check them in (they receive their t-shirts and hand in money they have raised). At 8:45am we will have a 15 minute opening ceremony in which a person with Alzheimer's and/or a community dignitary will speak about their experience with Alzheimer's disease. The speeches will then begin the walk around Stuart's Landing. The walk typically takes people ~30-45 minutes depending on the size of the group and how long the trail ends up being. After the Walk concludes (~9:40am) we will have a short closing ceremony in which we announce how much money has been raised and a thank you to everyone for being involved. Some people will then socialize and linger; others will leave. Clean up will begin as soon as we see the crowd diminishing. This is a new event in the Marshall area so all times are approximate as is our guess as to how many people will attend (~300).

**What the program is intended for:** The Walk raises community awareness throughout the year about Alzheimer's disease, the most common form of dementia and the 6th leading cause of death in the United States. The Walk is a year-long campaign to raise funds that go to research, programs and care giving groups in Michigan. The Walk itself

(Day of) is a celebration of how much we have raised, remembering those we have lost, and providing hope for the future and finding a cure.

**Information/education booths:** We will have booths and information having to do with programs, community resources, presentations and care giver support groups that we host in the area as well as information about how to become involved with the advocacy side of the Alzheimer's Association. We will also be passing out cards having to do with Trial Match, which is the opportunity to sign up to take part in research studies in the area.

**COUNCIL NOTIFICATION DATE:**      June 15, 2015

## EVENT REPORT

**EVENT:** Bellevue Schools 5<sup>th</sup> Grade Camp Mud Run and Truck Show

**EVENT LOCATION:** Calhoun County Events and Fairground.

**SPONSOR:** Bellevue 5<sup>th</sup> Grade Campground Fundraiser

**EVENT DATE:** Friday, June 19, 2015  
Saturday, June 20, 2015

**EVENT TIMEFRAME:** Friday 12p – 8p  
Saturday 8a - 4p

**MDOT PERMIT REQUIRED:** No

**MDOT PERMIT GRANTED:** NA

**ROAD CLOSURE DETAIL:** None – Event will be held on the fairground property

**ROAD CLOSURE TIMEFRAME:** N/A

**EVENT CLOSURE DETAIL:** N/A

**DETOUR DETAIL:** N/A

### **EVENT DETAIL:**

**Friday June 19<sup>th</sup>:** Gates will open at 12 Noon, for camping and event registration. Trucks will be on display all day. Tug-a-War event starts Friday at 7PM.

**Saturday June 20<sup>th</sup>:** Gates open at 8AM. Weight Pull at 12 Noon. Followed by Hill-N-Hole, Obstacle Course, Free Style, and Long Jump with a 10 to 15 minute intermission between each event.

Saturday Night after all events there will be a bonfire and music, (dj or band) for all participants and spectators to enjoy.

**Sunday June 21<sup>st</sup>:** This day is for cleanup, no events scheduled. We respectfully request that those who choose to camp and any vendors, please clean up your sites and head out until next time. If you brought it with you take it with you.

Our target market for this event will be event auto enthusiast, young or old, male or female. This could be the largest target market in the auto industry.

**COUNCIL NOTIFICATION DATE:** June 15, 2015

## EVENT REPORT

**EVENT:** 2015 Holiday Chicken BBQ

**EVENT LOCATION:** Kalamazoo at Michigan Ave

**SPONSOR:** Oaklawn Hospital & Marshall Chamber

**EVENT DATE:** Saturday, July 4, 2015

**EVENT TIMEFRAME:** 9:00a – 2:00p

**MDOT PERMIT REQUIRED:** Yes

**MDOT PERMIT GRANTED:** In Progress

**ROAD CLOSURE DETAIL:** The roadway will be barricaded off on Michigan Ave. between Grand St. and Sycamore St and on Kalamazoo between Mansion Street and Green Street.

**ROAD CLOSURE TIMEFRAME:** N/A

**EVENT CLOSURE DETAIL:** The roadway will be monitored so that bicycle riders will be able to ride two abreast as stated in the motor vehicle statutes. The event will have an emergency vehicle in front and an emergency vehicle following behind.

**DETOUR DETAIL:** Traffic will be detoured to the adjacent local streets..

### **EVENT DETAIL:**

The Chicken BBQ and the Pet, Bike and Wagon Parade are a common place in Marshall every year on the 4<sup>th</sup> of July. The road will be closed at 9:00am for set up. 10:am the children will parade around the fountain with their pets, decorated bikes and wagons while being judged for prizes. 10:45am the flag raising ceremony begins followed by the Rotary Band playing at 11:00am. Chicken dinners will be served throughout the event.

**COUNCIL NOTIFICATION DATE:** June 15, 2015.



**ADMINISTRATIVE REPORT**  
**JUNE 15, 2015 – CITY COUNCIL MEETING**

**REPORT TO:** Mayor Jack Reed and City Council Members

**FROM:** Paul Beardslee, City Attorney

**SUBJECT:** Changes to Michigan's Freedom of Information Act

**BACKGROUND:** The Michigan legislature has adopted significant changes to Michigan's Freedom of Information Act (FOIA).

The purpose of the changes is to set “statewide standards that would govern costs for reproducing records requested under the Freedom of Information Act.” These amendments were enacted as 2014 PA 563, which will become effective on July 1, 2015. One significant change is that the municipality is obligated to publish (and post on its website) an “easily understood summary” of FOIA policies and procedures.

The revised law also requires that the City adopt a “standard form for detailed itemization of any fee amount in [a public body’s] responses to written requests.” The revisions also limit the manner in which the City calculates its fees for the collection of information in response to FOIA requests and the way in which the City calculates the cost of reproduction of information.

The forms which are being provided to you are modeled after forms originally drafted by Attorney Clyde Robinson for the City of Kalamazoo. Clyde has graciously shared his work with the Michigan Association of Municipal Attorneys and I have opted not to try to duplicate his efforts at your expense. I will plan to attend Monday night's City Council meeting to address any questions you may have.

**RECOMMENDATION:** I recommend that Council adopt the proposed policy and guidelines which include the attached forms by reference.

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

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

Paul K. Beardslee  
City Attorney

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

## **CITY OF MARSHALL WRITTEN PUBLIC SUMMARY OF FOIA PROCEDURES & GUIDELINES**

Consistent with Public Act 563 of 2014 amending the Michigan Freedom of Information Act (FOIA), the following is the City of Marshall Written Public Summary of its FOIA Procedures and Guidelines

### **1. How do I submit a FOIA request to the City of Marshall?**

- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Marshall must be submitted in writing.
- A request must sufficiently describe a public record so as to enable the City to find it.
- No specific form to submit a written request is required. However a FOIA Request form for your use and convenience is available on the City's website at [www.CityofMarshall.com](http://www.CityofMarshall.com)
- Written requests can be made in person by delivery to any City office in person or by mail.
- Requests can also be made by facsimile at 269-781-3835 for non-Public Safety records and 269-781-xxxx for Public Safety records.
- A request may also be submitted by e-mail. To ensure a prompt response, e-mail requests should contain the term "FOIA" or "FOIA Request" in the subject line and be sent to [tnelson@cityofmarshall.com](mailto:tnelson@cityofmarshall.com)

*Note: If you are serving a sentence of imprisonment in a local, state or federal correctional facility you are not entitled to submit a request for a public record.*

### **2. What kind of response can I expect to my request?**

- Within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile or e-mail the request is deemed to have been received on the following business day. The City will respond to your request in one of the following ways:
  - Grant the request.
  - Issue a written notice denying the request.
  - Grant the request in part and issue a written notice denying in part the request.
  - Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond.
  - Issue a written notice indicating that the public record requested is available at no charge on the City's website.
- If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available. If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

### **3. What are the City's fee deposit requirements?**

- If the City has made a good faith calculation that the total fee for processing the request exceeds \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit it will provide you a non-binding best efforts estimate of how long it will take to process the request following receipt by the City of your deposit.
- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when all of the following conditions exist:
  - the final fee for the prior written request is not more than 105% of the estimated fee;
  - the public records made available contained the information sought in the prior written request and remain in the City's possession;
  - the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
  - 90 days have passed since the City notified the individual in writing that the public records were available for pickup or mailing;
  - the individual is unable to show proof of prior payment to the City; and
  - the City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City will not require the 100% estimated fee deposit if any of the following apply:
  - the person making the request is able to show proof of prior payment in full to the City;
  - the City is subsequently paid in full for all applicable prior written requests; or
  - 365 days have passed since the person made the request for which full payment was not remitted to the City.

### **4. How does the City calculate FOIA processing fees?**

- A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

- The Michigan FOIA statute permits the City to assess and collect a fee for six designated processing components. The City may charge for the following costs associated with processing a request:
  - Labor costs associated with searching for, locating and examining a requested public record.
  - Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
  - The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media.
  - The cost of duplication or publication, not including labor, of paper copies of public records.
  - Labor costs associated with duplication or publication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
  - The cost to mail or send a public record to a requestor.
- Labor Costs
  - Labor costs for searching, locating and examining a requested public record and labor costs for the review of a record to separate and delete information exempt from disclosure from information which is disclosed is estimated and charged in 15 minute increments with all partial time increments rounded down.
  - Labor costs for the duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means when asked for by the requestor, will be charged in 6 minute increments, with all partial time increments rounded down.
  - Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
  - Labor costs will also include a charge to cover or partially cover the cost of fringe benefits.
- Non-paper Physical Media
  - The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- Paper Copies
  - Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets will reflect the actual cost of reproduction.
  - The City may provide records using double-sided printing, if cost-saving and available.
- Mailing Costs
  - The cost to mail public records will use a reasonably economical and justified means.
  - The City may charge for the least expensive form of postal delivery confirmation.
  - No cost will be made for expedited shipping or insurance unless requested.

**5. How do I qualify for a reduction of the processing fees?**

- The City may waive or reduce the fee associated with a request when City determines that to do so is in the public interest because release of the information is considered as primarily benefitting the general public.
- The City will waive the first \$20.00 of the processing fee for a request if you submit an affidavit stating that you are:
  - indigent and receiving specific public assistance; or
  - if not receiving public assistance, stating facts demonstrating an inability to pay because of indigency.
- You are not eligible to receive the \$20.00 waiver if you:
  - have previously received discounted copies of public records from the City twice during the calendar year; or
  - are requesting information on behalf of other persons who are offering or providing payment to you to make the request.
- An affidavit is sworn statement. For your convenience the City has provided an Affidavit of Indigency form for the waiver of FOIA fees on its website.

- The City will waive the first \$20.00 of the processing fee for an nonprofit organization which meets all of the following conditions:
  - the organization is designated by the State under federal law to carry out activities under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act;
  - the request is made directly on behalf of the organization or its clients;
  - the request is made for a reason wholly consistent with the provisions of federal law under Section 931 of the Mental Health Code; and
  - the request is accompanied by documentation of the organization's designation by the State

**6. How may I challenge the denial of a public record or an excessive fee?**

- Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may file an appeal of the denial with the Office of the City Manager through the City Clerk. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons you are seeking a reversal of the denial.

Within 10 business days of receiving the appeal the Mayor will respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the Mayor, you may file a civil action in Calhoun County Circuit Court within 180 days after the City's final determination to deny your request. Should you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1000.00

- Appeal of an Excessive FOIA Processing Fee

If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first submit a written appeal for a fee reduction to the Office of the City Manager through the City Clerk. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the City Manager will respond in writing by:

- waiving the fee;
- reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Mayor will respond to the written appeal.

Within 45 days after receiving notice of the City Manager's determination of the processing fee appeal, you may commence a civil action in Calhoun County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.00.

**Need more details or information?**

This is only a summary of the City of Marshall's FOIA Procedures and Guidelines. For more details and information, copies of the City of Marshall's FOIA Procedures and Guidelines are available at no charge at any City office and on the City's website, [www.cityofmarshall.com](http://www.cityofmarshall.com)

- Fully note the charge reduction in the Detailed Itemization of Costs Form

### **Section 6: Waiver of Fees**

Absent a waiver by the FOIA Coordinator in whole or in part, all charges associated with processing a FOIA request shall be paid in full before the release of any public records. The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public.

In determining whether the general public is primarily benefited, the FOIA Coordinator shall consider the following factors, none of which shall be determinative:

- whether the public record being disclosed serves the public policy purposes set forth at Section 1 of the FOIA;
- whether the release primarily serves a private or commercial purpose;
- whether the release implicates the rights of third persons;
- whether waiver of the fee is in the best interest of the City; and
- the manner in which similar requests have been treated.

The City will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- indigent and receiving specific public assistance; or
- if not receiving public assistance stating facts demonstrating an inability to pay because of indigency.

An individual is not eligible to receive the waiver if:

- the requestor has previously received discounted copies of public records from the City twice during the calendar year; or
- the requestor requests information in connection with other persons who are offering or providing payment to make the request.

The affidavit shall be a sworn statement made under the penalty of perjury. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

The City will waive the first \$20.00 of the processing fee for a request from a nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

- is made directly on behalf of the organization or its clients;
- is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931; and
- is accompanied by documentation of its designation by the State.

### **Section 7: Appeal of a Denial of a Public Record**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial directed to the Office of the City Manager and filed with the office of the City Manager with a copy to the City Clerk. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. Upon receipt a copy of the appeal and a written report and recommendation from the City Manager or the City Attorney shall be distributed to all members of the City Council.

Within 10 business days of receiving the appeal the City Manager shall respond in writing by:

- reversing the disclosure denial;
- upholding the disclosure denial; or
- reversing the disclosure denial in part and upholding the disclosure denial in part.
- Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the City Manager may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal.

Any exemption to the release of requested public records shall be narrowly construed and the burden shall be upon the FOIA Coordinator to demonstrate that the denial of information is justified and should be upheld.

The City Manager shall provide a copy of his or her written response to the appeal to the other members of the City Council, and file a copy with the City Clerk for public inspection.

Whether or not a requestor submitted an appeal of a denial to the City Manager, he or she may file a civil action in Calhoun County Circuit Court within 180 days after the City's final determination to deny the request.

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs and disbursements.

If the court determines that the City arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the \$1,000.

### **Section 8: Appeal of an Excessive FOIA Processing Fee**

If a requestor believes that the fee or the good faith deposit charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction directed to the Office of the City Manager and filed with the City Clerk. The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the City Manager will respond in writing by:

- waiving the fee;
- reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee, accompanied by a certification by the City Manager that the statements in the determination are accurate and the reduced fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA;
- upholding the fee and issue a written determination indicating the specific basis under Section 4 of the FOIA that supports the required fee, accompanied by a certification by the City Manager that the statements in the determination are accurate and the fee amount complies with these Procedures and Guidelines and Section 4 of the FOIA; or
- issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Manager will respond to the written appeal.

The City Manager shall provide a copy of his or her written response to the appeal to the members of the City Council, and file a copy with the City Clerk for public inspection.

Within 45 days after receiving notice of the City Manager's determination of a fee appeal, a requestor may commence a civil action in Calhoun County Circuit Court for a fee reduction. If a civil action is filed appealing the fee, the City is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements.

If the court determines that City has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.

### **Section 9: Conflict with Prior FOIA Policies and Procedures; Effective Date**

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City Council or the City Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the City Council or the City Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the City Council or the City Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State law. The FOIA Coordinator shall inform the City Council of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

#### **Section 10: Appendix of City of Marshall FOIA Forms**

The FOIA Coordinator is authorized to develop those forms necessary or convenient to process FOIA requests, including, but not limited to the following:

- Request Form
- Denial Form
- Waiver of Fee Form
- Detailed Itemization of Fees Form
- Appeal Form
- Certification Form

**EFFECTIVE DATE:** \_\_\_\_\_

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

### Preamble: Statement of Principles

It is the policy of the City of Marshall that all persons, except those who are serving a sentence of imprisonment, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they may fully participate in the democratic process.

The City of Marshall's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The City of Marshall acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City of Marshall acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The City of Marshall will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City of Marshall's policy is to disclose public records consistent with and in compliance with State law.

#### **Section 1: General Policies**

The City Council acting pursuant to the authority at MCL 15.236 designates the City Clerk as the FOIA Coordinator. She or he is authorized designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and approve denials.

If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. If a request is sent by e-mail and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review City spam and junk-mail folders on a regular basis, which shall be no less than one time per month. The FOIA Coordinator shall work with City staff or information technology contractors to develop administrative rules for handling spam and junk-mail so as to protect City systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The City is not obligated to create a new public record or make a compilation or summary of information which does not already exist. The FOIA Coordinator or other City staff is not obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

A copy of all written requests for public records received by the City shall be maintained for a period of at least one year. The retention of such requests shall be the responsibility of the FOIA Coordinator or, in the event that the records were released without review by the FOIA Coordinator, by the City Department which accepted and processed the request.

The City Manager is designated by the City Council as the head of the public body for the purpose of responding to appeals of a denial of all or portion of a public record and appeals of processing fees. In the event of the absence or disability of the City Manager, the City Attorney shall act in the place of the City Manager.

Any subpoena from any court, attorney, or any other person which requests the production of any City record shall immediately be forwarded to the Office of City Attorney and falls outside the scope of this Policy.

## **Section 2: Requesting a Public Record**

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by City of Marshall must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by facsimile and e-mail. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, electronically mailed or other otherwise provided to him or her in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the City of Marshall on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person who makes a verbal, non-written request for information believed to be available on the City's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

The FOIA Coordinator may implement administrative rules permitting verbal requests for public records in designated instances. Verbal requests for public records not available on the City's website are not considered to fall within the scope of the FOIA statute; shall only be responded to where the record in question will be made available or released in its entirety; and when waiver of the requirement of a written request and release of the record, in the particular instance, serves the best interests of the requesting party, the general public and the City. In the event that the public record sought by a verbal request will not be released its entirety, the requesting party shall be advised to file a written request.

Any request to review and/or receive copies of any portion of a personnel file maintained or possessed by the City must be made in writing. This policy does not affect the right of current or former City employees to review or receive copies of documents from their own personnel files.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

### **Section 3: Processing a Request**

Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. The City will respond to the request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond. Only one such extension is permitted for each request.
- Issue a written notice indicating that the public record requested is available at no charge on the City's website.

The FOIA Coordinator, or such other individuals as he or she may designate, shall have exclusive authority to deny any FOIA request, either entirely or in part.

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of these Procedures and Guidelines along with its Written Public Summary shall be provided to the requestor with the response to a written request for public records, provided however, that if these Procedures and Guidelines, and its Written Public Summary are maintained on the City's website, then a website link to those documents may be provided in lieu of providing paper copies.

If the cost of processing a FOIA request is \$50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If based on a good faith calculation by the City, the cost of processing a FOIA request is expected to exceed \$50, or if the requestor has not fully paid for a previously granted request, the City will require a good-faith deposit before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the City Manager or seek judicial review in the Calhoun County Circuit Court; and
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator or his or her designee.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

The City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

#### **Section 4: Fee Deposits**

If the fee estimate to provide the requested public records is expected to exceed \$50.00 based on a good-faith calculation by the City, the requestor will be asked to provide a deposit not exceeding on-half of the total estimated fee.

If a request for public records is from a person who has not fully paid the City for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- the final fee for the prior written request is not more than 105% of the estimated fee;
- the public records made available contained the information sought in the prior written request and remain in the City's possession;
- the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;

- 90 days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- the individual is unable to show proof of prior payment to the City; and
- the FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- the person making the request is able to show proof of prior payment in full to the City;
- the City is subsequently paid in full for the applicable prior written request; or
- 365 days have passed since the person made the request for which full payment was not remitted to the City.

**Section 5: Calculation of Fees**

Consistent with the authority granted by statute, it is the intent of the City to charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record so that its general fund and departmental budgets are not unduly burdened by the costs associated with processing FOIA requests.

A fee will not be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to the City:

- The particular request incurs costs greater than incurred from the typical or usual FOIA request received by the City.
- Volume or size of the public record requested
- Whether the amount of time spent to search for, examine, review or separate exempt from non-exempt information in the record requested exceeds 15 minutes.
- Whether public records from more than one City department or various City offices is necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The City may charge for the following costs associated with processing a FOIA request:

- Labor costs directly associated with searching for, locating and examining a requested public record, if the failure to charge a fee results in unreasonably high costs to the City.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed, if the failure to charge a fee results in unreasonably high costs to the City.
- The actual cost of computer discs, computer tapes or other digital or similar media.
- The cost of duplication of publication, not including labor, of paper copies of public records.
- The cost of labor associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means when asked for by the requestor.
- The actual cost of mailing or sending a public record, including the least expensive form of postal delivery confirmation; as well as the cost of expedited shipping or insurance when such is asked for by the requestor.

Labor costs will be calculated based on the following requirements:

- Labor costs directly associated with searching for, locating and examining a requested public record and labor costs associated with a review of a record to separate and delete information exempt from disclosure from information which is disclosed will be estimated and charged in 15 minute increments with all partial time increments rounded down.
- Labor costs associated with duplication or publication, including making paper copies, making digital copies or transferring digital public records to non-paper physical media or through the Internet or other electronic means when asked for by the requestor, will be charged in 6 minute increments, with all partial time increments rounded down.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- In order to ensure the integrity and security of the City's technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requestor

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The City may provide records using double-sided printing, if cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless requested.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

- Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
  - The late response was willful and intentional.
  - The written request, within the first 250 words of the body of a letter facsimile, e-mail or e-mail attachment conveyed a request for information
  - The written request included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy" or a recognizable misspelling of such, or legal code reference to MCL 15. 231 et seq or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.

**City of Marshall**  
**323 W. Michigan Ave.**  
**Marshall, MI 49092**  
Office (269) 781-5183 Fax (269) 781-3835  
www.CityofMarshall.com

## INSPECTION OF RECORDS

### **Public Inspection of Records**

Upon receiving a verbal request to inspect records, the City shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records.

A person shall be allowed to inspect public records during usual business hours, not less than four hours per day. The public does not have unlimited access to offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of personnel.

City officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

In coordination with the official responsible for the records, the FOIA coordinator shall determine on a case-by-case basis when the will provide copies of original records, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

The FOIA Coordinator is responsible for identifying if records or information requested by the public is stored in digital files or e-mail, even if the public does not specifically request a digital file or e-mail.

A person cannot remove books, records or files from the place the City has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

### **Copies May Be Required to Enable Public Inspection of Records**

In coordination with the official responsible for the records, the FOIA coordinator will determine (*by policy, on a case-by-case basis, or both*) when the City will provide

copies of original records, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection.

A fee will be charged for copies made to enable public inspection of records, according to the City's FOIA policy.

City: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

**City of Marshall**  
**323 W. Michigan Ave.**  
**Marshall, MI 49068**  
 Office (269) 781-5183 Fax (269) 781-3835  
 www.CityofMarshall.com

**Request Form**  
*Note: Requestors are not required to use this form. The City may complete one for recordkeeping if not use*

## FOIA Request for Public Records

**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:** • Email • Fax • Other Electronic Method  
 Date delivered to junk/spam folder: \_\_\_\_\_  
 Date discovered in junk/spam folder: \_\_\_\_\_  
 (Please Print or Type)

**Request for:** • Copy • Certified copy • Record inspection • Subscription to record issued on regular basis  
**Delivery Method:** • Will pick up • Will make own copies onsite • Mail to address above • Email to address above  
 • Deliver on digital media provided by the : \_\_\_\_\_

**Note:** The City is not required to provide records in a digital format or on digital media if the City does not already have the technological capability to do so.

**Describe the public record(s) as specifically as possible. You may use this form or attach additional sheets:**


**Consent to Non-Statutory Extension of City's Response Time**

I have requested a copy of records or a subscription to records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the City must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension. However, I hereby agree and stipulate to extend the City's response time for this request until: \_\_\_\_\_ (month, day, year).

<b>Requestor's Signature</b>	<b>Date</b>
------------------------------	-------------

*(Complete both sides)*

**Records Located on Website**

If the City directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the City must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the City has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the must provide the public records in the specified format (if the has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on City Website**

I hereby stipulate that, even if some or all of the records are located on a website, I am requesting that the make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to the using overtime wages in calculating the following labor costs as itemized in the following categories:

- 1. • Labor to copy/duplicate
- 2. • Labor to locate
- 3a. • Labor to redact
- 3b. • Contract labor to redact
- 6b. • Labor to copy/duplicate records already on 's website

Requestor's Signature

Date

**Request for Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- 1) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,
- 2) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:** • Affidavit Received • Eligible for Discount • Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

**Request for Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- 1) Is made directly on behalf of the organization or its clients.
- 2) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- 3) Is accompanied by documentation of its designation by the state, if requested by the .

**Office Use:** • Documentation of State Designation Received • Eligible for Discount • Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Date:

Requestor's Signature:

City: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

City of Marshall
323 W. Michigan Ave.
Marshall, MI 49068
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Denial Form

Notice of Denial of FOIA Request
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Table with 3 columns: Name, Firm/Organization, Street, City, Phone, Fax, Email, State, Zip

Request No.: Date Received: Check if received via: Email Fax Other Electronic Method
Date of This Notice: Date delivered to junk/spam folder:
(Please Print or Type) Date discovered in junk/spam folder:
Request for: Copy Certified copy Record inspection Subscription to record issued on regular basis
Delivery Method: Will pick up Will make own copies onsite Mail to address above Email to address above
Deliver on digital media provided by the:

Record(s) You Requested: (Listed here or see attached copy of original request)

All OR Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact at

Reason for Denial:

- 1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection (insert number), because:
2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the . A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record:
3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection (insert number), because:

A brief description of the information that had to be separated or deleted:

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Council or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

Date:

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that Council or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

City: Keep original and provide copy, along with Public Summary, to requestor at no charge.

**City of Marshall**  
**323 W. Michigan Ave.**  
**Marshall, MI 49068**  
Office (269) 781-5183 Fax (269) 781-3835  
www.CityofMarshall.com

Extension Form

**Notice to Extend Response Time for FOIA Request**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:** • Email • Fax • Other Electronic Method  
**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_  
(Please Print or Type) **Date discovered in junk/spam folder:** \_\_\_\_\_

**Request for:** • Copy • Certified copy • Record inspection • Subscription to record issued on regular basis  
**Delivery Method:** • Will pick up • Will make own copies onsite • Mail to address above • Email to address above  
• Deliver on digital media provided by the : \_\_\_\_\_

**Record(s) You Requested:** (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We are extending the date to respond to your FOIA request for no more than 10 business days, until \_\_\_\_\_ (month, day, year).  
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact  
\_\_\_\_\_ at \_\_\_\_\_

**Estimated Time Frame to Provide Records:** \_\_\_\_\_ (days or date)  
The time frame estimate is nonbinding upon the , but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

**Reason for Extension:**

• 1. The City needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the City must:  
\_\_\_\_\_  
\_\_\_\_\_

• 2. The City needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the City office. Specifically, the must coordinate documents from the following locations:  
\_\_\_\_\_  
\_\_\_\_\_

• 3. Other (describe): \_\_\_\_\_  
\_\_\_\_\_

<b>Signature of FOIA Coordinator:</b>	<b>Date:</b>
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Fee Appeal Form

**FOIA Appeal Form—To Appeal an Excess Fee**  
Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:** • Email • Fax • Other Electronic Method

**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_

*(Please Print or Type)*  
**Request for:** • Copy • Certified copy • Record inspection • Date discovered in junk/spam folder: \_\_\_\_\_  
**Delivery Method:** • Will pick up • Will make own copies onsite • Mail to address above • Subscription to record issued on regular basis  
• Deliver on digital media provided by the: \_\_\_\_\_ • Email to address above

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_

**Reason(s) for Appeal:**

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:

\_\_\_\_\_

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City Response:**

The City must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**City Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_  
(month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

**City Determination:** • Fee Waived • Fee Reduced • Fee Upheld

Written basis for City determination: \_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City written Procedures and Guidelines to the City Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the City board. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. *(See back of this form for additional information on your rights.)*

**Signature of FOIA Coordinator:** \_\_\_\_\_

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

FREEDOM OF INFORMATION ACT (EXCERPT)  
Act 442 of 1976

**15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234. Sec. 10a.**

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

(i) The public body does not provide for appeals under subdivision (a).

(ii) The head of the public body failed to respond to a written appeal as required under subsection (2).

(iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A council or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that Council or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015

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Detailed Cost Itemization

Date: \_\_\_\_\_ Prepared for Request No.: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA Policies and Guidelines.

**1. Labor Cost for Copying / Duplication**

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments as set by the City Council**. All partial time increments must be rounded down. *If the number of minutes is less than one increment, there is no charge.*

**Hourly Wage with Fringe Benefit Cost: \$**  
 Multiply the hourly wage by the percentage multiplier: **35%**

**Charge per increment: \$**

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*:  
 \_\_\_\_\_, divide by *15-minute increments*, and round down.  
 Enter below:

**Number of increments**      **1. Labor Cost**  
 x \_\_\_\_\_ =      \$ \_\_\_\_\_

**2. Labor Cost to Locate:**

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:**

The City will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

**Hourly Wage with Fringe Benefit Cost: \$** \_\_\_\_\_ **OR**  
 Multiply the hourly wage by the percentage multiplier: **35%**

**Charge per increment: \$** \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*:  
 \_\_\_\_\_, divide by *15-minute increments*, and round down.  
 Enter below:

**Number of increments**      **2. Labor Cost**  
 x \_\_\_\_\_ =      \$ \_\_\_\_\_

**3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a City employee. If contracted, use No. 3b instead).*

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

**This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:**

\_\_\_\_\_ This is the cost of labor of a **City employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **township's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

**Hourly Wage with Fringe Benefit Cost: \$**

Multiply the hourly wage by the percentage multiplier: 35%

**Charge per increment: \$** \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*:  
\_\_\_\_\_, divide by 15-minute increments, and round down.  
Enter below:

**Number of increments**  
x \_\_\_\_\_ = **3a. Labor Cost**  
\$ \_\_\_\_\_

**3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)*

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

**This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:**

\_\_\_\_\_ As this City does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of \$8.15.

**Name of contracted person or firm:**

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

**Hourly Cost Charged: \$** \_\_\_\_\_

**Charge per increment: \$**

To figure the number of increments, take the *number of minutes*:  
\_\_\_\_\_, divide by 15-minute increments, and round down to:  
\_\_\_\_\_  
increments.  
Enter below:

**Number of increments**  
x \_\_\_\_\_ = **3b. Labor Cost**  
\$ \_\_\_\_\_

**4. Copying / Duplication Cost:**

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): 10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): 10 cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- Circle applicable: Disc / Tape / Drive / Other Digital Medium Cost per Item: \_\_\_\_\_

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. A City must utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:	Costs:
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
No. of Items:	
x _____ =	\$ _____
<b>4. Total Copy Cost</b>	
\$ _____	

**5. Mailing Cost:**

The City will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The City **may** charge for the least expensive form of postal delivery confirmation.
- The City **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.\*

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp  
 \$ \_\_\_\_\_ per pound  
 \$ \_\_\_\_\_ per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:	Costs:
x _____ =	\$ _____
<b>5. Total Mailing Cost</b>	
\$ _____	

**6a. Copying/Duplicating Cost for Records Already on City's Website:**

If the public body has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the City will provide the public records in the specified format and may charge copying costs to provide those copies.

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- Letter (8 1/2 x 11-inch, single and double-sided): 10 cents per sheet
- Legal (8 1/2 x 14-inch, single and double-sided): 10 cents per sheet

No more than the actual cost of a sheet of paper for other paper sizes:

- Other paper sizes (single and double-sided): \_\_\_\_\_ cents / dollars per sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- **Circle applicable:** Disc / Tape / Drive / Other Digital Medium Cost per Item: \_\_\_\_\_

Requestor has stipulated that some / all of the requested records that are already available on the City's website be provided in a paper or non-paper physical digital medium.

Number of Sheets:

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

x \_\_\_\_\_ = \$ \_\_\_\_\_

No. of Items:

x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6a. Web Copy Cost

\$ \_\_\_\_\_

**6b. Labor Cost for Copying/Duplicating Records Already on City's Website:**

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in **fifteen-minute time increments** (i.e.: 15-minutes or more); all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

Multiply the hourly wage by the percentage multiplier: 35%

Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by \_\_\_\_\_-minute increments, and round down. Enter below:

Number of increments

x \_\_\_\_\_ = \$ \_\_\_\_\_

6b. Web Labor Cost

**6c. Mailing Cost for Records Already on City's Website:**

Actual Cost of Envelope or Packaging: \$ \_\_\_\_\_

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number:

x \_\_\_\_\_ = \$ \_\_\_\_\_

Costs:

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6c. Web Mailing Cost

\$ \_\_\_\_\_

**Subtotal Fees Before Waivers, Discounts or Deposits:**

- Cost estimate
- Bill

- 1. Labor Cost for Copying: \$ \_\_\_\_\_
- 2. Labor Cost to Locate: \$ \_\_\_\_\_
- 3a. Labor Cost to Redact: \$ \_\_\_\_\_
- 3b. Contract Labor Cost to Redact: \$ \_\_\_\_\_
- 4. Copying/Duplication Cost: \$ \_\_\_\_\_
- 5. Mailing Cost: \$ \_\_\_\_\_
- 6a. Copying/Duplication of Records on Website: \$ \_\_\_\_\_
- 6b. Labor Cost for Copying Records on Website: estimate in \$ \_\_\_\_\_
- 6c. Mailing Costs for Records on Website: time frame \$ \_\_\_\_\_

**Estimated Time Frame to Provide Records:**  
 \_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the City, but the City's providing the good faith. Providing an estimated does not relieve the City from any of the other requirements of this act.

**Subtotal Fees:** \$ \_\_\_\_\_

**Waiver: Public Interest**

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the City determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

- All fees are waived **OR**  All fees are reduced by: \_\_\_\_\_ %

**Subtotal Fees After Waiver:** \$ \_\_\_\_\_

**Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR**
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Eligible for Indigence Discount

**Subtotal Fees After Discount (subtract \$20):** \$ \_\_\_\_\_

**Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the City.

Eligible for Nonprofit Discount

**Subtotal Fees After Discount (subtract \$20):** \$ \_\_\_\_\_

<p><b>Deposit: Good Faith</b>  The City requires a good-faith deposit before providing the public records to the requestor if the entire fee estimate or charge authorized under this section exceeds \$50.00, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. Percent of Deposit: _____%</p>	<p>Date Paid:  _____</p>	<p>Deposit Amount Required:  \$ _____</p>
<p><b>Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full</b>  After a City has granted and fulfilled a written request from an individual under this act, if the City has not been paid in full the total amount of fees for the copies of public records that the City made available to the individual as a result of that written request, the City requires an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:</p> <p>(a) The final fee for the prior written request was not more than 105% of the estimated fee.  (b) The public records made available contained the information being sought in the prior written request and are still in the City's possession.  (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.  (d) Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing.  (e) The individual is unable to show proof of prior payment to the City.  (f) The City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.</p> <p>A City can no longer require an increased estimated fee deposit from an individual if ANY of the following apply:</p> <p>(a) The individual is able to show proof of prior payment in full to the City, OR  (b) The City is subsequently paid in full for the applicable prior written request, OR  (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the City.</p>	<p>Date Paid:  _____</p>	<p>Percent Deposit Required:  _____%</p> <p>Deposit Required:  \$ _____</p>
<p><b>Late Response Labor Costs Reduction</b>  If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City must do the following:</p> <p>(a) Reduce the charges for labor costs otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, with a maximum 50% reduction, if EITHER of the following applies:</p> <p>(i) The late response was willful and intentional, OR</p> <p>(ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.</p>	<p>Number of Days Over Required Response Time:  _____</p> <p>Multiply by 5%  = Total Percent Reduction:  _____</p>	<p>Total Labor Costs  \$ _____</p> <p>Minus Reduction  \$ _____</p> <p>= Reduced Total Labor Costs  \$ _____</p>
<p>The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from:  Website: <a href="http://www.CityofMarshall.com">www.CityofMarshall.com</a> Email: <a href="mailto:TNelson@CityofMarshall.com">TNelson@CityofMarshall.com</a>  Phone: (269) 781-5183 Address: 323 W. Michigan Ave., Marshall, MI 49068</p> <p style="text-align: center;"><b>Request Will Be Processed,  But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed</b></p>	<p>Date Paid:  _____</p>	<p>Total Balance Due:  \$ _____</p>



**ADMINISTRATIVE REPORT**  
**June 15, 2015 – CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council  
**FROM:** Ken Swisher, Finance Director  
Tom Tarkiewicz, City Manager  
**SUBJECT:** FY 2015 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 June, 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 associated revenues. The following is a summary of the recommended budget amendments:

**General Fund**

- Revenue: Property Taxes and District Court Ordinance Fines were lower than projected.
- Revenue: Miscellaneous revenue is higher than projected due to the unbudgeted Firekeepers contribution, an unexpected increase in Permits, and an increase in Transfers from Other Funds.
- Non-departmental expenditures were higher than anticipated due to underestimating Transfers to Other Funds which included transfers to Building Authority Debt Service Fund for the Law Enforcement Center bond payment and a transfer to Motor Pool for the purchase of a new rescue truck.
- Fire expenditures decreased due to reduced operational supplies and a reduction in overtime.
- Street expenditures are lower than projected due to overestimating operating costs such as hospitalization, retirement, contracted services, and utilities.
- Capital Outlay expenditures were decreased as the rescue truck purchase was re-classified as a Transfer Out (Motor Pool) instead as Capital Outlay.

The mid-year General Fund budget showed a \$179,867 use of Fund Balance and with the final year end amendments this has decreased to a \$33,865 use of Fund Balance a change of \$146,002.

**Recreation**

Revenues decreased due to lower than anticipated tax revenues and lower than expected user fees. Expenditures were lower due to reduced operating costs.

323 W. Michigan Ave.

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Farmer's Market

Revenues increased due to Marshall Community Foundation grant of \$10,000 and expenditures were less than anticipated.

MVH-Major Streets

Revenues increased due to additional State Operating Assistance in the amount of approximately \$44,000 that was not budgeted. Expenditures were less than expected due to lower than expected maintenance costs.

Drug Law Enforcement

No budget was adopted for Drug Law Enforcement and the amendment reflects actual expenditures and the use of Fund Balance.

Local Development Finance Authority

Revenues increased due to an increase in tax capture revenues.

Downtown Development Authority

Revenues decreased due to lower than expected tax capture revenues primarily due to the small personal property exemption. Expenditures increased due to the bond call of \$255,000 of outstanding bonds.

Airport

Revenues decrease primarily due to lower fuel sales. Expenditures were lower than expected due to lower fuel costs and lower than anticipated contractual service costs.

Marshall Area Economic Development Authority

Expenditures were lower than expected due to reduced personnel expenditures.

Marshall House

Revenues decreased due to lower than expected rental income. Expenditures were lower due to reduced capital outlay.

Electric

Revenues decreased only slightly less than expected. Expenditures were lower than anticipated due to lower operating costs and lower depreciation expense.

Water & Wastewater

Both Water and Wastewater, based on the size each individual budget, results were extremely close to what was expected.

Dial-A-Ride

Revenues were lower due to a reduction in Section 5311 Federal Grant Assistance. Expenditures decreased due to lower fuel costs and other operating costs.

Data Processing

Expenditures increased due to the purchase of Miscellaneous Receivable and Inventory Management software from BS&A.

Motor Pool

Revenues increased due to increased motor pool rental to other departments. Expenditures decreased due to lower fuel costs and other operational savings.

**RECOMMENDATION:**  
2015 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 #2015-

**THE CITY OF MARSHALL**  
**AMENDED GENERAL APPROPRIATION ACT RESOLUTION**  
**July 1, 2014 – June 30, 2015**

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2014, and ending June 30, 2015, 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 Mid-Year</u></b>	<b><u>Amended June, 2015</u></b>	<b><u>Change</u></b>
Taxes	3,430,725	3,430,725	3,400,200	(30,525)
Licenses and Permits	46,200	46,200	59,980	13,780
Intergovernmental Revenues	778,750	778,750	813,780	35,030
Charges for Services	102,000	138,000	95,300	(42,700)
Fines and Forfeits	98,500	98,500	49,300	(49,200)
Rents	35,000	35,000	45,000	10,000
Interest	4000	4000	6,900	2,900
Miscellaneous	199,150	199,150	241,640	42,490
Other Financing Sources	978,000	978,000	1,075,320	97,320
<b>Total Revenues</b>	<b>5,672,325</b>	<b>5,708,325</b>	<b>5,787,420</b>	<b>79,095</b>
<b><u>General Fund Expenditures</u></b>				
City Council	3,416	3,376	3,743	(367)
City Manager	129,316	129,458	132,526	(3,068)
Assessor	84,772	149,581	140,797	8,784
Attorney	55,000	55,000	51,262	3,737
Human Resources	63,724	63,784	65,734	(1,950)
Clerk	55,762	55,797	52,697	3,100
Treasurer	226,292	227,849	215,122	12,727
City Hall	70,653	70,714	63,452	7,262
Chapel	2,400	2,400	0	2,400
Other City Property	39,850	39,850	30,550	9,300
Cemetery	172,386	172,893	174,480	(1,587)
Non-Departmental	673,431	677,206	1,056,740	(379,534)
Police	1,553,228	1,552,881	1,555,632	(2,751)
Crossing Guards	11,972	11,842	13,260	(1,418)
Dispatch	108,000	108,000	109,393	(1,393)
Fire	872,334	876,161	838,418	37,743
Inspection	90,830	90,982	99,786	(8,804)
Planning/Zoning	162,484	162,729	157,285	5,444
Streets	856,375	860,425	756,896	103,529
Engineering	15,595	15,565	16,650	(1,085)
Public Svcs. Build Operations	104,960	105,273	101,534	3,739
Community Development	0	0	0	0

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2015</u>	<u>Change</u>
Parks	82,289	81,587	70,338	11,249
Capital Improvements	197,000	374,839	114,900	259,939
Total Expenditures	5,632,069	5,888,192	5,821,285	66,907
GF Net Surplus/(Deficit)	40,256	(179,867)	(33,865)	146,002

<b>GF - Recreation</b>				
Revenues	391,280	391,280	368,838	(22,442)
Expenditures	418,489	420,757	361,000	59,757
Net Surplus/(Deficit)	(27,209)	(29,477)	7,838	37,315

<b>GF - Farmers Market</b>				
Revenues	0	13,120	24,768	11,648
Expenditures	0	27,080	19,646	7,434
Net Surplus/(Deficit)	0	(13,960)	5,122	19,082

<b>GF - Composting</b>				
Revenues	44,204	44,204	41,940	(2,264)
Expenditures	61,243	61,366	53,217	8,149
Net Surplus/(Deficit)	(17,039)	(17,162)	(11,277)	5,885

<b>Leaf/Brush</b>				
Revenues	96,000	96,000	94,954	(1,046)
Expenditures	95,948	95,448	95,448	0
Net Surplus/(Deficit)	52	552	(494)	(1,046)

<b>MVH-Major &amp; Trunkline</b>				
Revenues	432,900	432,900	491,056	58,156
Expenditures	431,657	449,166	406,411	42,755
Net Surplus/(Deficit)	1,243	(16,266)	84,645	100,911

<b>MVH-Local</b>				
Revenues	230,250	230,250	230,250	0
Expenditures	472,988	471,935	454,493	17,442
Net Surplus/(Deficit)	(242,738)	(241,685)	(224,243)	17,442

<b>Drug Law Enforcement</b>				
Revenues	0	0	0	0
Expenditures	0	0	1,760	(1,760)
Net Surplus/(Deficit)	0	0	(1,760)	(1,760)

<b>Local Develop. Finance Auth.</b>				
Revenues	390,800	390,800	440,300	49,500
Expenditures	387,115	387,115	387,115	0
Net Surplus/(Deficit)	3,685	3,685	53,185	49,500

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2015</u>	<u>Change</u>
<b>Downtown Develop. Auth.</b>				
Revenues	262,000	262,000	227,146	(34,854)
Expenditures	228,796	238,485	500,671	(262,186)
Net Surplus/(Deficit)	33,204	23,515	(273,525)	(297,040)

<b>GF - Airport</b>				
Revenues	172,500	172,500	135,200	(37,300)
Expenditures	169,059	177,180	130,862	46,318
Net Surplus/(Deficit)	3,441	(4,680)	4,338	9,018

<b>MAEDA</b>				
Revenues	714,750	714,750	723,440	8,690
Expenditures	711,590	710,380	655,100	55,280
Net Surplus/(Deficit)	3,160	4,370	68,340	63,970

<b>Marshall House</b>				
Revenues	618,676	618,676	609,986	(8,690)
Expenditures	755,249	768,340	602,627	165,713
Net Surplus/(Deficit)	(136,573)	(149,664)	7,359	157,023

<b>Electric</b>				
Revenues	13,534,200	13,534,200	13,509,128	(25,072)
Expenditures	14,713,693	14,784,882	14,332,478	452,404
Net Surplus/(Deficit)	(1,179,493)	(1,250,682)	(823,350)	427,332

<b>Dial-A-Ride</b>				
Revenues	354,482	392,642	381,390	(11,252)
Expenditures	431,610	470,467	432,691	37,776
Net Surplus/(Deficit)	(77,128)	(77,825)	(51,301)	26,524

Includes Albion Connector (New Freedom Grant)

<b>Wastewater</b>				
Revenues	1,543,000	1,543,000	1,570,920	27,920
Expenditures	1,690,494	1,751,600	1,698,630	52,970
Net Surplus/(Deficit)	(147,494)	(208,600)	(127,710)	80,890

<b>Water</b>				
Revenues	1,595,000	1,595,000	1,563,540	(31,460)
Expenditures	1,518,447	1,522,504	1,522,504	0
Net Surplus/(Deficit)	76,553	72,496	41,036	(31,460)

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2015</u>	<u>Change</u>
<b>Data Processing</b>				
Revenues	154,387	154,387	162,238	7,851
Expenditures	154,164	158,787	190,247	(31,460)
Net Surplus/(Deficit)	223	(4,400)	(28,009)	(23,609)

<b>Motorpool</b>				
Revenues	730,650	730,650	746,000	15,350
Expenditures	1,075,129	1,114,008	1,062,719	51,289
Net Surplus/(Deficit)	(344,479)	(383,358)	(316,719)	66,639

RESOLVED, the use of prior year's fund balance/net position 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/net position reserves;

This Resolution shall take effect upon adoption.  
Dated June 15, 2015

\_\_\_\_\_  
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 15, 2015 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 15, 2015 – City Council Meeting**

**TO:** Honorable Mayor and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Calhoun County Foreclosure Acquisition

**BACKGROUND:** The City has been notified by the Calhoun County Treasurer of possible foreclosures for tax delinquency. The State of Michigan has first rights and then the City. The County Treasurer's letter and list is attached.

After reviewing the three parcels on the list, the parcel at 228 West Michigan Avenue is of interest to City Staff. City Staff feels this parcel could be used as a Spray Plaza. The City of Hastings has constructed a Spray Plaza on a similar downtown corner parcel. The Hastings Community has received the Spray Plaza with enthusiasm.

The County Treasurer requires the City submit a Public Use Plan for the potential acquisition. There is no guarantee about the availability or the price at this time. City Council will be informed when the cost is finalized.

**RECOMMENDATION:** It is recommended that the City Council authorize City staff to submit a Public Use Plan for the property at 228 West Michigan Avenue by adoption of the attached resolution.

**FISCAL EFFECTS:** The actual cost of the parcel has not been determined at this time. There is no commitment at this time.

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

Respectfully submitted,

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

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

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# Calhoun County Treasurer

*"Building A Better County Through Responsive Leadership"*

315 W. Green St.  
Marshall, MI 49068  
Office (269) 781-0807  
Fax (269) 781-0800

CHRISTINE SCHAUER  
Treasurer  
cschauer@calhouncountymi.gov

May 1, 2015

City of Marshall, Manager  
Attn: Tom Tarkiewicz  
323 W Michigan Ave  
Marshall, MI 49068

Dear Tom,

I am sending the enclosed list of foreclosed parcels in Calhoun County, MI, pursuant to the First Right of Refusal process under PA 123 of 1999. We are sending the Foreclosure List and Exhibit C; Exhibit C is a list of properties which received Amended Judgments, resulting in extended payoff deadlines, from the court. We cannot foreclose on parcels on Exhibit C until after their individual deadlines have passed because they could be redeemed if judicial requirements are met. Therefore, this list includes all foreclosed parcels, as well as ones that received Amended Judgments that could foreclose in the near future.

Public Act 123, as amended, establishes the procedure for the purchase of foreclosed properties by state and local municipalities prior to auction. The law establishes the following order of preference for purchase:

1. The State of Michigan has the first right of refusal and it must pay the greater of the minimum bid or the market value of the property;
2. The city, village, or township, in which the property is located, may purchase the property (if declined by the state) for the minimum bid; or
3. The county may purchase the property for the minimum bid if the state and local units decline.

All property purchased under this act must be for a public use and remain as such. If your unit is interested in purchasing any of these properties, please submit your interest along with a public use proposal to Melinda Weaver by June 29th for review; Ms. Weaver can be reached at 269-781-0775 or [mweaver@calhouncountymi.gov](mailto:mweaver@calhouncountymi.gov). Because the minimum bids have not been established yet, Ms. Weaver will provide a minimum bid when she receives your notification of interest. If you elect to purchase properties for the minimum bid, please send payment within thirty days after confirmation of purchase for the minimum bid. Please note, if you purchase a



property and transfer it in the future, all excess proceeds must be paid to the County Treasurer to replenish the tax foreclosure fund.

If you are not interested in purchasing any of the properties, please let us know as soon as possible by returning the enclosed Waiver of First Right of Refusal form. Should you have any questions about this procedure, you also may contact Ms. Weaver.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Christine Schauer". The signature is written in black ink and is positioned above the typed name.

Christine Schauer  
Calhoun County Treasurer

FORECLOSURE LIST FOR CALHOUN COUNTY  
 For 2015 Foreclosures of 2012 and prior taxes  
 CITY OF MARSHALL  
 Interest Computed As Of Foreclosure Date

PARCEL	TAX DUE	INTEREST/FEES DUE	TOTAL DUE	CURRENT SEV	TAX YEARS	DELINQUENT
53-000-396-02	2,589.32	1,297.03	3,886.35	8,100	2014 2013 2012	
MARSHALL CITY, LOWER VILLAGE PART LOT 6 BLK 14 COM SW COR BLK 14, N 57 FT, E 46 FT, S 57 FT, W 46 FT TO BEG.						
Property Address: 228 W MICHIGAN MARSHALL MI						
Owner: ROMA'S CORNER CAFE LLC						
53-001-677-00	2,322.91	951.71	3,274.62	26,800	2014 2013 2012	
MARSHALL CITY, UPPER VILLAGE LOT 677.						
Property Address: 703 WARREN MARSHALL MI						
Owner: NEELEY RICHARD M						
53-024-078-00	3,320.24	1,235.44	4,555.68	15,900	2014 2013 2012	
MARSHALL CITY, WESTMORLAND SUBDIV LOTS 78 & 79.						
Property Address: 108 N FOUNTAIN MARSHALL MI						
Owner: MAINS JERRY & JOANNE						
PARCEL COUNT: 3	8,232.47	3,484.18	11,716.65	50,800		

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2015-\_\_\_\_\_

City of Marshall Resolution

To Purchase Real Property from Calhoun County Tax Foreclosure

WHEREAS, the City of Marshall's Charter Section 2.21 allows the City Council to acquire real property; and

WHEREAS, the City has been notified by the Calhoun County Treasurer of a possible tax foreclosure of a possible sale of a property at 228 West Michigan Avenue bearing parcel number 53-000-396-02; and

WHEREAS, the County has established procedures for the acquisition of said real property;

THEREFORE, BE IT RESOLVED, that the City of Marshall shall submit a Public Use Plan for parcel number 53-000-396-02 to the Calhoun County Treasurer for possible acquisition of the real property on West Michigan Avenue. The consideration is unknown at this time but may include the cost of land survey, warranty deed and title search, subject to the terms and conditions contained within the County Policy.

---

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 15, 2015 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



**CITY OF MARSHALL  
PUBLIC USE PLAN**

**TO:** Christine Schauer, Calhoun County Treasurer  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Public Use Plan - Calhoun County Foreclosure

**BACKGROUND:** The City of Marshall is submitting a Public Use Plan for the acquisition through County Tax Foreclosure of Parcel No. 53-000-396-02.

- This parcel is a small downtown parcel, which will limit possible redevelopment.
- The City would like to develop a Spray Plaza for public enjoyment during the summer months.
- The City of Hastings has a similar Spray Plaza in their downtown which we would like to model.

I hope this meets the needs of Calhoun County with the accompanying resolution and forms

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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f 269.781.3835

cityofmarshall.com



**ADMINISTRATIVE REPORT**  
**June 15, 2015 City Council Meeting**

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

**FROM:** Kristin Bauer, Director of Public Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Miscellaneous Construction Engineering Services for  
Jefferson & Madison Streets Improvement Project

**BACKGROUND:** In 2014 the City hired an engineering consultant to complete the design of the Jefferson Street & Madison Street Improvement Project. Due to some issues with this consultant we have decided not to retain them for construction oversight. City Staff requested a proposal from Civil Engineers, Inc. (CEI) of Battle Creek, MI. CEI has currently been assisting the City with some field surveying work on this project as well as some assistance in redesign efforts.

**RECOMMENDATION:** It is recommended that the City Council approve the proposal from Civil Engineers, Inc. (CEI) of Battle Creek, MI in an amount not to exceed \$25,000.

**FISCAL EFFECT:** Funds are available in the amount of \$12,500 within 202-900-970.00 Major Streets Capital Outlay budget and \$12,500 in 203-900-970.00 Local Street Capital Outlay budget.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

Kristin Bauer  
Director of Public Services

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com



**Civil Engineers, Inc.**

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14250 Beadle Lake Rd Suite 150 \* Battle Creek Michigan 49014-7202 \* [www.CEI-BC.com](http://www.CEI-BC.com)  
PH 269•962•5127 \* FAX 269•962•8310

**AGREEMENT FOR PROFESSIONAL SERVICES**

**DATE:**

May 28, 2015

**CLIENT:**

City of Marshall

323 W. Michigan Ave.

Marshall, MI 49068-1547

Attn: Kristin L. Bauer, P.E., Director of Public Services

**PROJECT NAME & LOCATION:**

*Jefferson & Madison Street Improvements*

*Construction Engineering Support*

**SCOPE OF SERVICES:**

Per our phone conversations Civil Engineers, Inc. (CEI) understands you need staking and inspection support for this improvement project that was designed by others. Back of curb grade staking, discussions about field design changes, observation of concrete placement, and of HMA placement are what is needed. The Client's representative will be the construction engineer and CEI will provide support when needed.

**DATA REQUIRED TO PERFORM SERVICES:**

Civil Engineers, Inc. will need a signed proposal, access to the site and any available information that will help perform the services described above. The Client shall be responsible for and CEI may rely upon the accuracy and completeness of all plans, reports, data and other information furnished by the Client to CEI.

**BASIS OF FEE:**

The Client will compensate Civil Engineers, Inc. on an hourly rates basis according to the following:

**CURRENT BILLING RATES\*:**

Principal Engineer (Project Manager)	\$104.00/hr.
Project Engineer	\$88.00/hr.
Assistant Project Engineer	\$73.00/hr.
Engineer Technician	\$73.00/hr.

Overnight express delivery charges, permits and other similar fees are not included in the amount shown.

\* Rates guaranteed until December 31, 2015.

**PAYMENT PROVISIONS:**

Civil Engineers, Inc. will bill the Client every 30 days during the course of the project. The Client will promptly provide payment. One and one-half percent interest will be added to the unpaid balance (principal and interest) for every 30 days of nonpayment. The Client agrees to pay all cost of collection including reasonable attorney's fees.

Insofar as the Engineer, Civil Engineers, Inc., is party to an Agreement solely between the Client and the Engineer, provisions for payment for services indicated in this Agreement shall be binding, regardless of the conditions of any Agreement(s) between the Client and other parties.

In the event of a disputed or contested invoice, only that portion so contested may be withheld from payment, and the undisputed portion will be paid.

**LIMITS OF LIABILITY:**

Client agrees to limit CEI's liability to Client, arising from CEI's professional acts, errors or omissions, such that the total aggregate liability of CEI to all those named shall not exceed \$25,000 or CEI's total fee for the services rendered on the project, which ever is greater. (If Client wishes to discuss higher limits and the charges involved, Client is required to negotiate such changes with an authorized representative of CEI, prior to signing this proposal).

**TIMETABLE:**

Civil Engineers, Inc.'s obligation to render services will be for a period which may reasonably be required for completion for construction there at the site or required by law. If the Client has requested changes in the scope, extent, or character of the project, the time of performance of CEI's services shall be adjusted equitably. The Client has 30 days to sign this agreement in order to make it effective. If you

choose to sign this agreement and more than 30 days has passed since the date shown on the first sheet, CEI reserves the right to reconsider and may need to modify the agreement or may not be able to perform this work at all.

**TERMINATION:**

The obligation to provide further services under this proposal may be terminated by either the Client or Civil Engineers, Inc. upon seven days written notice. Civil Engineers, Inc. will be fully compensated for all time and material associated with the project prior to the effective date of termination. If requested, original documents will be given to the Client, provided full compensation has been made. Failure of Client to make payments when due shall be cause for suspension of services or, ultimately, termination, unless and until CEI has been paid in full all amounts due for services, expenses, and other related charges.

If the Project is suspended in whole or in part, the Engineer shall be compensated for all services performed prior to receipt of written notice from the Client of such suspension or abandonment. If the Project is resumed after being suspended, the Engineer's compensation shall be equitably adjusted.

**ACCEPTANCE OF PROPOSAL:**

To accept this proposal, sign both of the proposals, send one to us, and retain the other for your files. **Thank You**, for considering Civil Engineers, Inc.

Signed,



**Randy A. Ramsey, P.E.**  
**President**

\_\_\_\_\_  
**Client**

DATE: \_\_\_\_\_