

**CALL TO ORDER**

IN REGULAR SESSION Monday, March 21, 2016 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, Schurig, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Miller, supported Williams, to approve the agenda with the following changes: Move item 13A. Appointment of City Treasurer to the beginning and remove items 8C. Land Bank Presentation, item 16C. City Manager evaluation, and item 8A. Introduction of New Patrol Officer. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

Matt Rogers of 623 N. Linden feels the North Country Trail Town designation would be great for our town and it is a great marketing opportunity.

Jim Dyer of 1118 O'Keefe spoke in support of the Trail Town designation.

Ian Stuart of 128 W. Mansion feels the Trail Town designation is a great opportunity for Marshall and would help tie things together.

**APPOINTMENTS/ELECTIONS**

**A. Appointment of City Treasurer:**

**Moved** Metzger, supported Miller, to approve the appointment of William Dopp as City Treasurer. On a voice vote – **MOTION CARRIED.**

**CONSENT AGENDA**

**Moved** Gerten, supported McNeil, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, April 4, 2016 to hear public comment on the addition of Chapter 54: Stormwater Management to the City of Marshall Code of Ordinances;
- B. Schedule a public hearing for Monday, April 4, 2016 to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Mor-Dall Enterprises, LLC at 511 S. Kalamazoo Avenue;
- C. Authorized the City Manager and City Clerk to sign the agreement with the Southwest Michigan Composting Group authorizing annual payments into the equipment replacement fund;
- D. Approve the resolution authorizing Jon B. Bartlett, Finance Director and Tom Tarkiewicz, City Manager as legal signers for accounts belonging to the City of Marshall and authorizing Cassandra Heitfeld, Payroll/Accounting Clerk and William Dopp, City Treasurer, to conduct daily business;
- E. Approve the Resolution of Intent to authorize the City of Marshall to seek financial assistance from the State of Michigan for public transportation;
- F. Authorize the City Manager and the City Clerk to sign the amendment to the Staffing Agreement with Calhoun County and the State of Michigan;
- G. Authorize the agreement and resolution for the Marshall Fire Department to participate within the Michigan Mutual Aid Box Alarm System;
- H. Minutes of the City Council Regular Session held on Tuesday, February 16, 2016; and Work Session held on Monday, March 14, 2016;
- I. Approve city bills in the amount of \$ 2,676,100.59.

On a voice vote – **MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITION**

**A. Day of Gratitude for Vietnam Veterans Proclamation:**

Mayor Reed presented a proclamation to Patty Parker of the Daughters of the American Revolution.

**CITY OF MARSHALL, MICHIGAN  
PROCLAMATION**

**Proclamation for remembrance of the day the last  
American Troops left Vietnam in 1973**

**WHEREAS,** March 29, 2016 is the anniversary of the day when the last American troops left Vietnam in 1973; and

**WHEREAS**, March 29, 2016 has been designated by the Department of Veteran Affairs as a day to express our tremendous gratitude and support to this generation of Americans through ceremonies across the nation; and

**WHEREAS**, The Mary Marshall Chapter of the Daughters of the American Revolution is a commemorative partner of the 50<sup>th</sup> Anniversary of the Vietnam War with involvement 1955-1975,

**NOW, THEREFORE I**, Jack Reed, by virtue of the authority vested in me as Mayor of the City of Marshall do hereby proclaim the day of March 29, 2016 as

***Day of Gratitude for Vietnam Veterans***

**AND** ask our citizens to reaffirm their gratitude and thankfulness for the sacrifices made by all Vietnam Veterans and their families and invite the public to the veterans memorial on the fountain circle for the raising of the of the Vietnam Commemorative flag.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Marshall to be affixed this 21<sup>st</sup> day of March of the year of our Lord two thousand and sixteen.

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Jack Reed  
Mayor

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. Dark Horse Brownfield Redevelopment Plan:**

City Manager Tarkiewicz introduced Dave Stegink of Envirollogic to present the Brownfield Redevelopment Plan for Dark Horse Brewing Company Expansion and explain how the process works and the technicalities.

Mayor Reed opened the public hearing to hear public comment on the Brownfield Redevelopment Plan.

Hearing no comment, the hearing was closed.

**Moved** Williams, supported Metzger, to approve the Brownfield Redevelopment Plan Amendment for Inclusion of Dark Horse Brewing Company Expansion and adopt the authorizing resolution. On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2016-05**

**RESOLUTION APPROVING A BROWNFIELD PLAN  
BY THE CITY OF MARSHALL  
PURSUANT TO AND IN ACCORDANCE WITH  
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS  
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the City Council of the City of Marshall, Michigan, held in the Council Chambers, Town Hall located at 323 W. Michigan Avenue, Marshall, Michigan, on the 21st day of March, 2016 at 7 p.m.

PRESENT: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

ABSENT: None.

MOTION BY: Council Member Williams.

SUPPORTED BY: Council Member Metzger.

WHEREAS, the City of Marshall City Council, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of the City of Marshall (the "Authority") and have designated that all related activities shall proceed through the BRA; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the City Council, the Brownfield plan (the "Plan") attached hereto, to be carried out within the City of Marshall relating to the redevelopment project on seven parcels of land located in the City of Marshall, Michigan, (the "Site"), as more particularly described and shown in Figure 1 and Attachment "A" contained within the attached Plan; and

WHEREAS, the City Council of the City of Marshall has reviewed the Plan, and has been provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, the City Council of the City of Marshall has noticed and held a public hearing in accordance with Section 13(10,11,12 and 13) of the Act, and

WHEREAS, the City Council of the City of Marshall has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan, was feasible and the Authority has the ability to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

WHEREAS, as a result of its review of the Plan, the City Council of the City of Marshall concurs with approval of the Plan.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. **Plan Approved.** Pursuant to the authority vested in the City Council of the City of Marshall, by the Act, the Plan is hereby approved in the form attached to this Resolution.
- 2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
- 3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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

NAYES: None.

ABSTAINED: None.

**RESOLUTION DECLARED ADOPTED.**

STATE OF MICHIGAN     )  
COUNTY OF CALHOUN    ) ss:

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 21st day of March, 2016, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 21st day of March, 2016.

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***Trisha Nelson, City of Marshall City Clerk***

**B.     Zoning/Sign Ordinance Update:**

Natalie Dean, Director of Community Services/Assistant City Manager, provided background regarding the process of updating the Zoning/Sign Ordinance. The Planning Commission has been working with consultants, Clearzoning, on updating the Zoning and Sign ordinance for a period of approximately one year. Staff presented the draft document to Council at a work session on January 16, 2016. The Planning Commission recommends that after hearing comments on the ordinance update, Council consider approval.

Mayor Reed opened the public hearing to hear public comment regarding the Zoning/Sign Ordinance Update.

Susan Collins of 222 N. Marshall Avenue feels the update is easier to read and manage and highly recommends the approval of the document with the recommended changes.

Tim Banfield, Chair of the Planning Commission, stated the Planning Commission is asking for the adoption of the recommendation of the Planning Commission and all the members worked very hard on the update. He feels the document is very easy to navigate and easy to read.

Jim Dyer of 1118 O'Keefe encouraged the Council to adopt the ordinance as recommended by the Planning Commission.

Lisa McNiff of 314 Mulberry urged the Council to accept the updated ordinance with the amendments.

Hearing no further comment, the hearing was closed.

**Moved** Miller, supported Gerten, to approve the Zoning and Sign Ordinance with the amendments as presented. . On a roll call vote – ayes: Gerten and Miller; nays: McNeil, Metzger, Mayor Reed, Schurig, and Williams. **MOTION DEFEATED.**

No action taken. City Council will consider the Zoning/Sign Ordinance at the April 4, 2016 Council Meeting.

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Establish Marshall as a North Country Trail Town:**

**Moved** Williams, supported Metzger, to approve the resolution and sign the memo of understanding with the North Country Trail Association to establish Marshall as an official North Country Trail Town. On a voice vote – **MOTION CARRIED.**

#### **City of Marshall, Michigan RESOLUTION #2016-06**

#### **RESOLUTION TO ESTABLISH MARSHALL AS A NORTH COUNTRY NATIONAL SCENIC TRAIL TOWN**

**WHEREAS**, The City of Marshall is in close proximity of the North Country National Scenic Trail; and

**WHEREAS**, The North Country National Scenic Trail (North Country Trail) is one of eleven (11) National Scenic Trails in the country; and

**WHEREAS**, the North Country Trail Association, founded in 1981, is the primary partner of the National Park Service (NPS) with the mission to develop, maintain, protect and promote the North Country Scenic Trail; and

**WHEREAS**, such hiking trail provides a year-round source of pleasure and recreation to the North Country's citizens and visitors to the North Country; and

**WHEREAS**, many of the citizens in and around the community of Marshall and other visitors and citizens of the North Country are becoming more health conscious and are turning to hiking as one of the major forms of maintaining a healthy body; and

**WHEREAS**, the community of Marshall is an ideal destination for many of today's visitors to the North Country, and

**WHEREAS**, Calhoun County offers a variety of outdoor and cultural experiences to residents and visitors, and

**WHEREAS**, available supporting services and facilities such as lodging and restaurants make Marshall an outstanding heritage and nature-based tourism destination; and

**WHEREAS**, casual walkers, day hikers, and weekend backpackers want to enjoy the North Country Trail and the community of Marshall can provide the gateway to their experience.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Marshall, Michigan, does hereby proclaim to be a NORTH COUNTRY TRAIL TOWN and commends the North Country Trail Association for its work in developing and maintaining the North Country Trail and further encourages all residents of and visitors to take a hike on the North Country Trail.

IN WITNESS WHEREOF, I, Trisha Nelson, City Clerk, have hereunto set my hand and seal this 21<sup>st</sup> day of March, 2016.

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Trisha Nelson, City Clerk

**B. Special Land Use for 1240 S. Kalamazoo: :**

**Moved** Gerten, supported McNeil, to approve the Special Land Use Permit for 1240 S. Kalamazoo Avenue for the use of a used auto dealership. On a voice – **MOTION CARRIED.**

**C. Michigan DNR Recreation Passport Grant Program:**

**Moved** Schurig, supported Williams, to adopt the resolution authorizing City staff to apply to the Michigan Department of Natural Resources for a \$27,600 grant for Ketchum Park Canoe/Kayak Launch. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2016-07**

**City of Marshall Authorizing Resolution for the  
Michigan DNR Passport Grant Application**

Upon motion made by Council Member Schurig; seconded by Council Member Williams, the following Resolution was adopted:

“RESOLVED, that the City of Marshall, Michigan, does hereby support submittal of an application to the Michigan Department of Natural Resources for a Michigan DNR Passport Grant to be used for the Ketchum Park Canoe/ Kayak Launch in the City of Marshall; and that the City of Marshall does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide Nine Thousand Two Hundred (\$9,200) dollars as a 25% match of the Thirty-Six Thousand Eight Hundred (\$36,800) dollars if awarded by the Department of Natural Resources.

The following aye votes were recorded: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

The following nay votes were recorded: None.

#### CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on March 21, 2016. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 21st day of March A.D.2016.

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Trisha Nelson, CLERK

#### **D. Michigan Department of Natural Resources – Trust Fund Grant Application for Ketchum Park Improvements:**

**Moved** Miller, supported Schurig, to adopt the resolution authorizing the application to the Michigan Department of Natural Resources for a \$267,500 grant for Ketchum Park Improvements. On a voice vote – **MOTION CARRIED.**

#### **CITY OF MARSHALL, MICHIGAN RESOLUTION #2016-08**

#### **City of Marshall Authorizing Resolution for the Michigan Natural Resources Trust Fund Grant Application**

Upon motion made by Council Member Miller; seconded by Council Member

Schurig, the following Resolution was adopted:

“RESOLVED, that the City of Marshall, Michigan, does hereby support submittal of an application to the Michigan Department of Natural Resources for a Michigan Natural Resources Trust Fund Grant to be used for the improvement of Ketchum Park in the City of Marshall; and that the City of Marshall does hereby specifically agree, but not by way of limitation, as follows:

To appropriate all funds necessary to complete the project during the project period and to provide up to Two Hundred Seventy Thousand (\$270,000) dollars to match the grant if awarded by the Department of Natural Resources.

The following aye votes were recorded: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

The following nay votes were recorded: None. \_

#### CERTIFICATE

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on March 21, 2016. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 21st day of March A.D.2016.

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Trisha Nelson, CLERK

#### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Finance Director Ken Swisher presented the 2<sup>nd</sup> Certificate of Achievement for Excellence in Financial Reporting received by the City of Marshall from the Government Finance Officers Association.

Paul Beardslee thanked City Council for the years of support he has received from the City.

#### **COUNCIL AND MANAGER COMMUNICATIONS**

**CLOSED SESSION**

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

Enter into closed session at 9:28 p.m.

Return to open session at 10:25 p.m.

City Manager Tarkiewicz handed out questions regarding the dam.

Council was asked to consider possible dates and times for a future budget work session.

Discussion took place regarding the City's non-discrimination policies.

**ADJOURNMENT**

The meeting was adjourned at 10:50 p.m.

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Jack Reed, Mayor

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Trisha Nelson, City Clerk