

CALL TO ORDER

IN REGULAR SESSION Monday, August 17, 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: Gerten, McNeil, Metzger, Miller, Mayor Reed, and Schurig.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Williams.

Moved Miller, supported McNeil, to excuse the absence of Council Member Williams. 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 Metzger, supported Schurig, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$710,884.75 and the addition Closed Session at the end of the meeting. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported McNeil, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, September 21, 2015 to hear public comment on the repeal of Chapter 111: Vehicles for Hire;
- B. Approve the resolution authorizing the City Clerk to sign the agreement with MDOT for the “Rehabilitation Runway – Airport Crack Sealing and Paint Marking” at Brooks Field;
- C. Authorize the repair of the Leaf Loader in the amount of \$19,090 by Marshall Welding and Fabrication;
- D. Approve the resolution authorizing the City Clerk to sign the amended agreement with MDOT for the Rehabilitation Taxiway – Hanger Area Construction Project at Brooks Field;
- E. Minutes of the City Council Work Session and Regular Session held on

- Monday, August 3, 2015;
F. Approve city bills in the amount of \$ 1,056,449.16.

On a voice vote – **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

A. Flower Pot Presentation:

Kathleen Oerther and Mary Jo Byrne gave a presentation on the downtown flower pot project.

INFORMATIONAL ITEMS

Chief Schwartz provided event reports for the Home Tour and the Mulberry Street Neighborhood Block Party.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment Application, #RZ15.01 for 309 W. Hanover and 318 S. Grand:

Mayor Reed opened the public hearing to hear public comment on the proposed Zoning Amendment Application #RZ15.01.

Natalie Dean, Director of Community Services/Assistant City Manager provided background regarding the request by Calhoun County to rezone 309 W. Hanover and 318 S. Grand from MFRD (Multiple Family Residential) to PSP (Public/Semi-Public). Currently the Planning Commission is working with the County on a site plan for a storage building to be placed in the southern-most end of the parking lot.

Hearing no comment, the hearing was closed.

Moved Miller, supported Schurig, to approve Zoning Amendment Application #RZ15.01 for 309 W. Hanover and 318 S. Grand to rezone the parcels from MFRD (Multiple Family Residential) to PSP (Public/Semi-Public). On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, and Schurig; nays: none.
MOTION CARRIED.

CITY OF MARSHALL ORDINANCE #2015-02

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF TWO CERTAIN PARCELS OF REAL PROPERTY COMMONLY KNOWN AS 309 W. HANOVER ST., PARCEL #13-53-000-722-00 AND 318 S. GRAND ST., PARCEL #13-53-000-724-00 FROM THE ZONING DISTRICT OF MULTIPLE FAMILY RESIDENTIAL (MFRD) TO PUBLIC/SEMI-PUBLIC (PSP).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Sections 156.021 and 156.030 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described properties from Multiple Family Residential (MFRD) to Public/Semi-Public (PSP).



Property Descriptions

Marshall City, lower village block 34 east half of lot 2 lots 4, 6 and 8.
Marshall City, lower village west half lot 2 block 34. Commonly known as Hanover West.

Common Addresses

318 SOUTH GRAND STREET PARCEL #13-53-000-724-00
309 WEST HANOVER STREET PARCEL #13-53-000-722-00

Section 2. This Ordinance or a summary thereof shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state

law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

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Adopted and signed this _____ day of _____, 2015.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on August 17, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

OLD BUSINESS

A. Proposed Changes to §97.04 Keeping of Poultry:

Moved Metzger, supported Gerten, to approve the changes to the proposed §97.04 Keeping of Poultry ordinance. On a roll call vote – ayes: McNeil, Metzger, Miller, Mayor Reed, Schurig, and Gerten; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL ORDINANCE # 2015-01

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 97.04 ANIMALS: KEEPING OF POULTRY.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§97.04 Keeping of Poultry** of the Marshall City Code, is hereby amended to read:

No person shall keep fowl in any house or yard within 50 feet of the dwelling house of any other person.

- (A) Fowl enclosure shall be placed in a rear or side yard only.

(B) A household may not keep more than 18 fowl on the premises.

(C) Fowl shall be maintained in compliance with §92 Health & Sanitation; Nuisances.

(D) Fowl shall not be permitted onto publicly-owned land or any other property unless permission of the land owner is granted.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 17th day of August, 2015.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on August 17, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

REPORTS AND RECOMMENDATIONS

A. Plow Truck Purchase:

Moved McNeil, supported Metzger, to approve the purchase of a 2016 Freightliner truck equipped with salt box and plows from Freightliner of Grand Rapids, MI in the amount of \$135,021. On a roll call vote – ayes: Metzger, Miller, Mayor Reed, Schurig, Gerten, and McNeil; nays: none. **MOTION CARRIED.**

B. Generator #6 Busbar Replacement:

Moved Metzger, supported Miller, to approve retaining UIS for the #6 Bus Replacement Project in the lump sum amount of \$56,671. On a roll call vote – ayes: On a roll call vote – ayes: Miller, Mayor Reed, Schurig, Gerten, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

C. Brewer Street Electric Substation:

Moved Miller, supported Schurig, to approve retaining GRP Engineering Co. for engineering services for the Brewer Street Electric Substation project in the amount not to exceed \$275,000. On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, and Schurig; nays: none. **MOTION CARRIED.**

D. Calhoun County Foreclosure Acquisition:

Moved Schurig, supported Gerten, to authorize City staff to pay Calhoun County \$3,976.35 for the property at 228 West Michigan Avenue. On a roll call vote – ayes: McNeil, Metzger, Miller, Mayor Reed, Schurig, and Gerten; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Louis Klauder spoke regarding his interest in the high speed internet proposal.

Ann Klauder expressed thanks for the pedestrian poles located in the downtown.

Joan Rapp spoke regarding the interest of having a Scarecrow Festival in the downtown October 16- October 30th.

COUNCIL AND MANAGER COMMUNICATIONS

CLOSED SESSION

Moved Miller, supported Metzger, to enter into Closed Session under section 8e of the Michigan Open Meetings Act to discuss specific pending litigation. On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, and Schurig; nays: none. **MOTION CARRIED.**

Enter into closed session at 8:40.

Return to open session at 9:25 p.m.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.