

CALL TO ORDER

IN REGULAR SESSION Monday, May 3, 2010 at 7:00 P.M. in Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

ROLL CALL

Roll was called:

Present: Council Members: Doane, Dyer, Metzger (arrived at 7:05 p.m.), Miller, Mayor Smith, Traver and Williams.

Also Present: City Manager Tarkiewicz

Absent: None

INVOCATION/PLEDGE OF ALLEGIANCE

Dennis Croy of the Marshall Wesleyan Church gave the invocation and Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Dyer, supported Williams, to add Executive Session as agenda item 15A for the purpose of discussing collective bargaining. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

City Manager Tarkiewicz provided Event Reports for the following upcoming events in the City of Marshall: Hospitality Classic, MEA Rally, Memorial Day Parade, and the River Ministries Street Event.

Clerk-Treasurer Bird provided Council with the Third Quarter Financial Report and the Third Quarter Investment Portfolio for the City of Marshall.

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Court asked for clarification on the event reports.

Wayne Veal of 1009 Fennimore spoke in support of the maximum allowable millage for the Recreation Department.

Jennifer Hunter of 808 W Hanover spoke in support of the Recreation Fund millage rate increase.

Dave Phaner of 354 N Marshall Ave encouraged support of the millage for the

Recreation Department to help keep the programs offered viable.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

A. Pratt Park PUD Rezoning:

Mayor Smith opened the public hearing to hear comment regarding the renewal of the Pratt Park PUD rezoning.

Trae Allman of Allman Development, discussed some changes to the plans for Pratt Park.

Nelson Karre of the firm Vandervoort, Chris & Fisher, P.C., spoke on behalf of a group of 7 property owners who retained him to represent them. Mr. Karre read a list of objections and concerns raised by the property owners and requested Council to deny PUD status, or at least impose some conditions.

Chris Sweeney of 1208 Comstock Drive commented on the conditions of Pratt Park Phase 1 and showed pictures of the conditions.

Tim Skidmore of 1201 Colgrove Drive commented on the market studies and asked Council not to allow more changes to the plans.

Traci Trudell of 1212 Comstock Drive owns the property closest to the proposed PUD rezoning and feels that Phase 1 should be completed first.

Derrick Deridder of 1210 Comstock Drive commented on the progress of Phase 1.

Jennifer Peterson of 1211 Comstock Drive expressed concern with the safety of the children in the area.

Vince Trudell of 1212 Comstock Drive expressed his concerns with the plans and the benefits of the PUD to the City.

Jason Goss of 1204 Comstock Drive expressed his concern with the market study.

Janice Morrison of 1206 Comstock Drive expressed disappointment that Phase 1 has been allowed to sit half completed for all this time.

Greg Anderson of 1222 Colgrove Drive expressed his pride in his neighborhood and urged the Council to not take their decision lightly.

Jackie Darling of 1204 Colgrove Drive expressed frustration with the City for allowing this situation to go on with all the red flags that have gone up.

Hearing no further comment, the hearing was closed.

Trae Allman of Allman Development, provided additional information to the Council and addressed some comments and concerns brought forth during public comment.

Moved Williams, supported Metzger, to approve the PUD rezoning ordinance as submitted by staff.

Council discussion ensued.

Consensus of the Council is to have staff work with our Attorney and the Developer to bring a new proposal with conditions back to Council on May 17, 2010.

Moved Dyer, supported Williams, to table the motion to approve the PUD rezoning ordinance as submitted by staff. On a voice vote: **MOTION CARRIED.**

Moved Dyer, supported Williams, to adjourn for a 10 minute break. On a voice vote: **MOTION CARRIED.**

Moved Dyer, supported Miller, to extend the time for the Council meeting beyond 10:00 p.m. On a voice vote: **MOTION CARRIED.**

B. Home Occupations Ordinance §156.195:

Mayor Smith opened the public hearing to hear public comment regarding the text changes to §156.195 Home Occupations.

John LaPietra of 386 Boyer Court stated he is self employed and believes he has a home occupation but the new ordinance does not affect that.

Moved Miller, supported Metzger to accept the proposed text changes to §156.195 Home Occupations. On a roll call vote – ayes: Metzger, Miller, Mayor Smith, Traver, Williams, Doane and Dyer; nays: none: **MOTION CARRIED.**

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. FY 2011 Proposed Budget – Budget Amendment #1:

Moved Dyer, supported Williams, to approve Budget Amendment #1 to the FY 2011 Proposed Budget. On a roll call vote – ayes: Metzger, Miller, Mayor Smith, Traver, Williams, Doane and Dyer; nays: none: **MOTION CARRIED.**

City of Marshall Authorizing Resolution
 To Amend FY 2011 Proposed Budget

Budget Amendment 1

Increase the General Fund, Recreation Fund, Compost Fund, Airport Fund, Downtown Development Fund, Marshall House Fund, Electric Fund, DART Fund, Wastewater Fund, Data Processing Fund, Motor Pool Fund and Safety Fund Expenditure Budgets by \$192,216.80 to Provide Additional Funding for the Projected Increase in Health Care Costs.

WHEREAS, the proposed FY 2011 Proposed Budget includes an 11.71% increase over the current fiscal year 2010 health insurance rates;

WHEREAS, the City was recently informed by insurance carrier that the projected FY 2011 increase is 25.76% over the current fiscal year 2010 health insurance rates;

WHEREAS, the City is working on strategies to reduce employer health care costs;

THEREFORE, BE IT RESOLVED, that the expenditure budgets in Table 1, be increased by \$192,216.80 to fund the projected increase in health care costs, with a revenue source of Fund Balance Reserves.

Table 1.

Fund	Active	Retiree	Total FY 11 Increase	Active	Retiree	Total FY 12 Increase
101	49,570.01	46,019.32	95,589.34	5,948.40	5,522.32	11,470.72
208	5,972.72		5,972.72	716.73		716.73
225	232.53		232.53	27.90		27.90
295	221.88		221.88	26.63		26.63
298	404.68		404.68	48.56		48.56
536	180.68	2,120.19	2,300.87	21.68	254.42	276.10
582	27,730.47	25,183.93	52,914.40	3,327.66	3,022.07	6,349.73
588	3,548.65	873.60	4,422.25	425.84	104.83	530.67
590	7,827.85	10,627.71	18,455.56	939.34	1,275.32	2,214.67
591	11,780.28	(1,133.04)	10,647.24	1,413.63	(135.97)	1,277.67
636	346.43		346.43	41.57		41.57
661	682.56	43.61	726.17	81.91	5.23	87.14
678	(17.27)		(17.27)	(2.07)		(2.07)
	108,481.48	83,735.32	192,216.80	13,017.78	10,048.24	23,066.02

As Amended, May 3, 2010

 Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby

certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 3, 2010 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Sandra Bird, Clerk-Treasurer

B. FY 2011 Proposed Budget – Budget Amendment #2:

Moved Miller, supported Traver to approve Budget Amendment #2 to the FY 2011 Proposed Budget. On a roll call vote – ayes: Traver, Doane, Dyer, and Miller; nays: Williams, Metzger and Mayor Smith. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2010-07

City of Marshall Authorizing Resolution
To Amend FY 2011 Proposed Budget

Budget Amendment 2

Increase the Recreation Fund Millage Rate by 0.1228 to the Maximum Allowable Rate (Headlee Capped) and Increase the Recreation Revenue Budget by \$18,000 for the Additional Revenue Generated from the Proposed Additional Rate Increase.

WHEREAS, the proposed FY 2011 Proposed Budget includes projected Recreation Fund Current Property Tax revenue based on a millage rate of 0.8165 and a 0.1228 rate increase would raise the millage rate to the maximum allowable of 0.9393;

WHEREAS, the Recreation Fund's reliance on property taxes has increased due to the projected decline in program fees and property tax revenues impacted from the difficult economic environment;

WHEREAS, by raising the current millage rate to the maximum allowable, approximately \$18,000 of additional revenue will be generated to offset some of projected losses and to help maintain existing programs valued by our community;

THEREFORE, BE IT RESOLVED, to increase the Recreation Fund Millage rate by 0.1228 to the maximum allowable rate (Headlee capped) and increase Current Property Taxes revenue budget by \$18,000 for the additional revenue generated from the millage rate increase.

As Amended, May 3, 2010

Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on May 3, 2010 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Sandra Bird, Clerk-Treasurer

APPOINTMENTS / ELECTIONS

None.

CONSENT AGENDA

Moved Williams, supported Miller, to approve the consent agenda as presented.

- A. Schedule a public hearing for Monday, May 17, 2010 to hear public comment on the proposed FY 2011 General Fund, Special Revenue Funds, Enterprise Funds and Internal Revenue Service Funds budgets;
- B. Adopt resolutions in support of the submittal of a grant from the Michigan Department of Transportation Local Bridge Program for the Monroe Street over Rice Creek and Marshall Avenue over Kalamazoo River bridges;
- C. Request from the American Legion Post #79 to hold their annual Poppy sale on Friday, May 21 and Saturday, May 22, 2010;
- D. Minutes of the City Council Work Session held on Monday, April 12, 2010 and minutes of the City Council Regular Session held on Monday, April 19, 2010;
- E. Approve city bills in the amount of \$206,081.92.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Greg Warner of Tribal Manufacturing spoke regarding unpaid utility bills from 2008-2009

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from Marshall Brass, whereas the City notified Tribal Manufacturing of their intent to add the unpaid utility bills to Tribal's 2010 Summer taxes. Staff will prepare an administrative report for the next Council agenda.

John LaPietra of 386 Boyer Court thanked Council for hearing his thoughts on FOIA at the work session and the work by the City on the clean-up of the Riverwalk.

Eric Devolder of 14490 18½ Mile Road spoke regarding the restrooms at Ketchum Park and hazardous trees at the park.

COUNCIL AND MANAGER COMMUNICATIONS

None.

CLOSED SESSION

Moved Dyer, supported Williams, to enter into executive session under Section 8 of the Michigan Open Meetings Act, to discuss collective bargaining at the request of the City Manager. On a roll call vote – ayes: Doane, Dyer, Metzger, Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED.**

At 10:35 p.m. moved to conference room for closed session.

At 11:00 p.m. returned to open session.

ADJOURNMENT

The meeting was adjourned at 11:02 p.m.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer