

CITY COUNCIL
WORK SESSION AGENDA
CALHOUN COUNTY CONSOLIDATED DISPATCH CENTER
Monday, December 6, 2010
6:00 PM – 6:45 PM

A. CCFDA Tour

B. December 20th Work Session

Water and Wastewater Rate Study Presentation by Utilities
Financial Solutions

C. January 3rd Work Session

Carriage Ordinance discussion

D. January 18th Work Session

Motor Carrier Enforcement Ordinance

E. Future Work Session Topics

Possible Topics:

Historic District Ordinance

Council Rules

Department operations and tours

Investment Policy

F. Other Items

MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 p.m.

DECEMBER 6, 2010

HISTORIC MARSHALL

MAYOR: Bruce Smith

COUNCIL MEMBERS:
Ward 1 – James Dyer
Ward 2 – Nick Metzger
Ward 3 – Brent Williams
Ward 4 – Ryan Traver
Ward 5 – Jody Mankerian
At-Large – Kathy Miller

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Mike Donahue, Four Winds Christian Fellowship
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PRESENTATIONS AND RECOGNITIONS
 - A. Audit Presentation by Rehmann Robson

Mark Kettner of Rehmann Robson will give a presentation on the FY 2010 Audit for the City of Marshall.
 - B. AGC Flatglass – Tax Clawback

Kathleen Moreno, Tax Counsel from AGC, will be present to address the City Council.
 - C. Recreation Department Annual Report

Teri Trudeau, Recreation Superintendent, will present the FY 2009-2010 Annual Report for the Recreation Department.
- 7) INFORMATIONAL ITEMS
- 8) 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.
- 9) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION
 - A. Public Hearing – Conflict of Interest Policy

City Council will hear public comment regarding the proposed revisions to the Conflict of Interest Policy.
- 10) OLD BUSINESS
 - A. Pratt Park – Time Extension

City Council will consider the request by Allman Development to grant a time extension from January 1, 2011 to April 1, 2011 to finish the exterior of 1148 Woodruff.
 - B. Proposed Rules for Ordinance 73.19.1 : Parking Limited Between 3:00 a.m. and 6:00 a.m.

City Council will consider the recommendation to approve the proposed parking rules for Ordinance 73.19.1.
 - C. Revised Ordinance 134.03: DISORDERLY HOUSE

City Council will consider the recommendation to approve Ordinance 134.03: DISORDERLY HOUSE.
 - D. Ordinance 134.10: WINDOW PEEPING

City Council will consider the recommendation to approve Ordinance 134.10: WINDOW PEEPING.

MAYOR: Bruce Smith

COUNCIL MEMBERS:
Ward 1 - James Dyer
Ward 2 - Nick Metzger
Ward 3 - Brent Williams
Ward 4 - Ryan Traver
Ward 5 - Jody Markedian
At-Large - Kathy Miller

11) REPORTS AND RECOMMENDATIONS

A. Downtown Parking Needs Assessment Proposal

City Council will consider the recommendation to accept the proposal from Walker Parking Consultants of Kalamazoo for \$20,000 plus expenses to perform a downtown parking assessment.

12) APPOINTMENTS / ELECTIONS

13) CONSENT AGENDA

A. Temporary Traffic Control Orders

City Council will consider the recommendation approve Temporary Traffic Control Order #92 and #93.

B. 2011 Boards and Commissions Positions

This is an informational report only. City Council will receive the listing of the Board and Commission positions that are scheduled to expire and the term of office.

C. 2011 City Council Meeting Dates

This is an informational report only. City Council will receive dates of the 2011 City Council Meetings.

D. City Council Minutes

Work Session..... Monday, November 17, 2010
Regular Session Monday, November 17, 2010

E. City Bills

Regular Purchases \$ 200,653.19
Weekly Purchases - 11/19/10 \$21,343.01
Weekly Purchases - 11/24/10 \$147,357.74
Total..... \$ 369,353.94

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

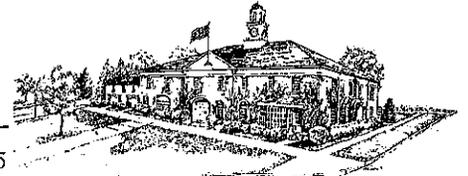
Respectfully submitted,



Tom Tarkiewicz
City Manager

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



Marshall Town Hall ca. 1857

ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor Smith and City Council

FROM: Sandra Bird, Clerk-Treasurer
Tom Tarkiewicz, City Manager

SUBJECT: Audited Financial Statements for Fiscal Year Ended June 30, 2010

BACKGROUND: The City's audit for the FY 2010 is complete and a copy of the audit report will be distributed at the December 6, 2010 Regular Council meeting. Mark Kettner, Principal of Rehmann Robson, will be present at the Council meeting to present the report and provided comments on the audited financial statements.

RECOMMENDATION: It is recommended that the Council receive and place on file the FY 2010 Audited Financial Statements as prepared by Rehmann Robson.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Bird".

Sandra Bird
Clerk-Treasurer

A handwritten signature in cursive script that reads "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager



City of Marshall

323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835



ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Thomas Tarkiewicz, City Manager

SUBJECT: AGC Flatglass – Tax Clawback

BACKGROUND: At the March 15th meeting, the City Council approved a tax clawback provision for AGC Flatglass, Inc. because they did not fulfill their obligations in their PA 198 Industrial Facilities Tax Exemption issued in 2001. Kathleen Moreno, Tax Counsel from AGC has requested an opportunity to address the City Council. The Local Development Finance Authority reaffirmed their unanimous vote to enforce the clawback provision.

RECOMMENDATION: After hearing the presentation from AGC Flatglass, the City Council may rescind the action taken on March 15, 2010.

FISCAL EFFECTS: An estimated \$250,000 of tax recapture from AGC Flatglass would not be returned to the taxing entities, if the March action was rescinded.

ALTERNATIVES: As suggested by Council

Respectfully submitted,



Thomas Tarkiewicz
City Manager



HISTORIC
LANDMARK
DISTRICT

NATIONAL HISTORIC LANDMARK DISTRICT

AGC

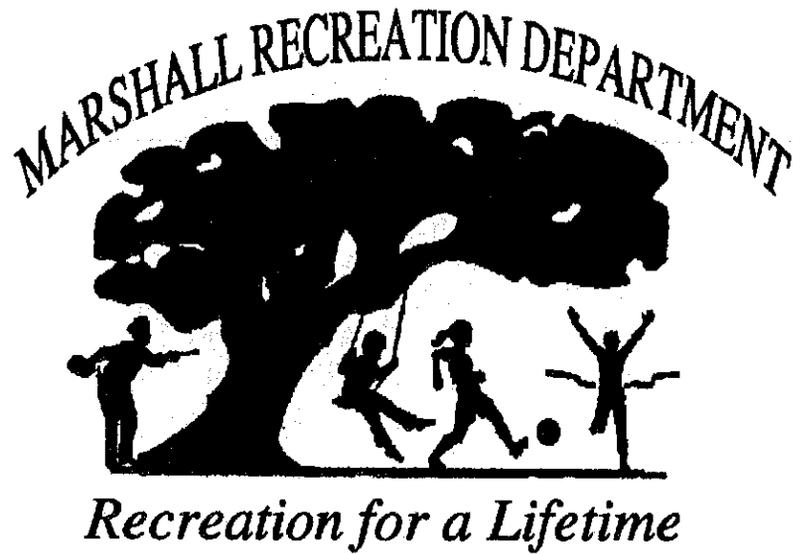
AGC Flat Glass North America ("AGC") is asking the City Council to reconsider its March 15, 2010 Resolution to recapture property taxes abated from 2001 forward under AGC's Industrial Facilities exemption certificate for its facility in the City of Marshall. AGC's request is based on the following factors and circumstances:

- From 2001 through 2010 AGC spent:
 - More than \$11 million for personnel employed at the Marshall facility;
 - \$2.1 million in rent for the Marshall facility; and
 - \$2 million in new capital expenditures for the Marshall facility.
- In the eight (8) years that the Marshall facility operated, it realized an overall operating loss of more than \$2 million. The facility only made a profit in two (2) of the eight (8) years it was open in Marshall. The total profit realized in those 2 years is less than the amount of taxes the City of Marshall is seeking to recapture from AGC.
- The severe downturn in the economy in 2008/2009 significantly affected the Marshall facility. Overall sales of windows dropped more than 50% and sales to the primary customer base dropped 80% from levels in 2006. In addition, the Recovery Act law enacted in 2009 included a windows tax credit to attempt to stimulate window replacements. Unfortunately, the criteria windows had to meet to achieve the credit did not support the appropriate windows for northern climates and the Marshall facility did not make products that qualified for the tax credit. This, coupled with the severe economic conditions, effectively ended any hope that the facility would be a viable enterprise in the foreseeable future.
- At the end of 2009, AGC was forced to make the difficult decision to close the facility. At the time of the closure of the Marshall facility, AGC had already closed down 8 other facilities in North America, including large glass manufacturing lines.
- According to the terms of AGC's agreement with the City of Marshall:

"...[if AGC] chooses to leave the municipality without permission for relocation prior to the end of the term of the IFT, the governing body [the City of Marshall] has the right to recapture from the Company up to and including the total amount of the taxes abated by the IFT."

This is the sole language in the agreement regarding the recapture of taxes abated.

- Clearly the Marshall facility did not relocate. AGC had to close the plant to avoid continuing to incur severe losses at this facility which were expected to continue for the foreseeable future. Under these circumstances, the provision for recapture, which was triggered solely for relocation by AGC, does not apply and no recapture should occur.



2009-2010
ANNUAL REPORT

Mailing Address:
323 West Michigan Avenue
Marshall, Michigan 49068

Physical Address:
900 South Marshall
Marshall, Michigan 49068
269/781-5166 (direct)
269/789-4628 (fax)

MISSION STATEMENT

The Parks, Recreation and Cemetery Advisory Board and Department staff worked diligently to create a Mission Statement encompassing the philosophy of the Marshall Recreation Department. The following is a *living* Mission Statement – easy to say - challenging to obtain!

To enhance the quality of life for our community by providing safe, healthy and fun recreation opportunities.

The Advisory Board and Department staff fully embraces and actively continues to incorporate this mission statement in all programs and activities offered by the Department.

DEPARTMENT STAFF

During the 2009-2010 fiscal year, the Department was fortunate to have the following dedicated members on staff –

Natalie Huestis, Director of Community Services	Hired: Nov 29, 2004
Teri Trudeau, Recreation Superintendent	Hired: May 15, 1984
Justin Miller, Program Coordinator	Hired: Nov 22, 2004
JR Grulke, Program Coordinator	Hired: Oct 20, 2008
Cris Roberts, Recreation Secretary	Transferred: May, 2003

ADVISORY BOARD

The Marshall City Code provides for a Parks, Recreation and Cemetery Advisory Board. The Board consists of seven members and one Council liaison. Each Board member term is for three years. The Board meets at 5:30 p.m. on the 4th Tuesday of the month to discuss programming, review budgets, and plan for the future.

The 2009-2010 Advisory Board members –

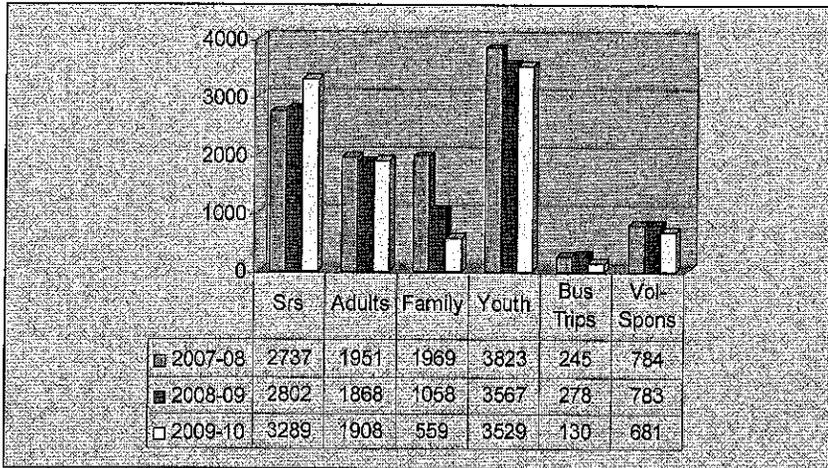
Dave Fhaner, Chair	Randy Eshuis
Mark Gilbert	Mitch McComb
Bing Robinson	Lisa Sands
Lee Sherman	Kathy Miller, Council Liaison

PROGRAMMING

Recreation for a Lifetime ... the Department's slogan best identifies its programming focus. The Department encourages members of the community to participate in recreational activities by offering a wide variety of programming opportunities. The focus has been, and continues to be, to engage all ages in positive recreational activities "... for a Lifetime"... Adult sports, youth sports, pre-school sports, after school programs, day camps, summer 'fun' playground, and special events are offered.

PROGRAM PARTICIPATION

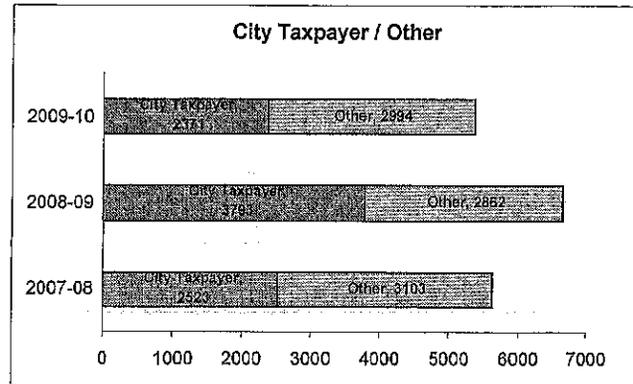
Total participations for the 2009-2010 fiscal year were 9,371, increasing from the 9,295 participations during the 2008-2009 fiscal year. The chart shows the participation count by group.



Older Adults and Adults participation has increased. Family participation is down, most likely because the number of 'free programs' has declined and, due to inclement weather, low attendance for the Haunted Trail event. Youth program participation has remained fairly steady over the last two years. Bus trips were offered, but not enough participants registered to

meet budget requirements. The decline in the number of Volunteers/Sponsors is correlated to the slight decline in youth sports.

This chart indicates where participants reside/pay property taxes. For the 2009-2010 fiscal year, City of Marshall Taxpayers contributed .8165 mil toward Recreation Department program operations. Therefore, the City Taxpayer receives a discounted use fee rate for most programs. Non-residents or "other" are charged a higher fee for program participation. All participations are counted but not categorized as resident or non-resident; these exceptions are special events, meal site participants and our volunteer/sponsor counts.



Program Volunteers & Sponsors

The Marshall Recreation Department is fortunate to have a strong "quality of life" commitment from the Community. Local and area businesses demonstrate this commitment through program sponsorship(s). Once again, our appreciation goes to all of you for helping to enhance the lives of Recreation Department participants ~ young and old. Throughout the 2009-2010 fiscal year, we are proud to announce that volunteers and sponsors numbered ~

- * Program and Coaching Volunteers 385
- * Adult Sports and Youth Program Sponsors 296

~ For a total of 681

Though not named individually, the staff is truly grateful for the commitment of our volunteers and sponsors; as youth sports, in particular, would not be possible without their assistance.

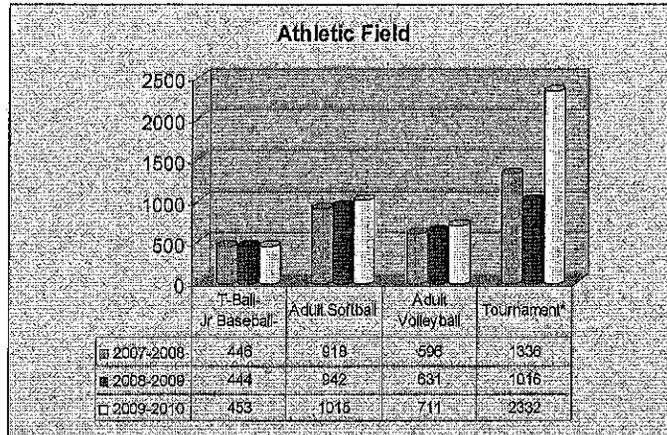
PROGRAM HIGHLIGHTS

Athletic Field

In June 2006, the Marshall Recreation Department received correspondence from the Cronin Foundation that our grant request for athletic field renovation and purchase of specialized equipment had been awarded. The renovation project began in the fall of 2006 and completed in early spring 2007.

Since completion of the renovations at the athletic field complex, regular sports participation has continued to increase. In addition, the number of field/volleyball

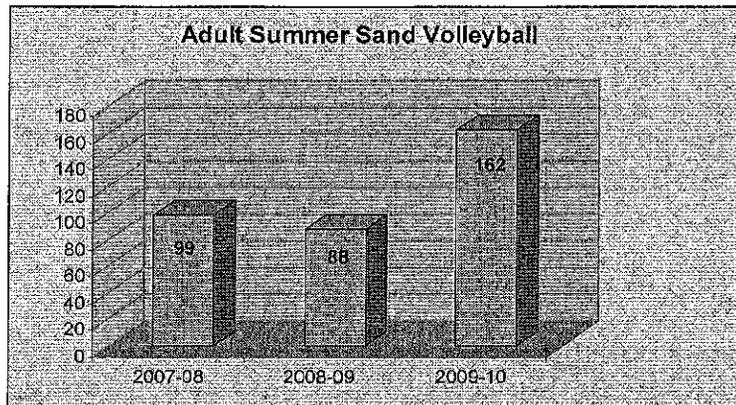
court rentals has also increased. Rentals for softball/baseball events included; the Kalamazoo BPA Tournament, Oaklawn Tournament, Fraley Tournament, and several other local tournaments, field practices and sand volleyball tournaments. **Tournament participation is estimated.*



Adult Volleyball

In the past year we have seen a dramatic rise in our Summer Adult Sand Volleyball participation. The three main factors we believe have influenced the rise in participation are cost, the good sand quality, and our supervisors. The program requires no referees so the cost to participate is very low. Even if teams cannot find a

sponsor, this fee can be easily distributed among the players making this program a great low cost exercise and social activity. As we have kept up with the courts, new sand is added every other year keeping them fresh and allows playing without the risk of injury due to poor quality sand. The last factor to this program's success is the supervisors. The two supervisors for Volleyball have been a part of the program for several years and their reliability and game knowledge help the program run smoothly each week.



Pre-School Sports Programs

Due to the multiple requests from parents of our 3 to 5 year old youth, we decided to offer the Pre T-Ball program. This program has been successful since its inception three years ago. The program received such an overwhelming positive response the first year, additional sessions were offered and all filled! With Pre T-Ball being such a success, Pee Wee Soccer was added for the same age group. This program was also a kid favorite. The pre-school aged activities focuses more on "fun"amentals and skills rather than competitive games. These two programs were first offered in 2007 and three years later they are both going as strong as ever. With the popularity of Pre T-Ball and Pee Wee Soccer, a new Pee Wee Basketball program will be coming the winter of 2011!

Spring School's Out Programs

Spring Break Fun Day One: Students participated in crafts, games, and a box hockey tournament similar to a day at Summer "Fun" Playground. In addition, the police, fire and other city departments brought in their big trucks and vehicles to give students an up close look.

Equestrian Adventure Days Two and Four: Crystal Farms teamed with the Department to bring an exciting new program for HORSE lovers! Students toured the facility, participated in games/crafts surrounding the world of horses, got up close and personal with the horses to learn about their care and equipment. Then, of course, everyone saddled up! Originally scheduled for only one session, this adventure was so successful, it was offered for another session during spring break.

Jr Scientist Day Three: Science is COOL, Science is FUN, Science is for EVERYONE! This day was a great combination of science, fun and friends. Stations and hands-on experiments encouraged the exploration of volcanoes and other phenomenon that make the earth unique. Evaporation, pressure, lightning, absorption, and wind were examined.

These camp days were great fun for participants and staff! School's Out Day Camps were so successful that participation was significantly higher than budgeted!

BUDGET: SPRING DAY CAMP

	BUDGET				ACTUAL				
REVENUE					REVENUE				
Participant Fees					Participant Fees				
City - Day 1	6	@	\$ 16.00	\$ 96.00	City - Day 1	9	@	\$ 19.00	\$ 171.00
Other - Day 1	6	@	\$ 23.00	\$ 138.00	Other - Day 1	5	@	\$ 28.00	\$ 140.00
City - Day 2	6	@	\$ 16.00	\$ 96.00	City - Day 2	14	@	\$ 36.00	\$ 504.00
Other - Day 2	6	@	\$ 23.00	\$ 138.00	Other - Day 2	4	@	\$ 43.00	\$ 172.00
City - Day 3	6	@	\$ 16.00	\$ 96.00	City - Day 3	15	@	\$ 19.00	\$ 285.00
Other - Day 3	6	@	\$ 23.00	\$ 138.00	Other - Day 3	6	@	\$ 28.00	\$ 168.00
City - Day 4	6	@	\$ 16.00	\$ 96.00	City - Day 4	3	@	\$ 36.00	\$ 108.00
Other - Day 4	6	@	\$ 23.00	\$ 138.00	Other - Day 4	12	@	\$ 43.00	\$ 516.00
				\$ -	Dropped -Proc Fee	2		\$ 3.00	\$ 6.00
Total Revenue				\$ 936.00	Total Revenue				\$ 2,070.00
EXPENSES					EXPENSES				
Supplies -				\$ 416.00	Supplies -				
					Camp supplies				\$ 142.54
					Camp treats				\$ 89.26
					MPS Bus				\$ 96.41
					Crystal Farms				\$ 660.00
					Volunteer thanks				\$ 75.00
					Total Supplies				\$ 1,063.21
Total Expenses				\$ 416.00	Total Expenses				\$ 1,063.21
BALANCE				\$ 520.00	BALANCE				\$ 1,006.79

DEPARTMENT OPERATIONS Financial Information

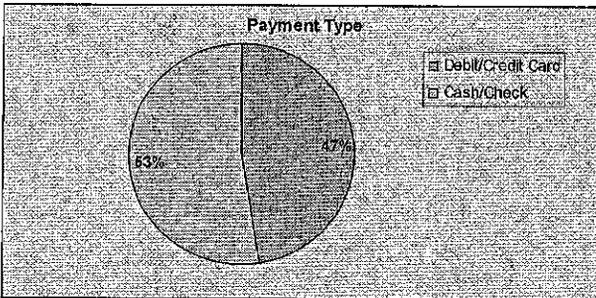
The Marshall Recreation Department is supported by revenue generated through a dedicated .8165 (for the 2009-2010 fiscal year) mil and user fees.

Revenues & Expenses for the 2009-2010 Fiscal Year (not audited)

	<i>Budget</i>	<i>Actual</i>
Revenue	384,243	395,377
Recreation Fund Transfer	13,664	0
Less Expense	<u>-397,907</u>	<u>-392,115</u>
Net Change in Recreation Fund	0	3,262

RecPro

Prior to the purchase and installation of RecPro software in late 2008, our internal accounting system, roster development, class lists, statistical information for Annual Reports, program summaries, and other reports were completed manually, very time consuming tasks. With the implementation of RecPro, it has allowed us to streamline operations and reduce the amount of manual/duplicated work. And, there's still more to come as we continue to learn the capabilities of RecPro.



One of the greatest assets of RecPro is it provides easier and more options for our customers with program registration and to access current program information. It's a 'user friendly' system allowing our customers to easily register on-line and/or over the phone. Debit/credit card payment has been very well accepted for payment of registration fees. Overall, 47.15% of all use fees have been collected using the customers' Visa or

MasterCard for the 2009/2010 fiscal year. At the 2009/2010 fiscal year end, on-line registration was at 16.74%.

Youth Scholarship Program

In an effort to encourage and enable all youth to participate in Department programs, the development of a Scholarship Program became essential. During the 2009-2010 fiscal year the assistance provided by the Youth Scholarship Program allowed 97 youth to participate in 161 programs for a total of \$2,737. Programs in which youth chose to participate included Jr Baseball/Softball, Summer Fun Playground, Tae Kwon Do, Floor Hockey, Golf and Tennis Lessons, Daddy-Daughter Date Night, Mom-Son Night, Youth Basketball, After-School programs, Pre-Tee Ball, Pee Wee Soccer, family bus trips and Girls Volleyball. The number of scholarships awarded this fiscal year decreased; more than likely due to the co-pay increase last fiscal year. The original lower co-pay was re-instated in early spring.

From time to time, the Youth Scholarship Program receives donations from individuals in the community and local community foundations. We thank them all for their generosity.

It is the Department's goal to continue to offer the Youth Scholarship Program. Staff views the Program as a vital tool to encourage program participation for *all* youth in our community.

Grants

The Department submitted a grant request to Community Foundation Alliance of Calhoun County in April; requesting dollars for additional staffing and equipment for gap programming. Notice was received the end of May that the grant request was approved for an amount of \$5,000 to be used during the period of September 1, 2010 through August 31, 2011. The grant dollars will assist in funding staff for special needs and/or the general population at Summer 'Fun' Playground, border patrol for Floor Hockey and scholarship funding for Summer 'Fun' Playground and Floor Hockey.

The Cronin Foundation had previously granted a significant amount for capital improvements at the Athletic Field facility in 2006; the Department submitted an additional request for funding capital improvements at the facility. The project includes the continuation of facility renovations to encourage program growth, make the facility safe and continue efforts in making the facility a Marshall 'showcase'.

The specific project encompasses re-crowning all field surfaces, bleacher/press box removal, expansion of diamond 4 infield, permanent fencing on diamonds 3 and 4, accessibility to all 4 diamonds, irrigation on diamonds 3 and 4, safe top fence guard, access gates, gate replacement at the Hanover St. entrance for emergency vehicles use only, and removal of the old drinking fountains with installation of a new fountain installed on diamond 3 and at the concession stand building.

At the end of June, the Cronin Foundation notified the Department of their approval for funding in the amount of \$83,150.

To date a large portion of the grant projects are complete. We look forward to enhancing existing programs that utilize the Athletic Field.

In addition, there are seven tentative tournaments scheduled for the 2011 season. Tournament directors have indicated that these tournaments will have more teams participating due to the latest upgrades to the facilities.

COOPERATIVE EFFORTS

Several of the Department's programs were made possible through cooperative efforts. Without these cooperative efforts, the Department would not be able to offer as many programming opportunities.

Marshall Civic Players

- * Dress Rehearsals Older Adults
- * Props: Haunted Trail

Judy's Catering

- * Daddy Daughter Date Night/Mom-Son Night

Marshall Lanes

- * Various youth programs

The Shell Stop

- * Haunted Trail

Keystone Unlimited in conjunction with several City of Marshall Departments

- * Halloween Haunted Trail

Bogar Theatre

- * Summer "Fun" Playground

Community Action Agency of South Central Michigan (CAASCM)

- * Congregate Meal Site for Older Adults

United States Tennis Association (USTA)

- * Tennis Lessons

Marshall Academy

- * Program facilities

Marshall Soccer Club

- * Program facilities

Hungry Howie's Pizza

- * Special event donations

Legal Services of South Central Michigan

- * Presentations for Older Adults at Marshall House

Marshall Public Schools

- * Program facilities
- * Program transportation

Auto-Lab of Marshall

- * Scholarship Fundraiser

Alwyn Downs Golf Club

- * Jr Golf League

Crystal Farms

- * Horse Camp

Jon Morris Volleyball Camp

Magic Museum

Battle Creek Knights

- * Revolution Tickets

Marshall Area Community Services

- * Summer "Fun" Playground

Michigan Recreation and Park Association (MRPA)

- * Mackinac Island Get-Together for Older Adults
- * Youth Punt, Pass and Kick, sponsored by the NFL and Pepsi
- * Walk Michigan and Labor Day Virtual Bridge Walk, sponsored in conjunction with Blue Cross/Blue Shield of MI & Governor's Council on Physical Fitness
- * Pitch, Hit and Run Skills Competition; sponsored in conjunction with MLB and Aquafina
- * Hershey Track & Field, sponsored by the President's Council on Physical Fitness & Sports and National Association for Sport & Physical Education

- * iHoops Basketball Competition

Marshall Country Club

- * Youth Golf Camp

Jr WNBA and Jr NBA

- * Youth Basketball

Marshall Advisor & Chronicle

- * Program Press Releases & Articles

Battle Creek Enquirer

- * Program Press Releases & Articles

Wattles Park Men's Club

- * Youth Lacrosse

Franke Center for the Arts

- * Older Adults Theatre experience

Justice Concessions

- * Athletic Field Concession Stand

Marshall Chamber of Commerce

- * Community Calendar

Senior Brigade

- * Presentations for Older Adults at Marshall House

Susan Collins, Author/Historian

- * Oakridge Cemetery Tour

- * Downtown Historical District Tour

QUALITY OF LIFE

There are many positive impacts that parks and recreation can have on the physical, mental and social health of individuals and their communities. @ 2005 by California State Parks. All rights reserved. Printed in Sacramento, California, March 2005.

Health Benefits: Studies have demonstrated how physical activity helps to control obesity, boost the immune system, diminish the risk of disease and increase life expectancy.

- * Obesity
- * Diabetes
- * Bone Density
- * Immune System

Mental Health Benefits: Like improvements to our physical well-being, many studies show that participation in recreational activities is an important contributor to mental health and quality of life.

- * Reducing Depression
- * Relieving Stress
- * Improving Self-Esteem
- * Personal Growth

Social Benefits: Recreation opportunities can have positive impacts on our society. Park and recreation opportunities are essential for strengthening and maintaining a healthy community. Recreation brings neighbors together, encourages safer, cleaner neighborhoods and creates a livelier community atmosphere. Parks and recreational facilities also help improve a community's image, socio-economic status and enhance the area's desirability. When people move they seek a desirable community.

- * Volunteerism
- * Unite Families
- * Youth Development

Economic Benefits: Numerous studies have highlighted the economic benefit of recreation and park departments that accrues to communities.

- * Real Estate Values
- * Health
- * Revenue Generator (The following chart illustrates the economic potential on Marshall's local economy. The multiplier reflects the impact of dollars cycled through the local economy. The formula was obtained from the International Convention & Visitor's Bureau.)

2010 BPA Tournaments				
<u>May 28, 29, 30 & June 18, 29, 20 2010</u>				
Teams		Avg # Players	Avg # Spec	Players/Spec
22	X	12	X 1.5	= 396
Players/Spec		Tourn Days		Tourn Avg
396	X	6		= 2376
Tourn		Avg Daily Cost		Avg \$ Spent
2376	X	\$5		= \$11,880
Avg \$ Spent in Com		Multiplier (dollars cycled through the local economy)		
\$11,880	X	3.5		= \$41,580

MULTIPLIER = reflects the impact of \$ spent in local community over the course of tournament.
ECONOMIC IMPACT FORMULA = provided by the International Convention & Visitor's Bureau.
AVG \$ SPENT = food, drink, fuel, misc purchases at local businesses

DEPARTMENT CHALLENGES for 2010-2011

For the 2010-2011 fiscal year, the superintendent and staff members have developed these Department goals. Throughout the next fiscal year, it's the staff members desire to work toward these objectives:

- * Develop a plan to continue program implementations if full-time staffing levels are adjusted.
- * Collect economic impact statistics.
- * Reach budgeted youth sponsorship goals.
- * Continue to pursue creative marketing opportunities for programs.
- * Provide opportunities for Department full time staff retreats.
- * Improve customer service and on-line appearance.

LOOKING FORWARD 2010-2011

PROGRAMS OFFERED TO DATE

Summer "Fun" Playground: Weeks 4-8
Summer Sand Volleyball
2010 Summer Coed Softball - NEW
July Tennis Lessons
Jr Golf Camp
Downtown Historic Heritage Walking Tour
Oakridge Cemetery Walking Tour
Soccer Camp
Men's Fall Softball
Coed Fall Softball
Fall Adult Volleyball
Nature Detectives
End of Summer Day Camps
NFL/Pepsi Punt, Pass & Kick Competition
Mackinac Island Get-Together
3-on-3 Basketball
Pee Wee Soccer Camp
TGIF Dinosaurs... Dig Em'
Fall Tae Kwon Do
Lacrosse Camp
Haunted Trail – The Nightmare Trap
Girl's Basketball Clinics & Leagues
Lock-In
Bus Trip – Diana...a celebration - NEW

UP-COMING WINTER PROGRAMS

Talk to Santa
School's Out Holiday Day Camps
Girl's Volleyball Clinics
Basketball 101 & 202
Boy's Basketball Clinics & Leagues
Adult 5-on-5 Basketball
Winter Adult Volleyball
Extreme Dodgeball
School's Out – Around the World
Floor Hockey
Daddy-Daughter Date Night
Mom-Son Night
Pee Wee Basketball

RECREATION DEPARTMENT RE-ORGANIZATION

January 3, 2011

Staffing: The Department will consist of ~

- * Recreation Superintendent (1)
- * Recreation Program Coordinator (1)
- * Secretary/Office Manager (1)
- * Part-Time Supervisor/Intern (1)

The job descriptions have been updated and approved.

Program Adjustments: The following programs have been eliminated or budget adjustments due to re-organization ~

- * Free Programs: Punt, Pass, Kick; Pitch, Hit, Run; Track/Field; Hoop Shoot – eliminated due to low attendance.
- * Tiger's Bus Trip – eliminated due to financial constraints.
- * Five TGIF After School Programs – eliminated due to cost recovery. Three TGIF After School Programs Remain
- * Late Summer Day Camp – eliminated due to program cancellation.
- * Junior Baseball – part-time supervisor now on-site.
- * Girls Fast Pitch – adjust budget in anticipation of four teams.
- * Youth Golf League – eliminated due to low attendance.
- * Girls Softball – part-time supervisor now on-site / add two umpires for upper division.
- * Youth Golf Camp – eliminated June session due to low attendance.
- * Pee Wee T-Ball – adjust budget for one paid assistant/full-time staff provides instruction.
- * Floor Hockey – adjust budget to eliminate paid scorekeepers.

Other Budget Adjustments

- * Reduction in full-time payroll
- * Reduction in benefits associated with full-time payroll
- * Reduction in capital outlay, due to alternate funding through grants

FINANCIAL SUMMARY

2010-2011 Budget Request 2010-2011 Budget Projection

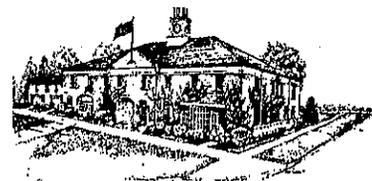
Revenue	\$403,130	\$402,221
Expenses	\$441,031	\$404,307
Use of Fund Balance	\$ 37,901	\$ 1,816

Fund Balance:	July 01, 2010	\$179,739
Projected Fund Balance	June 30, 2011	\$177,623

SUMMARY

The Recreation Department staff has been faced with one of the biggest challenges in recent history ~ how to keep program fees low and balance the budgeted in these economically hard times. The Recreation Department staff truly operates as a team and with the increase in the dedicated recreation mil to its maximum allowable (.9393) and with all team members stepping up-to-the-plate and providing valuable feedback a plan for re-organization has been established. The staff has a firm commitment in the belief that recreation is a vital component to a balanced lifestyle and to its customers (participants/volunteers) it is a vital human service. It is this philosophy that will see the Recreation Department through into the future.

City of Marshall



Marshall Town Hall ca: 1857

323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Thomas Tarkiewicz, City Manager

SUBJECT: Conflict of Interest Policy Revisions – Public Hearing

BACKGROUND: At the November 17th meeting, the City Council received revisions to the Conflict of Interest Policy, prepared by the City Attorney. The Council established a public hearing for the December 6th meeting to receive public comment.

RECOMMENDATION: After hearing comments, it is recommended that the Council adopt the revised Conflict of Interest Policy.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Tarkiewicz', written over a horizontal line.

Thomas Tarkiewicz
City Manager



HISTORIC
LANDMARK
DISTRICT

NATIONAL HISTORIC LANDMARK DISTRICT

DRAFT REVISED CONFLICT OF INTEREST POLICY
October 13, 2010

Article I. DECLARATION OF PURPOSE

The City declares that elected and appointed public office and public employment is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. It is the opinion of the Council that the people of the City are entitled to assurance that conflicts of interest of city officials and employees are eliminated to the fullest extent possible and that violations of rules of ethical conduct are investigated and handled appropriately.

Article II. DEFINITIONS

As used in this policy:

- (a) "Appointed Body of the City" means an authority, department, commission, committee, council, board, bureau, division, office, legislative body or other agency of the City of Marshall.
- (b) "Business" includes, but is not limited to, a corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, unincorporated association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or other entity whether or not organized for profit.
- (c) "Business with which an individual is associated" means a Business in which any of the following applies:
 - (1) The individual is an owner, member, partner, director, officer or employee, or the individual is an independent contractor deriving more than Six Hundred (\$600) Dollars compensation during any calendar year;
 - (2) A member of the individual's immediate family is an owner, member, partner, director or officer;
 - (3) The individual or a member of the individual's immediate family is a stockholder of close corporation stock which is worth at least one thousand dollars (\$1,000) at fair market value or which represents more than a five percent equity interest; or
 - (4) The individual or a member of the individual's immediate family is a stockholder of publicly traded stock which is worth at least twenty-five thousand dollars (\$25,000) at fair market value or which represents more than ten percent equity interest, other than publicly traded stock under a trading account if the individual reports the name and address of the stockholder.

- (d) "City" means the City of Marshall, Michigan.
- (e) "Council Member" means a duly elected or appointed member of the Marshall City Council.
- (f) "Compensation" means any money, property, thing of value, or benefit conferred upon or received by any person in return for services rendered or to be rendered.
- (g) "Confidential information" means information which has been obtained in the course of one's employment with the City or in fulfilling the duties of one's office with the City, which information is not known by or available to members of the general public and which has been obtained on the basis of the promise of confidentiality or which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially.
- (h) "Decision making authority" means authorized to exercise or vested with the power to adopt laws, regulations or standards, render binding decisions, establish executive policy, execute contracts or determine questions involving substantial discretion on behalf of the City or an Appointed Body of the City.
- (i) "Employee" means an employee of the City.
- (j) "Immediate family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, stepparents, stepbrothers or stepsisters of an individual.
- (k) "Loan" means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.
- (l) "Official" means an appointed official or a duly appointed member of an Appointed Body of the City.
- (m) "Substantial" means anything of significant worth and importance or of considerable value as distinguished from something of *de minimis* value or merely nominal worth.

Article III. PROHIBITIONS

- (a) No person shall offer or give to any of the following persons a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of an official or employee would be influenced thereby:
 - (1) An official or employee;
 - (2) A member of the immediate family of an official or employee; or
 - (3) A business with which an official or employee or an immediate family member of an official or employee is associated.

- (b) No person referred to in subsection (a) above shall accept a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of a Council Member, official or employee would be influenced thereby.
- (c) No Council Member, official or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his/her position in advance of the time prescribed by the City, except as otherwise required by law.
- (d) No Council Member, official or employee shall make unauthorized use of his/her public position, or any confidential information received through holding such public position, to obtain financial gain for himself/herself, a member of his/her immediate family or a business with which such individual is associated. This provision shall not prevent the Council Member, official or employee from accepting his/her regular compensation as a public Council Member, official or employee.
- (e) No Council Member, official or employee shall make unauthorized use of personnel, resources, property or funds under his/her official care and control to obtain financial gain for himself/herself, a member of his/her immediate family, or a business with which he/she is associated.
- (f) No Council Member, official or employee shall act as an attorney, agent or representative of a person other than himself/herself, before the Appointed Body of which such Council Member, official or employee is a member or employee. This provision shall not prevent an officer or employee from performing his/her responsibilities as an officer or employee.
- (g) No Council Member, official or employee shall act on behalf of the City in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such Council Member, official or employee has, in fact, no authority to do so.
- (h) No city Council Member, official or employee of the City shall engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the official duties of the employee's position or when that employment may tend to impair his/her independent judgment in connection with the performance of official duties.

Article IV. PARTICIPATION IN GOVERNMENTAL DECISIONS

- (a) No employee shall make or participate in making a decision in his/her capacity as an employee knowing that the decision will provide such employee, a member of the employee's immediate family, or a business with which the employee is associated, an individual financial benefit of more than a *de minimis* nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. An employee who proposes to make or participate in making a decision under this subsection, which may place him/her in an apparent conflict of interest, shall deliver a written statement to his/her supervisor with a copy to the City Manager disclosing the apparent conflict of interest and explaining why, despite the apparent conflict, he/she is able to make or participate in making the decision fairly, objectively and in the public interest. The

supervisor, after consulting with the City Manager, shall determine whether to allow the employee to participate in the decision.

- (b) No Council Member or official shall make or participate in making a decision in his/her capacity as a Council Member or official knowing that the decision will provide such Council Member or official, a member of the Council Member's or official's immediate family, or a business with which the Council Member or official is associated, an individual financial benefit of more than a *de minimis* nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. A Council Member or official who proposes to make or participate in making a decision under this subsection, which places or may place him/her in an apparent conflict of interest, shall deliver a written statement to the Council or the Appointed Body of which such official is a member, and to the City Manager disclosing the apparent conflict of interest and explaining why, despite the apparent conflict, he/she is able to make or participate in making the decision fairly, objectively and in the public interest.
- (c) Except as otherwise prohibited by law, a member of Council may make or participate in making a decision which may place him/her in a apparent conflict of interest if the member first delivers a statement to the Mayor disclosing the apparent conflict of interest and explaining why, despite the apparent conflict, such member of Council is able to vote and otherwise participate fairly, objectively and in the public interest. The statement shall be entered in full in the minutes or other official record of the legislative body.
- (d) All city Appointed Bodies shall exempt officials from making, or participating in the making of a governmental decision which the official knows will provide the official, a member of the official's immediate family, or a business with which the official is associated, with a financial benefit of more than a *de minimis* nature which is distinguishable from the benefits to the person as a member of the public or as a member of a broad segment of the public.

Article V. COMPLAINTS

- (a) Any person may file a signed written complaint with the City Manager or designee alleging a violation of this policy. Upon receipt of such a complaint, the City Manager shall ensure that a proper investigation is undertaken to determine whether it is more likely than not that a violation of this policy occurred.
- (b) If the City Manager, in consultation with the City Attorney, determines that it is more likely than not that a violation occurred, the City Manager and/or City Attorney will advise the City Council of such violation, and provide recommendation or resolution of the conflict or appropriate disciplinary measures.
- (c) No person shall knowingly make a false statement in a complete submitted pursuant to this policy.
- (d) The City Manager shall give written notice, including notice of the nature of the complaint, by certified mail, return receipt requested, to the person under investigation, within twenty-one (21) days after the receipt of a written complaint against such person.

(e) Upon receipt of notice of the complaint, the city official/employee has the opportunity to file a written explanation/response to the City Manager. The explanation/response must be delivered within ten (10) days of receipt of notice.

Article VI. INVESTIGATIVE ASSISTANCE

All Appointed Bodies shall assist the City Manager or designee and the City Attorney's office in investigating any complaints regarding possible violations of this policy and in taking appropriate action or disciplinary measures for any violations of this policy.

Article VII. DISTRIBUTION OF COPIES OF POLICY

The City Manager or designee shall provide a copy of this chapter to each official and employee of the City.

Formatted: Font: 11.5 pt, Bold

Article I. DECLARATION OF PURPOSE

The City declares that elected *and appointed* public office and public employment is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. It is the opinion of the Council that the people of the City are entitled to assurance that conflicts of interest of city officials and employees are eliminated to the fullest extent possible and that violations of rules of ethical conduct are investigated and handled appropriately.

Article II. DEFINITIONS

As used in this policy:

(a) *"Appointed Body of the City"* means an authority, department, commission, committee, council, board, bureau, division, office, legislative body or other agency of the City of Marshall.

(b) *"Business"* includes, but is not limited to, a corporation, limited liability company, partnership, sole proprietorship, firm, enterprise, franchise, unincorporated association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or other entity *whether or not* organized for profit.

(c) *"Business with which an individual is associated"* means a *Business* in which any of the following applies:

(1) The individual is an owner, member, partner, director, officer or employee, or the individual is an independent contractor deriving more than Six Hundred (\$600) Dollars compensation during any calendar year;

(2) A member of the individual's immediate family is an owner, member, partner, director or officer;

(3) The individual or a member of the individual's immediate family is a stockholder of close corporation stock which is worth at least one thousand dollars (\$1,000) at fair market value or which represents more than a five percent equity interest; or

(4) The individual or a member of the individual's immediate family is a stockholder of publicly traded stock which is worth at least twenty-five thousand dollars (\$25,000) at fair market value or which represents more than ten percent equity interest, other than publicly traded stock under a trading account if the individual reports the name and address of the stockholder.

Deleted: ¶

Deleted: ¶

Deleted: <#>¶
(a)

Formatted: None, Indent: Left: 0.25"

Deleted: means

Deleted: which is

Deleted: <#>¶
(b)

Formatted: Indent: Left: 0.25"

Deleted: business

Deleted: <#>¶
(1)

Formatted: Indent: Left: 0.5"

Deleted: ;

Deleted: <#>¶
(2)

Deleted: <#>¶
(3)

Deleted: <#>¶
(4)

(d) "City" means the City of Marshall, Michigan.

(e) "Council Member" means a duly elected or appointed member of the Marshall City Council.

(f) "Compensation" means any money, property, thing of value, or benefit conferred upon or received by any person in return for services rendered or to be rendered.

(g) "Confidential information" means information which has been obtained in the course of one's employment with the City or in fulfilling the duties of one's office with the City, which information is not known by or available to members of the general public and which has been obtained on the basis of the promise of confidentiality or which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially.

(h) "Decision making authority" means authorized to exercise or vested with the power to adopt laws, regulations or standards, render binding decisions, establish executive policy, execute contracts or determine questions involving substantial discretion on behalf of the City or an Appointed Body of the City.

(i) "Employee" means an employee of the City.

(j) "Immediate family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, stepparents, stepbrothers or sisters of an individual.

(k) "Loan" means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

(l) "Official" means an appointed official or a duly appointed member of an Appointed Body of the City.

(m) "Substantial" means anything of significant worth and importance or of considerable value as distinguished from something of *de minimis* value or merely nominal worth.

Article III. PROHIBITIONS

(a) No person shall offer or give to any of the following persons a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of an official or employee would be influenced thereby:

(1) An official or employee;

(2) A member of the immediate family of an official or employee; or

(3) A business with which an official or employee or an immediate family member of an official or employee is associated.

Deleted: <#> [1]

(e)

Deleted: or Governmental unit... an authority, department, commission, committee, council, board, bureau, division, office, legislative body or other agency of ... [11]

Formatted: Indent: Left: 0.25" [12]

Deleted: <#> [13]

(d)

Formatted: Indent: Left: 0.25" [14]

Deleted: <#> [15]

<#> (e) "Confidential information" means information which has been obtain... [21]

Formatted [3]

Formatted [4]

Formatted [5]

Deleted: governmental unit [6]

Formatted [6]

Deleted: <#> [7]

Formatted [8]

Formatted [9]

Formatted [10]

Deleted: [11]

Deleted: <#> [12]

Formatted: Indent: Left: 0.25" [13]

Formatted [13]

Deleted: <#> [14]

Formatted: Font color: Black [15]

Deleted: or employee [16]

Formatted: Font color: Black [17]

Deleted: elected or [18]

Formatted: Font color: Black [19]

Deleted: an employee [20]

Formatted: Font color: Black [21]

Deleted: the City or a govern... [15]

Formatted: Font color: Black [16]

Deleted: <#> [17]

Formatted [17]

Deleted: minimum [18]

Formatted [18]

Deleted: <#> [19]

Formatted: Indent: Left: 0.25" [20]

Formatted [20]

Deleted: <#> [21]

(b) No person referred to in subsection (a) above shall accept a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of a Council Member, official or employee would be influenced thereby.

Formatted: Indent: Left: 0.25"
Formatted: Font: Times New Roman, Font color: Black

(c) No Council Member, official or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his/her position in advance of the time prescribed by the City, except as otherwise required by law.

Deleted: an
Formatted: Font: Times New Roman, Font color: Black
Deleted: <#>1
(c)

(d) No Council Member, official or employee shall make unauthorized use of his/her public position, or any confidential information received through holding such public position, to obtain financial gain for himself/herself, a member of his/her immediate family or a business with which such individual is associated. This provision shall not prevent the Council Member, official or employee from accepting his/her regular compensation as a public Council Member, official or employee.

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black
Deleted: <#>1
(d)

(e) No Council Member, official or employee shall make unauthorized use of personnel, resources, property or funds under his/her official care and control to obtain financial gain for himself/herself, a member of his/her immediate family, or a business with which he/she is associated.

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black

(f) No Council Member, official or employee shall act as an attorney, agent or representative of a person other than himself/herself, before the Appointed Body of which such Council Member, official or employee is a member or employee. This provision shall not prevent an officer or employee from performing his/her responsibilities as an officer or employee.

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black
Deleted: <#>1
(e)

(g) No Council Member, official or employee shall act on behalf of the City in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such Council Member, official or employee has, in fact, no authority to do so.

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black
Deleted: <#>1
(g)

(h) No city Council Member, official or employee of the City shall engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the official duties of the employee's position or when that employment may tend to impair his/her independent judgment in connection with the performance of official duties.

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black
Deleted: governmental unit

Article IV. PARTICIPATION IN GOVERNMENTAL DECISIONS

(a) No employee shall make or participate in making a decision in his/her capacity as an employee knowing that the decision will provide such employee, a member of the employee's immediate family, or a business with which the employee is associated, an individual financial benefit of more than a de minimis nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. An employee who proposes to make or participate in making a decision under this subsection, which may place him/her in an apparent conflict of interest, shall deliver a written statement to his/her supervisor with a copy to the City Manager disclosing the apparent conflict of interest and explaining why, despite the apparent conflict, he/she is able to make or participate in making the decision fairly, objectively and in the public interest. The

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black
Deleted: <#>1
(a)

Formatted: Font: Times New Roman, Font color: Black
Formatted: Font: Times New Roman, Font color: Black

Deleted: <#>1
<#>(h) No city official or employee shall participate as an agent or representative of the City in approving, disapproving, voting, recommending or otherwise acting upon any matter which he/she has a direct or indirect financial interest in. [22]
Deleted: [

supervisor, after consulting with the City Manager, shall determine whether to allow the employee to participate in the decision.

(b) No Council Member or official shall make or participate in making a decision in his/her capacity as a Council Member or official knowing that the decision will provide such Council Member or official, a member of the Council Member's or official's immediate family, or a business with which the Council Member or official is associated, an individual financial benefit of more than a de minimis nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. A Council Member or official who proposes to make or participate in making a decision under this subsection, which places or may place him/her in an apparent conflict of interest, shall deliver a written statement to the Council or the Appointed Body of which such official is a member, and to the City Manager disclosing the apparent conflict of interest and explaining why, despite the apparent conflict, he/she is able to make or participate in making the decision fairly, objectively and in the public interest.

Formatted: Indent Left: 0.25"

(c) Except as otherwise prohibited by law, a member of Council may make or participate in making a decision which may place him/her in a apparent conflict of interest if the member first delivers a statement to the Mayor disclosing the apparent conflict of interest and explaining why, despite the apparent conflict, such member of Council is able to vote and otherwise participate fairly, objectively and in the public interest. The statement shall be entered in full in the minutes or other official record of the legislative body.

(d) All city Appointed Bodies shall exempt officials from making, or participating in the making of a governmental decision which the official knows will provide the official, a member of the official's immediate family, or a business with which the official is associated, with a financial benefit of more than a de minimis nature which is distinguishable from the benefits to the person as a member of the public or as a member of a broad segment of the public.

Article V. COMPLAINTS

(a) Any person may file a signed written complaint with the City Manager or designee alleging a violation of this policy. Upon receipt of such a complaint, the City Manager shall ensure that a proper investigation is undertaken to determine whether it is more likely than not that a violation of this policy occurred.

Deleted: <#> (a)

Formatted: Indent Left: 0.25"

Deleted: or

Deleted: probable cause exists to believe

(b) If the City Manager, in consultation with the City Attorney, determines that it is more likely than not that a violation occurred, the City Manager and/or City Attorney will advise the City Council of such violation, and provide recommendation or resolution of the conflict or appropriate disciplinary measures.

Deleted: <#> (b)

Deleted: there

Deleted: probable cause to believe

Deleted: this

(c) No person shall knowingly make a false statement in a complete submitted pursuant to this policy.

Deleted: <#> (c)

(d) The City Manager shall give written notice, including notice of the nature of the complaint, by certified mail, return receipt requested, to the person under investigation, within twenty-one (21) days after the receipt of a written complaint against such person.

Deleted: <#> (d)

(e) Upon receipt of notice of the complaint, the city official/employee has the opportunity to file a written explanation/response to the City Manager. The explanation/response must be delivered within ten (10) days of receipt of notice.

Deleted: <#> ¶
(e)

(e)

Deleted: filed by certified mail

Article VI. INVESTIGATIVE ASSISTANCE

All *Appointed Bodies* shall assist the City Manager or designee and the City Attorney's office in investigating any complaints regarding possible violations of this policy and in taking appropriate action or disciplinary measures for any violations of this policy.

Deleted: <#> ¶
<#>Article V. PARTICIPATION IN GOVERNMENTAL DECISIONS ¶
<#> ¶

Article VII. DISTRIBUTION OF COPIES OF POLICY

The City Manager or designee shall provide a copy of this chapter to each official and employee of the City.

<#>(a) No official or employee shall make or participate in making a decision in his/her capacity as an official or employee knowing that the decision will provide such official or employee, a member of the official's or employee's immediate family, or a business with which the official or employee is associated, an individual financial benefit of more than a de minimis nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. An official or employee who makes or participates in making a decision under this subsection, which places or may place him/her in a potential conflict of interest, shall deliver a written statement to the governmental unit of which such official or employee is a member or employee, and to the City Manager disclosing the potential conflict of interest and explaining why, despite the potential conflict, he/she was able to make or participate in making the decision fairly, objectively and in the public interest. ¶
<#> ¶

(b) Except as otherwise prohibited by law, a member of Council may make or participate in making a decision which may place him/her in a potential conflict of interest if the member first delivers a statement to the Mayor disclosing the potential conflict of interest and explaining why, despite the potential conflict, such member of Council is able to vote and otherwise participate fairly, objectively and in the public interest. The statement shall be entered in full in the minutes or other official record of the legislative body.

Deleted: ¶
(c) All city governmental units shall establish procedures to enable an official or employee to avoid or be exempt from making, or participating in the making of, a governmental decision which the official or employee knows will provide the officer or employee, a member of the official's or employee's immediate family, or a business with which the official or employee is associated, with a financial benefit of more than a de minimis nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. ¶ [23]

Deleted: ¶

Deleted: governmental units

Deleted: ¶

Deleted: ¶

Page 2: [1] Deleted Paul 10/14/2010 11:41 AM

or Governmental unit

Page 2: [1] Deleted Paul 10/14/2010 11:41 AM

an authority, department, commission, committee, council, board, bureau, division, office, legislative body or other agency of

Page 2: [1] Deleted Paul 10/14/2010 11:41 AM

Page 2: [2] Deleted Paul 10/14/2010 11:41 AM

(e) "Confidential information" means information which has been obtained in the course of one's employment with the City or in fulfilling the duties of one's office with the City, which information is not known by or available to members of the general public and which has been obtained on the basis of the promise of confidentiality or which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially.

(f)

Page 2: [3] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [3] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [3] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [4] Formatted Paul 10/14/2010 11:41 AM
Font: OHFOCN+TimesNewRoman

Page 2: [5] Formatted Paul 10/14/2010 11:41 AM
Indent: Left: 0.25", Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Page 2: [6] Formatted Paul 10/14/2010 11:41 AM
Font: OHFOCN+TimesNewRoman

Page 2: [7] Deleted Paul 10/14/2010 11:41 AM

(g)

Page 2: [8] Formatted Paul 10/14/2010 11:41 AM
Font: OHFOCN+TimesNewRoman

Page 2: [9] Formatted Paul 10/14/2010 11:41 AM
Indent: Left: 0.25", Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Page 2: [10] Formatted Paul 10/14/2010 11:41 AM
Font: OHFOCN+TimesNewRoman

Page 2: [11] Deleted Paul 10/14/2010 11:41 AM

(h) "Loan" means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

(i) "Official or employee" means an elected or appointed official or an employee of the City or a governmental unit of the City.

(j) "Substantial" means anything of significant worth and importance or of considerable value as distinguished from something of de minimum value or merely nominal worth.

Article III. PROHIBITIONS

Page 2: [12] Deleted Paul 10/14/2010 11:41 AM

(a) No person shall offer or give to any of the following persons a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of an official or employee would be influenced thereby:

(1) An official or employee;

(2) A member of the immediate family of an individual referred to in paragraph (a)(1) hereof; or

(3) A business with which an individual referred to in paragraph (a)(1) or (2) is associated.

(e) "Confidential information" means information which has been obtained in the course of one's employment with the City or in fulfilling the duties of one's office with the City, which information is not known by or available to members of the general public and which has been obtained on the basis of the promise of confidentiality or which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially.

(f) "Decision making authority" means authorized to exercise or vested with the power to adopt laws, regulations or standards, render binding decisions, establish executive policy, execute contracts or determine questions involving substantial discretion on behalf of the City or governmental unit of the City.

(g) "Immediate family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, stepparents, stepbrothers or stepsisters of an individual.

(h)

Page 2: [13] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [13] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [13] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [13] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [14] Deleted Paul 10/14/2010 11:41 AM

(i)

Page 2: [15] Deleted Paul 10/14/2010 11:41 AM

the City or a governmental unit

Page 2: [16] Deleted Paul 10/14/2010 11:41 AM

(j)

Page 2: [17] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [17] Formatted Paul 10/14/2010 11:41 AM
Font: Times New Roman, Font color: Black

Page 2: [17] Formatted Paul 10/14/2010 11:41 AM
Font: Times New Roman, Italic, Font color: Black

Page 2: [18] Formatted Paul 10/14/2010 11:41 AM
Font: Times New Roman, Font color: Black

Page 2: [19] Deleted Paul 10/14/2010 11:41 AM

Article III. PROHIBITIONS

(a)

Page 2: [20] Formatted Paul 10/14/2010 11:41 AM
Font: Times New Roman, Font color: Black

Page 2: [20] Formatted Paul 10/14/2010 11:41 AM
Font color: Black

Page 2: [20] Formatted Paul 10/14/2010 11:41 AM
Font: Times New Roman, Font color: Black

Page 2: [21] Deleted Paul 10/14/2010 11:41 AM

(b)

Page 3: [22] Deleted Paul 10/14/2010 11:41 AM

(b) No city official or employee shall participate as an agent or representative of the City in approving, disapproving, voting, recommending or otherwise acting upon any matter which he/she has a direct or indirect financial interest without disclosing the full nature and extent of the interest. Such disclosure must be made before the time to perform his/her duty or concurrently with that performance. All

disclosures must be made to the appropriate official or supervisory personnel of the governmental unit.

(i) No city

Page 5: [23] Deleted Paul 10/14/2010 11:41 AM

(c) All city governmental units shall establish procedures to enable an official or employee to avoid or be exempt from making, or participating in the making of, a governmental decision which the official or employee knows will provide the officer or employee, a member of the official's or employee's immediate family, or a business with which the official or employee is associated, with a financial benefit of more than a de minimis nature which is distinguishable from the benefits to the person as a member of the public or as a member of a broad segment of the public.

Article I. DECLARATION OF PURPOSE

The City declares that elected public office and public employment is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. It is the opinion of the Council that the people of the City are entitled to assurance that conflicts of interest of city officials and employees are eliminated to the fullest extent possible and that violations of rules of ethical conduct are investigated and handled appropriately.

Article II. DEFINITIONS

As used in this policy:

- (a) "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity which is organized for profit.
- (b) "Business with which an individual is associated" means a business in which any of the following applies:
 - (1) The individual is an owner, partner, director, officer or employee;
 - (2) A member of the individual's immediate family is an owner, partner, director or officer;
 - (3) The individual or a member of the individual's immediate family is a stockholder of close corporation stock which is worth at least one thousand dollars (\$1,000) at fair market value or which represents more than a five percent equity interest; or
 - (4) The individual or a member of the individual's immediate family is a stockholder of publicly traded stock which is worth at least twenty-five thousand dollars (\$25,000) at fair market value or which represents more than ten percent equity interest, other than publicly traded stock under a trading account if the individual reports the name and address of the stockholder.
- (c) "City or Governmental unit" means an authority, department, commission, committee, council, board, bureau, division, office, legislative body or other agency of the City of Marshall.
- (d) "Compensation" means any money, property, thing of value, or benefit conferred upon or received by any person in return for services rendered or to be rendered.
- (e) "Confidential information" means information which has been obtained in the course of one's employment with the City or in fulfilling the duties of one's office with the City, which information is not known by or available to members of the general public and which has been obtained on the basis of the promise of confidentiality or which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially.

- (f) "Decision making authority" means authorized to exercise or vested with the power to adopt laws, regulations or standards, render binding decisions, establish executive policy, execute contracts or determine questions involving substantial discretion on behalf of the City or governmental unit of the City.
- (g) "Immediate family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, stepparents, stepbrothers or stepsisters of an individual.
- (h) "Loan" means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.
- (i) "Official or employee" means an elected or appointed official or an employee of the City or a governmental unit of the City.
- (j) "Substantial" means anything of significant worth and importance or of considerable value as distinguished from something of de minimum value or merely nominal worth.

Article III. PROHIBITIONS

- (a) No person shall offer or give to any of the following persons a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of an official or employee would be influenced thereby:
 - (1) An official or employee;
 - (2) A member of the immediate family of an individual referred to in paragraph (a)(1) hereof;
or
 - (3) A business with which an individual referred to in paragraph (a)(1) or (2) is associated.
- (e) "Confidential information" means information which has been obtained in the course of one's employment with the City or in fulfilling the duties of one's office with the City, which information is not known by or available to members of the general public and which has been obtained on the basis of the promise of confidentiality or which is required to be held confidential by law or regulation or which the employee or officer has been instructed is being held confidentially.
- (f) "Decision making authority" means authorized to exercise or vested with the power to adopt laws, regulations or standards, render binding decisions, establish executive policy, execute contracts or determine questions involving substantial discretion on behalf of the City or governmental unit of the City.

- (g) "Immediate family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, stepparents, stepbrothers or stepsisters of an individual.
- (h) "Loan" means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.
- (i) "Official or employee" means an elected or appointed official or an employee of the City or a governmental unit of the City.
- (j) "Substantial" means anything of significant worth and importance or of considerable value as distinguished from something of de minimum value or merely nominal worth.

Article III. PROHIBITIONS

- (a) No person shall offer or give to any of the following persons a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of an official or employee would be influenced thereby:
- (b) No person referred to in subsection (a) above shall accept a gift, loan, contribution, reward or promise of future employment based on an agreement that the vote or official action or decision of an official or employee would be influenced thereby.
- (c) No official or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his/her position in advance of the time prescribed by the City, except as otherwise required by law.
- (d) No official or employee shall make unauthorized use of his/her public position, or any confidential information received through holding such public position, to obtain financial gain for himself/herself, a member of his/her immediate family or a business with which such individual is associated. This provision shall not prevent the official or employee from accepting his/her regular compensation as a public official or employee.
- (e) No official or employee shall make unauthorized use of personnel, resources, property or funds under his/her official care and control to obtain financial gain for himself/herself, a member of his/her immediate family, or a business with which he/she is associated.
- (f) No official or employee shall act as an attorney, agent or representative of a person other than himself/herself, before the governmental unit of which such official or employee is a member or employee. This provision shall not prevent an officer or employee from performing his/her responsibilities as an officer or employee.
- (g) No official or employee shall act on behalf of the City in the making of policy statements, in authorizing any action, agreement or contract, or in promising to prevent any future action, when such official or employee has, in fact, no authority to do so.
- (h) No city official or employee shall participate as an agent or representative of the City in approving, disapproving, voting, recommending or otherwise acting upon any matter which he/she has a direct or indirect financial interest without disclosing the full nature and extent

of the interest. Such disclosure must be made before the time to perform his/her duty or concurrently with that performance. All disclosures must be made to the appropriate official or supervisory personnel of the governmental unit.

- (i) No city official or employee of the City shall engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the official duties of the employee's position or when that employment may tend to impair his/her independent judgment in connection with the performance of official duties.

Article IV. COMPLAINTS

- (a) Any person may file a signed written complaint with the City Manager or designee alleging a violation of this policy. Upon receipt of such a complaint, the City Manager shall ensure that a proper investigation is undertaken to determine whether or not probable cause exists to believe a violation of this policy occurred.
- (b) If the City Manager, in consultation with the City Attorney, determines that there is probable cause to believe a violation occurred, the City Manager and/or City Attorney will advise the City Council of this violation, and provide recommendation or resolution of the conflict or appropriate disciplinary measures.
- (c) No person shall knowingly make a false statement in a complete submitted pursuant to this policy.
- (d) The City Manager shall give written notice, including notice of the nature of the complaint, by certified mail, return receipt requested, to the person under investigation, within twenty-one (21) days after the receipt of a written complaint against such person.
- (e) Upon receipt of notice of the complaint, the city official/employee has the opportunity to file a written explanation/response to the City Manager. The explanation/response must be filed by certified mail within ten (10) days of receipt of notice.

Article V. PARTICIPATION IN GOVERNMENTAL DECISIONS

- (a) No official or employee shall make or participate in making a decision in his/her capacity as an official or employee knowing that the decision will provide such official or employee, a member of the official's or employee's immediate family, or a business with which the official or employee is associated, an individual financial benefit of more than a de minimis nature which is distinguishable from the benefits of the person as a member of the public or as a member of a broad segment of the public. An official or employee who makes or participates in making a decision under this subsection, which places or may place him/her in a potential conflict of interest, shall deliver a written statement to the governmental unit of which such official or employee is a member or employee, and to the City Manager disclosing the potential conflict of interest and explaining why, despite the potential conflict, he/she was able to make or participate in making the decision fairly, objectively and in the public interest.

- (b) Except as otherwise prohibited by law, a member of Council may make or participate in making a decision which may place him/her in a potential conflict of interest if the member first delivers a statement to the Mayor disclosing the potential conflict of interest and explaining why, despite the potential conflict, such member of Council is able to vote and otherwise participate fairly, objectively and in the public interest. The statement shall be entered in full in the minutes or other official record of the legislative body.
- (c) All city governmental units shall establish procedures to enable an official or employee to avoid or be exempt from making, or participating in the making of, a governmental decision which the official or employee knows will provide the officer or employee, a member of the official's or employee's immediate family, or a business with which the official or employee is associated, with a financial benefit of more than a de minimis nature which is distinguishable from the benefits to the person as a member of the public or as a member of a broad segment of the public.

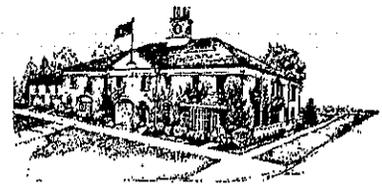
Article VI. INVESTIGATIVE ASSISTANCE

All governmental units shall assist the City Manager or designee and the City Attorney's office in investigating any complaints regarding possible violations of this policy and in taking appropriate action or disciplinary measures for any violations of this policy.

Article VII. DISTRIBUTION OF COPIES OF POLICY

The City Manager or designee shall provide a copy of this chapter to each official and employee of the City.

City of Marshall



323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Thomas Tarkiewicz, City Manager

SUBJECT: Pratt Park - Time Extension

BACKGROUND: At the November 17th meeting, Trae Allman, developer of the Pratt Park residential development requested a time extension from January 1, 2011 to April 1, 2011 to finish the exterior of 1148 Woodruff. A copy of his letter is attached. The Council requested that Mr. Allman provide proof of his financing delays to the City Attorney. Attached is a verification letter from the City Attorney.

RECOMMENDATION: After hearing that Mr. Allman's request is justified, it is recommended that the time extension be granted..

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Tarkiewicz', written over a horizontal line.

Thomas Tarkiewicz
City Manager



Richard (Trae) Allman III
Allman Development, LLC
303 Capital Ave SW
Battle Creek, MI 49015

Monday, November 15, 2010

Thomas W. Tarkiewicz
City Manager
City of Marshall
323 W. Michigan Ave
Marshall, MI 49068

Re: 1148 WOODRUFF EXTENSION

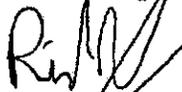
City Manager Tarkiewicz

We would like to request an extension from City Council for completing the exterior of 1148 Woodruff, from January 1st, 2011 to April 1st, 2011.

This request is being made due to the availability of funding to complete work on this building. The loan approval on 1148 Woodruff is predicated on the land closing for the Phase II land (the Flats at Pratt Park), which due to delays has not taken place. Based on my most recent conversation with the lender for phase II, this closing is to take place in March 2011.

The bidding and scheduling has been completed for 1148 Woodruff, but in good conscience we cannot move forward with construction until funding is put in place.

Kindest Regards,



Richard (Trae) Allman III
Allman Development

Tom Tarkiewicz

From: Paul Beardslee [beardsleelaw@jasnetworks.net]
Sent: Tuesday, November 30, 2010 12:06 PM
To: Tom Tarkiewicz
Cc: Richard (Trae) Allman
Subject: Allman Development

Tom,

Following the November 17, 2010 Council meeting, Richard "Trae" Allman has provided me with email correspondence between and among various lenders, HUD officials, appraisers & surveyors. He has asked that I review the emails, but that I not forward them on to City Staff or Council, so that he can maintain what he believes to be proprietary information.

Based on these emails, it appears that there have been many reasons for delays in funding and construction of the project. While perhaps there are things that Allman Development could have done differently, it seems that many of the delays are due to circumstances beyond Allman's control.

Please let me know if you need more information.
Paul Beardslee

Paul K. Beardslee
Beardslee Law Offices
206 S. Kalamazoo Ave.
Marshall, MI 49068
Voice (269) 781-5193
Fax (269) 781-2157

The pages accompanying this e-mail originate from the Beardslee Law Office, PLC and may be confidential and/or privileged pursuant to the attorney-client privilege and work-product doctrines. The information is intended for the use of the individual(s) or entity(ies) to whom the e-mail is addressed. It is prohibited for anyone else to disclose, copy, distribute or use the contents of this e-mail if you are not the intended recipient(s). The contents may not be copied or distributed without this disclaimer.

If you received this message in error, please delete the message and advise the sender by reply e-mail or notify us immediately at (269) 781-5193. Any and all personal e-mails express views solely of the sender, which are not to be attributed to Beardslee Law Office, PLC

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Proposed New Rules for Ordinance 73.19.1 Parking Limited Between
3:00 AM – 6:00 AM.

BACKGROUND: On November 17, 2010 the Marshall City Council adopted Ordinance 73.19.1 as written. The City Council instructed that the rules for obtaining, enforcing, and authorizing permitting be drafted and prepared for approval.

As a result the attached rules have been developed and drafted for review and subsequent approval. Once approved, the rules shall be used to develop issue and enforce the above approved ordinance.

The purpose of these stated rules are to establish written rules to gain compliance with person(s) residing, visiting, or required to purchase permits within the City of Marshall and/or the Downtown Development Authority District.

RECOMMENDATION: As the Police Chief for the City of Marshall it is the recommendation that the Council approve the attached rules to be included with Ordinance 73.19.1.

FISCAL EFFECTS: The fees collected will be placed in the General Fund.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James M. Schwartz".

James M. Schwartz
Police Chief

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager



Ordinance 73.19.1 Overnight Parking Limited Between 3:00 AM – 6:00 AM

Rules

The Traffic Engineer proposes the following system of overnight parking permits effective as of January 1, 2011:

1. Motorists may apply to the office of the City of Marshall Clerk-Treasurer for overnight parking permit for their vehicles. Overnight Parking Permits shall be issued for each vehicle enrolled in the program upon the completion and submission of forms created by the Traffic Engineer.
2. Motorists eligible for this program must reside or be a registered guest(s) at a transient lodging facility within the Downtown Development Authority boundaries for the City of Marshall.
3. The cost of the Overnight Parking Permit will be Five (\$5) Dollars per year. Each Overnight Parking Permit shall expire on December 31 of the year issued.
4. Owners or operators of bed-and-breakfasts, motels, or other similar transient lodging quarters may apply for and shall receive from the Clerk-Treasurer a permit, as stated in sec. 3 above, which is transferrable to guests, tenants or boarders upon the completion and submission of forms created by the Traffic Engineer.
5. Temporary parking permission may be granted by the City of Marshall Police Department upon request by telephone at (269) 781-0911. Temporary permission shall be issued at no charge to the requesting party. Temporary permission shall not be issued for the same vehicle for more than five consecutive nights.
6. Replacement of Overnight Parking Permits shall be issued upon the payment of Five (\$5) Dollars to the Clerk-Treasurer. Overnight Parking Permit fees shall not be refunded.
7. Overnight Parking Permits shall be displayed in the lower portion of the rear-window of the vehicle, passenger side.

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Revised Ordinance 134.03 DISORDERLY HOUSE

BACKGROUND: At the last Council meeting, a public hearing was held on an amendment to Chapter 134.03 (B): Offenses Against Public Peace and Safety – Disorderly House. The City Council recommended that “or immoral” be removed from paragraph (B).

The purpose of this ordinance is to gain compliance with persons residing or visiting within the City of Marshall.

RECOMMENDATION: As the Police Chief for the City of Marshall, it is the recommendation that the Council approve the attached ordinance.

FISCAL EFFECTS: The fees collected will be placed in the General Fund.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James M. Schwartz".

James M. Schwartz
Police Chief

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

Tom Tarkiewicz
City Manager



CITY OF MARSHALL
ORDINANCE #2010-

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE. CHAPTER 134:
OFFENSES AGAINST PUBLIC PEACE AND SAFETY

THE CITY OF MARSHALL ORDAINS

Section 1. That section 134.03 DISORDERLY HOUSE of the Marshall City Code, is hereby amended to read as follows:

§ 134.03 DISORDERLY HOUSE.

(A) No person shall permit or suffer any house, building or other place owned or occupied by him to be a resort for noisy, boisterous or disorderly persons, nor permit or suffer to remain therein any noisy, boisterous or disorderly persons.

(B) No person shall attend, frequent, operate or be an occupant of any place where prostitution, gambling or the illegal sale or use of intoxicating liquor is permitted or conducted or where any other illegal business or occupation is permitted or conducted.

This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2010.

Bruce R. Smith, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 6, 2010, 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.

Sandra Bird, CLERK-TREASURER

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



Marshall Town Hall ca. 1857

ADMINISTRATIVE REPORT December 6, 2010 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: 134.10 WINDOW PEEPING.

BACKGROUND: At the last Council meeting, a public hearing was held on an amendment to Chapter 134.10 Offenses Against Public Peace and Safety - Window Peeping. The City Council recommended that clarity of the offense along with additional information to include "would be likely to cause affront or alarm to a reasonable person if he or she were aware of such activity".

The purpose of this ordinance is to gain compliance with persons residing or visiting within the City of Marshall.

RECOMMENDATION: As the Police Chief for the City of Marshall, it is the recommendation that the Council approve the attached.

FISCAL EFFECTS: The fees collected will be placed in the General Fund.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James M. Schwartz".

James M. Schwartz
Police Chief

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager



CITY OF MARSHALL
ORDINANCE #2010-

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE. CHAPTER 134:
OFFENSES AGAINST PUBLIC PEACE AND SAFETY

THE CITY OF MARSHALL ORDAINS

Section 1. That section 134.10 Window Peeping of the Marshall City Code, is hereby amended to read as follows:

§ 134.10 WINDOW PEEPING.

It shall be unlawful for a person to look, peer or peep into any window on the property of another person under circumstances which **would be likely to cause affront or alarm to a reasonable person if he or she were aware of such activity.**

(Prior Code, § 18-61)

Statutory reference:

Disorderly persons, see M.C.L.A. § 750.167; M.S.A. § 28.364

This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2010.

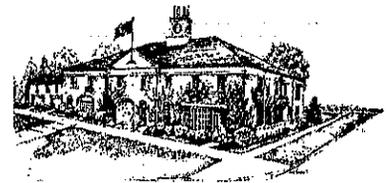
Bruce R. Smith, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 6, 2010, 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.

Sandra Bird, CLERK-TREASURER

City of Marshall



Marshall Town Hall ca: 1857

323 West Michigan Avenue - Marshall, MI 49068-1578 - Phone (269) 781-5183 - FAX (269) 781-3835

ADMINISTRATIVE REPORT December 6, 2010 - City Council Meeting

REPORT TO: Honorable Mayor and Council Members
FROM: Thomas Tarkiewicz, City Manager
SUBJECT: Downtown Parking Needs Assessment Proposal

BACKGROUND: The Hospital and Neighborhood Committee has been meeting to discuss the concerns of the hospital neighborhood. One of the major concerns is the parking needs in the area. City staff and Committee Chairman Ken Jendryka met with Jake Jeppeson of Walker Parking Consultants to formulate a scope of work for a parking needs assessment.

Walker Parking Consultants of Kalamazoo has submitted the attached proposal. Walker accomplished the 1995 and 2000 downtown parking assessments. The proposal contains the following tasks:

- Parking supply/demand analysis for the entire study area
- Parking space turnover analysis
- Potential shared use analysis
- Current and future conditions will be analyzed to pinpoint problem areas
- Alternatives analysis will be performed based on a community values matrix

Oaklawn Hospital has agreed to pay for 50% of the study cost which is estimated to cost \$20,000 plus reimbursable expenses (estimated to be \$750.00). The study would begin immediately and take 10 weeks to complete.

RECOMMENDATION: It is recommended that the City Council accept the proposal from Walker Parking Consultants of Kalamazoo for \$20,000 plus expenses to perform a downtown parking assessment.

FISCAL EFFECTS: To amend and authorize to increase the funding by \$10,375 for the General Fund Non-Departmental Contracted Services expenditure budget line item 101-294-820.00 with the revenue source of use of prior year fund balance reserves for the downtown parking needs assessment study.

ALTERNATIVES: As suggested by Council

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Tarkiewicz', written over a circular stamp or mark.

Thomas Tarkiewicz
City Manager



HISTORIC
LANDMARK
DISTRICT



WALKER
PARKING CONSULTANTS

Walker Parking Consultants
2121 Hudson Avenue
Kalamazoo, MI 49008

Voice: 269.381.6080
Fax: 269.343.5811
www.walkerparking.com

November 17, 2010 (Revised December 1, 2010)

Mr. Thomas W. Tarkiewicz, P.E., City Manager
CITY OF MARSHALL
City Hall
323 W. Michigan Avenue
Marshall, MI 49068

Mr. Ken Jendryka, Chairman
HOSPITAL AND NEIGHBORHOOD COMMITTEE
14805 W. Michigan Ave.
Marshall, MI 49068

RE: Proposal for Parking Consulting Services for a Parking Needs Assessment of Downtown Marshall and Oaklawn Hospital

Dear Tom and Ken,

Thank you for inviting me to meet with you, Ms. Larkin, and Chief Schwartz to discuss parking issues and concerns in Marshall. I appreciated the time you spent helping me better understand how parking concerns are affecting key community entities including the downtown Central Business District (CBD), Oaklawn Hospital, the National Historical Landmark District, and the residential neighborhood adjacent to the Hospital.

This proposal is based upon our discussion and also Walker Parking Consultants' understanding of parking in Marshall going back to 1995, when we performed the first parking needs assessment of the CBD and Oaklawn Hospital. As you review this proposal, you will see that our proposed approach will provide you with information and recommendations that will enable the Mayor's Hospital and Neighborhood Committee to make informed and effective decisions regarding their plan to accommodate Hospital expansion that is satisfactory to the community and the Hospital.

STATEMENT OF UNDERSTANDING

Marshall is a vibrant Midwestern town with a resident population that is proud of and active in their community. A significant feature in the community is Marshall's National Historic Landmark District. For many years, this collection of distinct residences and buildings have been celebrated annually through tours and supporting events, drawing significant numbers of tourists to Marshall. Another significant element is Marshall's community hospital. Unlike many other community hospitals in Michigan and throughout the country, Marshall's Oaklawn Hospital remains viable



and is the largest employer in the community. The Hospital has maintained its viability through carefully managed growth; growth that was (and will remain) necessary for continued success.

A number of factors related to the Hospital's continuing need to grow are causing concern among residents. One factor in particular, parking, has become a key concern. Two recent projects have focused a spotlight on the parking challenges that face the Hospital. The Ricketson project expanded the Hospital's footprint to the west across Madison Street and included the relocation of two single-family homes to make room for parking that serves the expansion. That project, coupled with the new surgery project and loss of street parking from the Ricketson project, reduced by over 50 spaces the number of Hospital parking spaces available on-site or on North Madison across from the Hospital. The Hospital is currently facing a parking shortage for the Emergency Department and front entrance due to the recent loss of spaces because of expansion coupled with a significant increase in ED volume. In addition to these projects, the Hospital is considering further expansion in the future.

Responding to resident's concerns, Mayor Bruce Smith created the Hospital and Neighborhood Committee. This committee is comprised of a cross section of city residents and is charged with examining and evaluating both the residents' and the Hospital's concerns, issues, needs and wants. Ultimately, the committee is charged with developing solutions acceptable to the neighborhood, hospital, and other key stakeholders.

In a series of meetings, Committee members identified many common issues associated with potential future expansions of Oaklawn Hospital. This list of issues was further defined through the creation of six categories. Appearing in the Neighborhood Impacts, Hospital Growth, and Government categories was the common concern of "*Parking Issues*" (in the Neighborhood Impact category, parking issues was further defined with an added note: "*lack of parking available*"). Examples of these parking concerns and issues are:

- There is a perceived challenge with parking in downtown as well as in and around the Hospital. This "challenge" has yet to be measured and clearly defined.
- A key question is: does downtown demand contribute to parking challenges at the Hospital and/or is the Hospital contributing to downtown parking challenges?
- Expanding the Hospital beyond its existing footprint and "infringing on the neighborhood" is of great concern to residents. When considering the Hospital's need for expansion and additional parking, can closing a portion of a street abutting Oaklawn Hospital provide enough room to accommodate future expansion? How may closing the street impact the surrounding neighborhood and CBD?
- Is parking adequate in the CBD? Do retailers have enough parking for their customers? What impact does CBD residential housing have in the CBD now and will it be significant in the future?
- The Committee recognizes that future parking planning will be essential for the Hospital and CBD in order to retain the vitality of the downtown, Hospital, and residents. What are the future parking needs of the Hospital and CBD? What measures can be taken now and in the future to mitigate parking concerns and challenges?



The approach we propose for this parking needs assessment will generate answers to these issues and questions about parking in downtown Marshall and at the Hospital. It will help the Hospital and Neighborhood Committee gain a clear understanding of current and future parking conditions and ways to meet those needs. This understanding will enable you to make informed, effective, and achievable parking decisions that will support the continued success of downtown and the Hospital.

PROJECT APPROACH

Based upon our discussion and Walker Parking Consultants' previous experience with evaluating parking in downtown Marshall and the Hospital, we recommend the following phased approach:

- Phase I – Parking Supply/Demand Analysis
- Phase II – Alternatives Analysis
- Phase III – Report and Plan

In order to provide the best service to you in the most economical manner, we propose to work closely with the Committee to help direct the gathering of data and information by volunteers provided by the Committee. By utilizing Committee volunteers in this fashion, we will be able to apply our knowledge and expertise to this project for a lesser cost due to the absence of data gathering expenses.

In the first phase, the parking supply/demand analysis will be conducted for the entire study area. In addition to measuring the overall parking supply and occupancy during a typical day in the CBD and at the Hospital, the analysis will also include measuring parking space turnover in key areas of the CBD and Hospital campus. Potential shared-use opportunities will be identified and incorporated into our analysis. Current and future conditions will be projected which will pinpoint the actual parking challenges in the study area and where potential challenges will occur in the future as proposed future developments are brought on-line. This analysis will provide the starting point and baseline from which to develop solutions for mitigating current and future parking challenges.

The second phase, Alternatives Analysis, will build upon the parking knowledge developed in the first phase by Walker Parking Consultants as well as the HED space needs solutions determined by a separate study conducted by others and developed in the first phase. This includes actual current parking conditions in the CBD and at the Hospital as well as projected future parking conditions. Alternative solutions for mitigating current and future parking problems will be developed. The potential solutions will be evaluated and ranked using a weighted-value matrix that will be created mutually with the Committee. This way, the final selections of preferred alternatives will reflect Community and Hospital parking-related values.

The study will conclude in the third phase with a report and plan that will provide valuable information and recommendations for addressing current and future parking issues and concerns. We will prepare and deliver a public presentation of our findings, conclusions and



recommendations. Please note that if one or more of the recommended solutions includes closing a portion of any street adjacent to the hospital, we strongly recommend that a traffic impact analysis be conducted to make sure that any form of closure will not adversely impact the surrounding residential neighborhood, CBD or Hospital.

The following scope of services provides a step-by-step description of the work we propose to perform for this parking needs assessment:

SCOPE OF SERVICES

Phase I – Parking Supply/Demand Analysis

1. Meet with Committee representatives comprising the Parking Study Steering Committee (which will be comprised of a hospital representative, city representative, the HNC chairman, and an at-large representative from the HNC) to further clarify study objectives, study area and parking analysis zones, and review and update the proposed work plan, schedule, and data gathering requirements.
2. From the Committee, obtain and review existing pertinent reports, studies, and statistical data regarding the study area. This will include, but not be limited to, the City and Oaklawn Hospital master plans and records involving parking system inventory and usage.
3. Determine amount and depth of available current land use data. If certain land use data is unavailable or in unusable format, we will provide direction to the Committee to assemble remaining detailed land use information by block, building, or parcel using personnel supplied by the committee and in a format compatible with Walker Parking Consultants data templates.
4. From information gathered by the Committee, review existing inventory of on-street and off-street parking facilities (public and private) within the study area. Verify the type of parking (e.g. public, commercial, or private), rates charged, number of spaces reserved and/or number of monthly leases, and the type of access control, if any. We will provide direction to the Committee for the gathering of this data.
5. Provide direction to the Committee for collecting Hospital data via the Hospital Study Checklist. Review historical data supplied by this checklist. A copy is included in the data needs section of this proposal.
6. Provide the Committee with direction and templates to record the number of vehicles parking in the study area, by facility, during the inventory process. Committee volunteers will need to perform occupancy counts on an hourly basis during one day for all spaces in the study area. This will determine the pattern of parking utilization throughout the day and identify/document unusual parking patterns.



7. Analyze field survey data and present in tabular and graphic form. Using this data, Walker Parking Consultants' previous experience and published secondary data, develop parking demand ratios for each land use category in terms of spaces per square foot.
8. Calculate and compare parking demand with current parking supply and identify areas with deficits and surpluses within the study area. Also, determine the present and future parking supply and demand separately at the Hospital based upon the gathered data. Compare the data collected with demand ratios developed from our data bank of other municipalities and medical facilities.
9. Determine future parking demand in the study area under two development scenarios prepared by the Committee. The scenarios may include committed development that reflects projects that are expected to be constructed in the near future (one to three years), and proposed development that reflect projects likely to occur within four to twenty years. These horizons can be adjusted to more closely reflect local conditions, if necessary.
10. Compare the parking supply with projected future demand to determine the impact each of the development scenarios will have on area parking conditions.
11. Identify areas with parking deficiencies that are likely to require expansion of the parking supply.
12. Analyze the results of the HED space needs study, conducted by others, to prepare for the alternatives available for discussion in Phase II.

One meeting with the committee is included in this phase.

Phase II – Alternatives Analysis

13. Meet with the Committee representatives to review findings from Phase I and develop criteria for inclusion in the weighted value matrix that will be used to evaluate alternatives.
14. Review existing vehicular and pedestrian access and circulation patterns for their relationship to existing and proposed parking facilities
15. Review operational layout, usage, and control of existing parking facilities within the study area.
16. Determine whether the number of spaces could be increased and/or distribution improved through restriping and operational efficiency improvements in existing facilities.
17. Determine whether any existing facilities can be expanded to meet area parking needs of the CBD and the Hospital.



18. Identify sites within the study area that are suitable for adding additional surface or structured parking spaces. External variables that will be considered are desirable density, phasing of construction, location, future expandability, and incorporation of other uses such as retail, storage, medical offices, etc., in any proposed site for structured parking.
19. Determine conceptual construction and project costs including estimated operational expenses to enable a comparison of costs of each alternative on an "apples-to-apples" basis.
20. Evaluate the various alternatives on the basis of qualitative data to be mutually developed and agreed upon with the Committee. The criteria may include but are not limited to:
 - Aesthetics
 - Capital Cost
 - Life Cycle Cost
 - Location
 - Visibility
 - Pedestrian Access
 - Vehicular Access
 - Traffic Impact
 - Implementation Time
 - Security
 - Walking Distance
 - Future Versatility
 - Accessibility to Hospital Front Entrance and Emergency Department
 - Customer Preference

A weighted matrix will be used to rank the alternatives

21. Meet with the Committee to present the alternatives and matrix analysis for the purpose of discussing and ranking the alternatives.

Two meetings with the Committee are included in this phase.

Phase III – Report and Plan

22. Develop a recommended plan for improvements including phasing of plan elements corresponding to projected needs.
23. Prepare a draft report for review and discuss findings with the Committee. We will provide the committee with an electronic copy of the report along with one printed color copy of the report which will be unbound and suitable for reproducing additional copies.



24. Incorporate the Committee's comments into a final Parking Needs Assessment report and provide the Committee with an electronic copy of the report along with one printed color copy of the report which will be unbound and suitable for reproducing additional copies.
25. Prepare a presentation using various forms of media to publically present our findings, conclusions, and recommendations at a public meeting.

Two meetings are included in this phase.

INFORMATION NEEDS

The information and data needs for this study include:

- A current inventory of all public and private, on and off-street parking spaces within the study area. Residential parking spaces are not included in this inventory. This inventory will include verification of the type of parking, rates charged, if any, number of spaces reserved and/or number of monthly leases, and the type of access controls in place, if any.
- Hourly counts of the public and private, non residential parking spaces in the study area. Parking space turnover data will be required for several specific areas.
- Land use data for commercial, retail, office, etc., buildings in the study area. The land use data will need to include the type of occupancy and the square footage per building (divided by use if more than one type is located in the building). Commercial buildings with residential components will need to be recognized.
- City and Hospital Master plans and/or economic development plans that include future development scenarios or activities that may affect future parking demand. This includes future developments – This includes type of land use, square footage, seating capacity, or number of rooms, expected completion date, location, and whether any existing parking spaces will be displaced.
- GIS data and maps of the proposed study area (in electronic format).
- Employment – The most recent and accurate data the City can provide for the central business district.
- Hospital Study Checklist data (a copy is attached)
- Any additional pertinent information relative to the Parking Needs Assessment

Under this proposal, our project manager will work closely with you to coordinate the gathering of this data by Committee volunteers. We will provide you with copies of the forms with which to gather and record the data and the format in which the data must be compiled.

STUDY AREA

Attached is an aerial view of the proposed study area. We will review this with the Committee during the project kickoff meeting and make minor adjustments, if necessary, at that time.



PROJECT TEAM

The Walker Parking Consultants team will consist of Mr. R. Jake Jeppesen, Mr. Jeffrey Colvin, and Mr. Andrew Vidor. All three are veteran parking consultants and bring the skill, knowledge, and expertise required for this parking needs assessment. Jake will serve as Principal-In-Charge of the project and will make sure that the team has the necessary resources and support throughout the project. He has been involved in all of the the parking projects that Walker Parking Consultants has performed in Marshall for both the City and Oaklawn Hospital including the 1995 parking needs assessment.

Mr. Colvin will serve as your project manager. Jeff has managed many hospital and municipal parking study projects around the country. He brings a demonstrated ability to work with various stakeholder groups during projects like this one. Andrew Vidor will assist Jeff with data evaluation paying particular attention to potential shared use opportunities. Andrew, Jeff and Jake have worked together on a number of projects; most recently, the three worked on a large, complex Downtown parking needs assessment for the City of Rochester, New York.

Resumes for each team member are attached.

SCHEDULE

From the time we are authorized to proceed, we will require 8 – 10 weeks to complete Phases I and II of the project. An additional three weeks will be required to complete phase III to the point of delivering the final report. From that point, one week will be required to prepare a present the report's findings, conclusions, and recommendations in a public meeting.

Our ability to maintain this schedule will be heavily dependent upon timely responses to our requests for information, data, and meetings. We will present a detailed project schedule at to the Committee at the kick-off meeting.

PROFESSIONAL FEE

We propose to provide the services as described above in accordance with the attached General Conditions of Agreement for Consulting Services for a lump sum fee of \$20,000 plus expenses. We suggest that you budget \$750 for reimbursable expenses.

EXPERIENCE

Walker Parking Consultants was founded in 1965 in Kalamazoo, Michigan. Since that time, we have grown into national and international prominence as a consulting/engineering firm that specializes solely in parking. We now have 15 offices in the United States and, in addition to our stateside clients; we are providing our services in over 25 countries around the world. Our



work history for parking studies includes over 1,500 engagements for municipalities, hospitals, universities, developers, airports, entertainment and sports venues, and corporate clients.

Examples of our Michigan municipal and hospital clients for whom we have provided our parking study/consulting services include: The Cities of Grand Rapids, Kalamazoo, Coldwater, Jackson, Marshall (with Oaklawn Hospital), Petoskey, Detroit, Holland, Farmington Hills, and St. Joseph. Examples of our hospital clients here in Michigan include: Oaklawn Hospital, St. Mary's and Spectrum Hospitals in Grand Rapids, Bronson and Borgess Hospital in Kalamazoo, in Grand Rapids, Northern Michigan Hospital in Petoskey, St. Mary's Hospital in Livonia, and Detroit Medical Center in Detroit.

We sincerely appreciate the opportunities we have had over the years to work with the City of Marshall and Oaklawn Hospital; we want to continue that relationship and work with you on this project. Your review of our proposal is welcomed and we look forward to discussing it with you.

Sincerely
WALKER PARKING CONSULTANTS

R. Jake Jeppesen
Principal
RLJ:rlj

Jeffrey A. Colvin, AICP, CPP
Project Manager

Attachment: Proposed Study Area

AUTHORIZATION

Trusting that this proposal meets with your approval, please sign and return one copy as your authorization for us to proceed.

AUTHORIZED BY: _____

TITLE: _____ DATE: _____

GENERAL CONDITIONS OF AGREEMENT

FOR CONSULTING SERVICES - MARSHALL/OAKLAWN HOSPITAL STUDY - 2010



WALKER
PARKING CONSULTANTS

SERVICES

Walker Parking Consultants ("WALKER") will provide the CLIENT professional services that are limited to the work described in the attached letter ("the services"). Any additional services requested will be provided at our standard hourly rates or for a mutually agreed lump sum fee. The services are provided solely in accordance with written information and documents supplied by the CLIENT, and are limited to and furnished solely for the specific use disclosed to us in writing by the CLIENT. No third-party beneficiary is contemplated. All documents prepared or provided by WALKER are its instruments of service, and any use for modifications or extensions of this work, for new projects, or for completion of this project by others without WALKER's specific written consent will be at CLIENT's sole risk.

PAYMENT FOR SERVICES

This amount will be credited to the last invoice(s) sent to the CLIENT. WALKER will submit monthly invoices based on work completed plus reimbursable expenses. Reimbursable expenses will be billed at 1.10 times the cost of travel and living expenses, purchase or rental of specialized equipment, photographs and renderings, document reproduction, postage and delivery costs, long distance telephone and facsimile charges, additional service consultants, and other project related expenses. Payment is due upon receipt of invoice. If for any reason the CLIENT does not deliver payment to WALKER within thirty (30) days of date of invoice, WALKER may, at its option, suspend or withhold services. The CLIENT agrees to pay WALKER a monthly late charge of one and one half percent (1½%) per month of any unpaid balance of the invoice.

STANDARD OF CARE

WALKER will perform the services in accordance with generally accepted standards of the profession using applicable building codes in effect at time of execution of this Agreement. WALKER's liability caused by its acts, errors or omissions shall be limited to the fee or \$10,000, whichever is greater.

Any estimates or projections provided by WALKER will be premised in part upon assumptions provided by the CLIENT. WALKER will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results and such variations may be material. As such, WALKER makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

PERIOD OF SERVICE

Services shall be complete the earlier of (1) the date when final documents are accepted by the CLIENT or (2) thirty (30) days after final documents are delivered to the CLIENT.

Marshall/Oaklawn Hospital
Proposed Study Area



**City of Marshall, Michigan
Traffic Control Order**

Order Number: 92 Effective Date: 03-06-2011

In according with the Uniform Traffic Code, as amended, adopted by the Marshall City Commission, April 13, 1959, as set forth under Section 2.53 thereof, it is hereby directed:

Erect "**NO THRU TRUCK TRAFFIC**" signs on Prospect Street East of Kalamazoo Street to West of Madison Street. These signs will be installed to eliminate thru heavy truck traffic on Prospect Street between Kalamazoo Street and Madison Street. The purpose of this restriction is due to heavy trucks utilizing Prospect Street to make deliveries to Oaklawn Hospital. As a result, there is noticeable damage to the street and curbs in this described location. This will not cause undue restricted delivery to Oaklawn Hospital.

Permanent Order

City Traffic Engineer
James M. Schwartz

Date: March 6, 2011

Temporary Order

City Traffic Engineer
James M. Schwartz

Date: December 6, 2010

Date: _____

Adopted by the Marshall City Council

pc: Street Superintendent
City Manager's Office

**City of Marshall, Michigan
Traffic Control Order**

Order Number: 93 Effective Date: 03-06-2011

In according with the Uniform Traffic Code, as amended, adopted by the Marshall City Commission, April 13, 1959, as set forth under Section 2.53 thereof, it is hereby directed:

Erect **STOP SIGNS** for both northbound and southbound Madison Street at Prospect Street. Remove and eliminate the **STOP SIGNS** for both eastbound and westbound Prospect Streets at Madison Street. The purpose of this change is to reflect the change in pedestrian traffic on Madison Street. Because of the new offices in the 200 block of W. Madison Street there is increase in pedestrian traffic crossing in this location. Currently there are no stop or yield signs for southbound Madison Street before reaching the 200 block. The stop signs will allow traffic to stop prior to entering the 200 block of N. Madison Street which shall increase pedestrian safety. This will not cause undue restrictions to motorists utilizing N. Madison Street.

Permanent Order

City Traffic Engineer
James M. Schwartz

Date: March 6, 2011

Temporary Order

City Traffic Engineer
James M. Schwartz

Date: December 6, 2010

Date: _____

Adopted by the Marshall City Council

pc: Street Superintendent
City Manager's Office

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT December 6, 2010 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Trisha Nelson, Deputy Clerk
Tom Tarkiewicz, City Manager

SUBJECT: Appointment or Reappointment of Boards and Commission Members

BACKGROUND: According to Marshall City Charter Section 2.13(d) Council shall, in December of each year, publish a listing of all board or commission positions which are scheduled to expire the following year and the term of office for each. Such notice shall also state how applicants may apply for such vacancies. The notice shall be published in a newspaper of general circulation within the city. Said notice shall also be posted in City Hall.

Attached is a listing of vacancies which will be published in the Marshall Chronicle.

RECOMMENDATION: None. This is an informational report

FISCAL EFFECT: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script that reads "Trisha Nelson".

Trisha Nelson
Deputy Clerk

A handwritten signature in cursive script that reads "Tom Tarkiewicz".
Tom Tarkiewicz
City Manager

CITY OF MARSHALL NOTICE
Boards and Commissions Positions

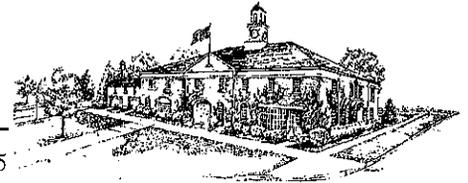
Section 2.13: Appointment of Boards and Commissions, of the City Charter, requires publication, in December, a listing of all Board and Commission positions which are scheduled to expire the following year and the term of office.

Following is a listing of Boards and Commissions positions whose terms are scheduled to expire in 2011. Interested parties wishing to volunteer their services may apply by filling out an application and submitting a resume to the Mayor, Marshall City Hall, 323 West Michigan Avenue, Marshall, MI 49068. Some expired seats may be filled by the incumbent member.

Board or Commission	Term of Office
AIRPORT BOARD Three positions	10/01/2011 to 9/30/2014
BROOKS NATURE AREA Two positions	08/15/2011 to 8/14/2014
DISTRICT LIBRARY BOARD One position	03/31/2011 to 03/30/2014
DOWNTOWN DEVELOPMENT AUTHORITY Three positions	12/31/2011 to 12/30/2015
PARKS AND RECREATION Two positions	07/01/2011 to 6/30/2014
PLANNING COMMISSION Four positions	11/01/2011 to 10/31/2014
ZONING BOARD OF APPEALS Two positions	03/10/2011 to 03/09/2014

City of Marshall

323 West Michigan Avenue • Marshall, MI 49068-1578 • Phone (269) 781-5183 • FAX (269) 781-3835



Marshall Town Hall ca. 1857

ADMINISTRATIVE REPORT December 6, 2010 – CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Trisha Nelson, Deputy Clerk
Tom Tarkiewicz, City Manager

SUBJECT: 2011 City Council Meetings

BACKGROUND: According to Marshall City Charter Section 2.15 (a), Council shall meet regularly at least twice in every month. As such, the Council has customarily held its meetings on the first and third Monday of the month, unless a holiday falls on a Monday.

Attached is a listing of meeting dates for City Council in the Year 2011. All meetings will be held at 7:00 p.m. in the Council Chambers of Town Hall.

RECOMMENDATION: None. This is an informational report.

FISCAL EFFECT: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Trisha Nelson
Deputy Clerk

Tom Tarkiewicz
City Manager



PROPOSED

PUBLIC NOTICE

THE MARSHALL CITY COUNCIL WILL HOLD ITS REGULAR MEETINGS IN THE YEAR 2011 AT 7:00 P.M., AT TOWN HALL IN THE COUNCIL CHAMBERS, 323 WEST MICHIGAN AVENUE, MARSHALL, MI 49068, ON THE FOLLOWING DATES:

Monday, January 3 rd	<i>Tuesday, January 18th</i>
Monday, February 7 th	<i>Tuesday, February 22nd</i>
Monday, March 7 th	Monday, March 21 st
Monday, April 4 th	Monday, April 18 th
Monday, May 2 nd	Monday, May 16 th
Monday, June 6 th	Monday, June 20 th
<i>Wednesday, July 6th</i>	Monday, July 18 th
Monday, August 1 st	Monday, August 15 th
<i>Tuesday, September 6th</i>	Monday, September 19 th
Monday, October 3 rd	Monday, October 17 th
Monday, November 7 th	Monday, November 21 st
Monday, December 5 th	Monday, December 19 th

Trisha Nelson, Deputy Clerk

IN A WORK SESSION Wednesday, November 17, 2010 at 6:00 P.M. in the Conference Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

Present: Council Members: Dyer, Mankerian, Metzger, Miller, Mayor Smith, and Williams

Also Present: City Manager Tarkiewicz and Deputy Clerk Nelson.

Absent: Council Members: Traver.

Steve Eyke of LaFollette Custom Homes gave a presentation to Council expressing his interest in developing the Cronin Building.

The meeting was adjourned at 6:50 p.m.

Bruce Smith, Mayor

Sandra Bird, Clerk-Treasurer

CALL TO ORDER

IN REGULAR SESSION Wednesday, November 17, 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: Dyer, Mankerian, Metzger, Miller, Mayor Smith, and Williams.

Also Present: City Manager Tarkiewicz

Absent: Council Member Traver.

Moved Miller, supported Williams, to excuse the absence of Council Member Traver. On a voice vote: **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Dyer, to approve the agenda with the addition of the MSCPA agency invoice in the amount of \$764,662.94 and item 6C - Pratt Park Extension. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

A. Carl Fedders, Director of Public Services, announced the various awards the City received from AMP.

B. Director of Public Services Fedders and Director of Community Services Huestis introduced their New Employees to the City Council.

C. Trae Allman of Allman Development requested an extension from the Council on the Pratt Park Development Agreement for the framing in of 1148 Woodruff.

Council consensus is for Mr. Allman to work with City Attorney Beardslee and provide him with necessary documentation to support the new deadline and have an administrative report for consideration at the next meeting.

INFORMATIONAL ITEMS

City Manager Tarkiewicz announced the final round of leaf pick up will begin on

Monday, November 22, 2010.

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Court summarized his suggestions for changes to the Freedom of Information Act Policy.

Tracy Trudell of 1212 Comstock Drive expressed her concerns with the project at Pratt Park.

Dave Stevenson of 313 S. Grand Street expressed his concerns/issues with the Peddlers permits.

Doug Jackson of 311 E. Mansion Street pointed out some concerns pertaining to the Chapter 112 ordinance.

Brian Mason of 320 N. Mulberry Street expressed concerns with the proposed Peddlers ordinance and how it would affect his carriage business.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Revisions to Chapter 112: Peddlers, Solicitors and Temporary Businesses:

Mayor Smith opened the public hearing to hear comment on the revisions to Chapter 112 of the Marshall City Code.

John LaPietra of 386 Boyer Court commented on the reference to 501(c)(3) status.

Hearing no further comment the hearing was closed.

After discussion, council referred back to staff for more clarification regarding the charitable organization status and to separate the Temporary Business and the Peddlers/Solicitors into two separate ordinances.

B. Proposed New Ordinances 130.05 URINATION AND DEFECATION IN PUBLIC PLACES and 134.11 PROWLING and Revised Ordinances 131.04 OBSTRUCTING AN OFFICER, 131.07 PROVIDING FALSE INFORMATION TO OFFICER, 132.02 HARASSING COMMUNICATIONS, 134.03 DISORDERLY HOUSE and 134.10 WINDOW PEEPING:

Mayor Smith opened the public hearing to hear comment on the proposed additions and amendments to Chapter 130, Chapter 131, Chapter 132, and

Chapter 134 of the Marshall City Code.

John LaPietra of 386 Boyer Court asked for a brief overview of the changes to the proposed ordinances.

Attorney Sullivan and Attorney Brundage provided background of the proposed ordinances.

Hearing no further comment the hearing was closed.

Moved Miller, supported Metzger, to approve the adoption of Ordinance 130.05 URINATION AND DEFECATION IN PUBLIC PLACES and the revisions to Ordinances 131.04 OBSTRUCTING AN OFFICER, 131.07 PROVIDING FALSE INFORMATION TO OFFICER, and 132.02 HARASSING COMMUNICATIONS. On a roll call vote – ayes: Dyer, Mankerian, Metzger, Miller, Mayor Smith, and Williams; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2010-07**

**AN ORDINANCE TO AMEND CITY OF MARSHALL CODE. CHAPTER 130
GENERAL PROVISIONS**

THE CITY OF MARSHALL ORDAINS:

Section 1. That section 130.05 URINATION OR DEFECATION IN PUBLIC PLACE of the Marshall City Code, is hereby added to read as follows:

CHAPTER 130: GENERAL PROVISIONS

Section

130.01	Begging
130.02	Fortune Telling
130.03	Spitting
130.04	Radio and television interference
130.05	Urination or defecation in public place

§130.05 URINATION OR DEFECATION IN PUBLIC PLACE

No person shall urinate or defecate in any public place, or on any outdoor private property, except in designated public or private restrooms.

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 _____ day of _____, 2010.

Bruce R. Smith, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on November 17, 2010, 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.

Sandra Bird, CLERK-TREASURER

**CITY OF MARSHALL
ORDINANCE #2010-08**

**AN ORDINANCE TO AMEND CITY OF MARSHALL CODE. CHAPTER 131:
OFFENSES AGAINST PUBLIC ADMINISTRATION**

THE CITY OF MARSHALL ORDAINS:

Section 1. That section 131.04 OBSTRUCTING AN OFFICER of the Marshall City Code, is hereby amended to read as follows:

§ 131.04 OBSTRUCTING AN OFFICER.

- (A) No person shall knowingly and willfully obstruct, resist, hinder or oppose any member of the Police Department or any peace officer.
- (B) An individual who violates this section shall be guilty of a misdemeanor.

Section 2. That section 131.07 PROVIDING FALSE INFORMATION TO OFFICER of the Marshall City Code, is hereby amended to read as follows:

§ 131.07 PROVIDING FALSE INFORMATION TO OFFICER.

It shall be unlawful for a person to:

- (A) Provide false information, including, but not limited to, name, address or other identifying information about one's self or another, to a police officer.
- (B) Refuse to identify himself or herself by name and date of birth, when requested by a police officer, where the officer has encountered the person under circumstances which reasonably indicate to the officer that the person has committed, is committing or is about to commit a violation of a local, state or federal law.
- (C) A person who violates this section shall be guilty of a misdemeanor.

Section 3. 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 4. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2010.

Bruce R. Smith, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on November 17, 2010, 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.

Sandra Bird, CLERK-TREASURER

**CITY OF MARSHALL
ORDINANCE #2010-09**

**AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 132:
OFFENSES AGAINST PERSONS**

THE CITY OF MARSHALL ORDAINS:

Section 1. That section 132.02 HARRASSING COMMUNICATIONS of the Marshall City Code, is hereby amended to read as follows:

§ 132.02 HARASSING COMMUNICATIONS.

(A) It shall be unlawful for a person, with intent to harass or alarm another person, to communicate with a person, anonymously or otherwise, by telephone or by telegraph, mail or any other form of written communications, in a manner likely to harass or cause alarm.

(B) It shall be unlawful for any person to use any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest or annoy any other person, or to disturb the peace and quiet of any other person by any of the following:

(1) Threatening physical harm or damage to any person or property in the course of a telephone conversation;

(2) Falsely and deliberately reporting any telephone or telegraph message that any person has been injured, has suddenly taken ill, has suffered death or has been the victim of a crime or of an accident;

(3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other equipment provided for the transmission of messages by telephone, thereby interfering with any communications service; and

(4) Using any vulgar, indecent, obscene or offensive language or suggesting any lewd or lascivious act in the course of a telephone conversation.

(5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

(6) Deliberately calling a telephone of another person in a repetitive manner which causes interruption in telephone service or prevents the person from utilizing his or her telephone service.

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 _____ day of _____, 2010.

Bruce R. Smith, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on November 17, 2010, 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.

Sandra Bird, CLERK-TREASURER

C. Proposed Ordinance 70.030 Viewing, Creating or Sending Text Messages or Photographs:

Mayor Smith opened the public hearing to hear comment on Proposed Addition to Chapter 70 of the Marshall City Code.

Attorney Sullivan provided some background regarding Ordinance 70.030.

John LaPietra of 386 Boyer Court asked a question regarding hands free telephone devices and texting from parking lots.

Hearing no further comment the hearing was closed.

Moved Dyer, supported Metzger, to adopt Proposed Ordinance 70.030, General Provisions of the Marshall City Code. On a roll call vote -- ayes: Mankerian, Metzger, and Mayor Smith; nays: Miller, Williams, and Dyer. **MOTION DEFEATED.**

D. Proposed Ordinance 73.19.1 Parking limited between 3:00 a.m. and 6:00 a.m.:

Mayor Smith opened the public hearing to hear comment on the proposed additions to Chapter 73: Parking Regulations of the Marshall City Code.

David Miltenberger of 140 W. Michigan Avenue expressed his concerns with the ordinance and the overnight parking downtown.

Paul Herman of 135, 139, and 141 West Michigan Avenue feels Marshall needs growth and this ordinance will not promote that.

John LaPietra of 386 Boyer Court inquired of the need for the ordinance.

Hearing no further comment the hearing was closed.

Moved Williams, supported Dyer, to approve Ordinance 73.19.1, Parking Regulations of the Marshall City Code. On a roll call vote – ayes: Metzger, Miller, Mayor Smith, Williams and Dyer; nays: Mankerian. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2010-06**

**AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 73:
PARKING REGULATIONS.**

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **73.19.1 PARKING LIMITED BETWEEN 3:00 A.M. AND 6:00 A.M.** is hereby added to read as follows:

73.19.1 Overnight parking; violation as a civil infraction; authorization to issue permits.

(A) Parking in municipal parking lots is hereby prohibited between the hours of 3:00 a.m. and 6:00 a.m.

(B) The Traffic Engineer is authorized, with the consent of the City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal parking lots.

(C) A person who violates subsection (A) without first obtaining a permit or permission pursuant to subsection (B) is responsible for a civil infraction.

Section 2. That section **§73.48 SCHEDULE OF FINES PAYABLE TO PARKING VIOLATIONS BUREAU**, is hereby amended to add the following:

	Paid in Seven days <u>or less</u>	Paid after <u>Seven days</u>	Paid after <u>30 days</u>
Overnight Parking Without a valid permit:	\$25	\$30	\$50

Section 3. 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 4. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2010.

Bruce R. Smith, MAYOR

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on November 17, 2010, 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.

Sandra Bird, CLERK-TREASURER

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Freedom of Information Act Policy Revisions:

Moved Dyer, supported Williams, to table item 11A Freedom of Information Act Policy Revisions. On a voice vote – **MOTION CARRIED.**

Council consensus was to form a subcommittee consisting of Attorney Beardslee, Councilmember Williams, and John LaPietra to work on the policy further.

B. Conflict of Interest Policy Revisions:

Moved Dyer, supported Williams to table item 11B Conflict of Interest Policy Revisions and schedule a public hearing for next council meeting on December 6, 2010. On a roll call vote – ayes: Miller, Mayor Smith, Williams, Dyer, Mankerian, and Metzger, nays: none. **MOTION CARRIED.**

Moved Dyer, supported Williams, to extend the council meeting beyond 10:00 p.m. On a voice vote – **MOTION CARRIED.**

C. Proposed Fees for Chapter 112: Peddlers, Solicitors and Temporary Businesses:

Moved Dyer, supported Miller, to table item 11C Proposed Fees for Chapter 112. On a voice vote – **MOTION CARRIED.**

D. Replacement of 2400 Volt Switchgear:

Moved Dyer, supported Williams, to approve the proposal from SSOE Group in the amount of \$41,000 for the replacement of a 2400 Volt Switchgear at the Powerhouse. On a roll call vote – ayes: Mayor Smith, Williams, Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

E. AMP Power Supply Agreement: 2015-2020:

Moved Dyer, supported Miller, to adopt the resolution authorizing the Clerk-Treasurer to sign the Supplement to the Power Sales Agreement with AMP for 2,500 kW of energy. On a roll call vote – ayes: Williams, Dyer, Mankerian, Metzger, Miller, and Mayor Smith; nays: none. **MOTION CARRIED.**

F. Firekeepers Local Revenue Sharing Board Disbursement:

Moved Metzger, supported Williams, to approve the disbursement for the 2009 Firekeepers Casino Local Revenue Sharing allocation.

Moved Dyer, supported Miller, to table the motion to approve the disbursement. On a voice vote – **MOTION CARRIED**

APPOINTMENTS / ELECTIONS

None.

CONSENT AGENDA

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

- A. To not authorize the Flexible E Benefit Program increase for retirees due to budget constraints;

- B. Approve minutes of the City Council Regular Session held on Monday, November 1, 2010;
- C. Approve city bills in the amount of \$1,029,260.79.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Main Street Manager Diane Larkin announced information regarding the “Window Wonderland” event taking place with the Downtown merchants.

John LaPietra of 386 Boyer Court is please to offer his help with working on the update to the FOIA policy.

Doug Jackson of 311 E. Mansion Street encouraged to place fluorescent bulbs in council chambers and to place agenda separate from the entire packet on the website for viewing.

COUNCIL AND MANAGER COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 12/02/2010

Time: 10:42am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AIRGAS GREAT LAKES	4982	WELDING SUPPLIES	349.51	0.00
ALL GREEN LAWN CORPORATION	901 8149	LAWN WEED/FERTILIZER	149.00	0.00
AMERICAN PUBLIC POWER ASSOC	7045	2011 Eco@home Calendar	4,798.11	0.00
APPLIED IMAGING	2538	RICOH CONTRACT	268.79	0.00
ARISTO CHEM, INC	7059	CITRA CLEAN	86.75	0.00
ARROW UNIFORM	6839	CUST #010198-03	860.87	0.00
AUTO VALUE MARSHALL	21340	PLUGS, FILTER	493.13	0.00
BAKER TOOL RENTAL & STORAGE	9733	SHIPPING CHARGES--RADAR UNIT	21.86	0.00
BATTERIES PLUS	6532	EMERGENCY LIGHTING	515.37	0.00
BEDROCK EXCAVATING & GRAVEL	6817	911 CALL	300.00	0.00
BILLING SOLUTIONS INC	300472	VERIFICATION OF DEPOSIT	25.00	0.00
BONNIE'S TAILORING	2257	ALTERATIONS	18.00	0.00
BOSHEARS FORD SALES INC	7117	2006 CROWN VIC	605.33	0.00
BUDGET DRAIN CLEANING	7148	JET OUT ROOF VENTS & DRAINS	425.00	0.00
BUILDING RESTORATION INC	7150	DOOR REPAIR	359.00	0.00
C & C LANDFILL	110	LANDFILL	30.25	0.00
C2AE	5875	PO #2011.005	936.67	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CEREAL CITY WINDOW CLEANING	7207	WINDOW CLEANING	210.00	0.00
CHEMCO PRODUCTS INC	7217	CHEMICALS	17,731.38	0.00
CLASSIC DRY CLEANING&TAILORING	5975	CLEANING , LAUNDRY	273.80	0.00
COBAN TECHNOLOGIES	4161	TCAM 4TH YR MAINTENANCE	2,813.43	0.00
COGITATE INC	8443	Monthly Support	140.00	0.00
COLE CHRYSLER DODGE JEEP	2996	2000 DODGE INTREPID RPR	229.28	0.00
CONSOLIDATED FLEET SERVICES	300466	INSPECTION OF LADDERS, SENSORS	282.00	0.00
CORNERSTONE OFFICE SYSTEMS	8563	COPIER REPAIR	621.96	0.00
CORPORATE CLEAN INC	217897	DETAIL CLEANING 315, 222, 103	1,320.00	0.00
CRT, INC	6541	T BRICKS	21,619.00	0.00
CRYSTAL FLASH ENERGY	6176	DIESEL FUEL	1,375.15	0.00
D & D MAINTENANCE SUPPLY	7271	BLEACH	504.25	0.00
D-K FENCE CO, INC	7275	Athletic Field Fencing	9,950.00	0.00
DADOW POWER EQUIPMENT	7277	SERVICE ON UNIT 709	251.56	0.00
DARLING ACE HARDWARE	7281	LED LIGHTS	362.58	0.00
DIXON ENGINEERING, INC.	7307	WATER TOWER PAINTING SRVCS	186.00	0.00
DL GALLIVAN INC	7384	Purchase Kycera Taskalfa Copy	5,882.01	0.00
DOUGLAS SAFETY SYSTEMS LLC	300129	SCHRADER FITTINGS	2,780.42	0.00
EAST JORDAN IRON WORKS INC	7327	HYDRANT REPAIR	215.22	0.00
ED'S DECORATING	9873	PAINTING	6,350.00	0.00
EDWARDS INDUSTRIAL SALES	7332	#728 HOSE & HOSE-ENDS	28.20	0.00
EJUSTICE SOLUTIONS LLC	300114	RECORDS MNGMNT SYSTEM	1,000.00	0.00
ELLIS IRRIGATION	6960	ADDITIONAL WORK ON REC FIELDS	560.00	0.00
EMERGENCY VEHICLE SERVICES INC	3896	PRESSURE GOVERNOR, TRANSDUCER	2,241.44	0.00
ERIC DALE HEATING & AIR COND	21467	FURNACE REPAIR	861.00	0.00
FBI-LEEDA	9383	MEMBERSHIP #5596, SCHWARTZ	50.00	0.00
FIRE EXTINGUISHER SERVICE	7360	20# DC EXTINGUISHER RECHARGE	49.00	0.00
KEN GOODRICH	9158	INSTALL NEW CARPET	676.00	0.00
GRACE INDUSTRIES	9435	RPLCMT ACCOUNTABILITY KEY	69.83	0.00
GRAPHIC EMBROIDERY	7144	HATS	120.00	0.00
GRIFFIN PEST SOLUTIONS	6272	900 S MARSHALL	73.00	0.00
HALI-BRITE, INC	9753	LIGHT BULBS	1,347.67	0.00
THE HARVESTER FLOWER SHOP	5989	GUY PICKETTS	40.00	0.00
HD SUPPLY FACILITIES MAINT	9781	LINERS, SHOWER ROSE	102.49	0.00
HERMANS MARSHALL HARDWARE	7446	RUSTOLEUM, TAPE	105.63	0.00
HIGLEY'S TREE SERVICE	6215	REMOVE TREES	1,868.75	0.00
HORIBA JOHN YVON INC	21024	INVESTIGATIVE MATERIALS	429.73	0.00
HUNTER PRELL COMPANY	7460	Spruce Street Water Main and P	35,648.70	0.00
ISAAC & SONS	7484	APT 222	70.00	0.00
J & K PLUMBING SUPPLY	3351	ANCHOR FLANGE KIT	15.60	0.00
JACK DOHENY SUPPLIES	7309	SPRAY GUN, COUPLERS	153.60	0.00
JACKSON TRUCK SERVICE	7495	LENSES	21.70	0.00
JEFF PARKER	3903	LABOR-STACK REPAIR	4,000.00	0.00
KAR LABORATORIES INC	6817	ANALYSIS OF SLUDGE SAMPLE	305.00	0.00
KELLOGG'S REPAIR GARAGE	5869	TORO SNOW BLOWER	989.00	0.00
KENT COUNTY HEALTH DEPT	7514	TESTING	20.00	0.00
KIDDER HEATING & AIR CONDITON	7517	SERVICE - POLICE GARAGE	433.00	0.00
LANCASTER TRACTOR & EQUIPMENT	4491	AUGER	1,384.77	0.00
LARRY'S FLOOR COVERING	7530	CREDIT INVOICE PAID IN ERROR	1,408.85	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 12/02/2010
 Time: 10:42am
 Page: 2

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
LAWSON-FISHER ASSOCIATES PC	2291	PREPARE DAM BREACH MODEL	2,180.09	0.00
LEWEY'S SHOE REPAIR	7538	REPAIR	20.00	0.00
MAGNETROL ENVIRONMENTAL LP	300467	FUEL TANK LEVEL CONTROLS	4,373.24	0.00
MARSHALL AREA	4674	CHRISTMAS CARDS	15.00	0.00
MARSHALL LUMBERTOWN	7569	GYPSON	6.99	0.00
MARSHALL TIRE	3771	4 TIRES - #112	318.60	0.00
MARTIN OVERHISER	9249	TRAINING	2,940.00	0.00
MCMASTER-CARR	6133	TAGS, CABLE TIES	53.74	0.00
MEDLER ELECTRIC COMPANY	7604	FLUORESCENT BULBS	74.33	0.00
MICHIGAN MUNICIPAL LEAGUE	4494	CDL CONSORTIUM DRIVERS FEE	2,084.80	0.00
MICHIGAN STATE FIREMEN'S	7629	2011 MEMBERSHIP	75.00	0.00
MILLER CANFIELD PADDOCK &	7683	OCTOBER CHARGES	412.50	0.00
MILLS TREE SERVICE	21793	Tree and Stump Removal 2010.03	27,992.40	0.00
MMEA	2222	2010 EO & RE ANNUAL FILINGS	247.31	0.00
MSC INDUSTRIAL SUPPLY CO	6831	MARKING PAINT	94.08	0.00
MWEA	2006	WASTEWATER ADMIN CONFERENCE	310.00	0.00
NFPA	2332	ROBERT KEISLING - MEMBERSHIP	270.00	0.00
NU-TWIST SCREEN PRINTING	7732	TEES - GIRLS BASKETBALL	349.60	0.00
NYE UNIFORM COMPANY	7733	CLIP ON TIES	134.61	0.00
OVERHEAD DOOR OF BATTLE CREEK	7746	DOOR REPAIR	631.00	0.00
POWER LINE SUPPLY	7821	CARRIER & PLIERS	8,899.05	0.00
PRECISION LAWN CARE	300237	MOW & TRIM--INDUSTRIAL PARK	450.00	0.00
QUALITY AUTO CARE	7798	CLEAN REAR SEAT AREA CAR #4	15.00	0.00
QUALITY ENGRAVING SERVICE	7800	UPS CHARGES, 3 X 1 PLATES	122.22	0.00
QUALITY LAWN CARE	8838	MOWING @ BROOKS FIELD	920.00	0.00
R&R FIRE TRUCK REPAIR, INC.	7809	ANNUAL EQUIPMENT MAINT	856.47	0.00
RADIO COMMUNICATIONS	7810	OVERHEAD REPAIR	282.50	0.00
RADIO SHACK	7811	100 FT CAT5E STD CAB	102.98	0.00
SCHAEFFER MFG. CO.	6379	MOLLY ROLLER CHAIN LUBE	94.14	0.00
SCHULERS RESTAURANT	7857	ENBRIDGE MEETING	71.33	0.00
SHERWIN-WILLIAMS	2073	VINYL	985.44	0.00
SIGN WORLD	8199	Repair to City of Marshall Wel	5,492.50	0.00
SOIL AND MATERIAL ENGINEERS	8748	PO 2011.006	808.10	0.00
SPARTAN STORES	9656	OCTOBER CHARGES	388.27	0.00
STANDARD PRINTING & OFFICE	7903	DELIVERY OF SUPPLIES	7.00	0.00
STRUBLE'S HARDWARE & SUPPLY	6352	HANDLES, HEARING PROTECTION, OIL	95.76	0.00
SYN-TECH SYSTEMS	300336	SURGE KIT RETURNED	504.00	0.00
TLC LAWN SERVICE	300295	LAWN CARE	440.00	0.00
WORKING PERSON'S ENTERPRISES	300475	ROB MCCAIN'S BOOTS	121.50	0.00
Grand Total:			200,653.19	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 11/19/2010

Time: 9:32am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 781-4447 749 4	1,450.21	0.00
AMERICAN MESSAGING	6657	ACCT #Z1-406436	133.11	0.00
CALHOUN COUNTY TREASURER	7177	11/01/10--11/15/10 PERS AD VAL	4,346.87	0.00
CALHOUN INTERMEDIATE	7178	11/01/10--11/15/10 PERS AD VAL	1,173.10	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	SUPPLIES	965.68	0.00
DAY CONSTRUCTION	300470	DEPOSIT REFUND LESS INV 1152	213.00	0.00
DEUTSCHE BANK NATIONAL TRUST	300471	REFUND UTILITY OVERPAYMENT	400.17	0.00
TIM EGGLESTON	3734	EXPENSE REIMBURSEMENT	51.56	0.00
ESTATE OF LUCILLA MORPHY	300400	DEPOSIT REFUND	458.00	0.00
MARY A EVANS	300469	DEPOSIT REFUND	140.00	0.00
LEE FRIEND	6059	BOOT ALLOWANCE	75.00	0.00
GANNETT MICHIGAN NEWSPAPERS	9632	ADS	896.92	0.00
TRACY HALL	6028	DONUTS FOR TRAINING	14.00	0.00
KELLOGG COMMUNITY COLLEGE	7507	11/01/10--11/15/10 PERS AD VAL	765.03	0.00
JOSH LANKERD	2321	EXPENSE REIMBURSEMENT	380.03	0.00
JIM LIPPINCOTT	21297	NOVEMBER SERVICES	3,250.00	0.00
MARSHALL COMMUNITY CU	7558	4562 - HUESTIS	2,973.00	0.00
MARSHALL DISTRICT LIBRARY	8065	11/01/10--11/15/10 PERS AD VAL	689.03	0.00
MARSHALL PUBLIC SCHOOLS	7574	11/01/10--11/15/10 PERS AD VAL	598.94	0.00
MICHIGAN LOCAL GOVERNMENT	2911	2011 MEMBRSH--TARKIEWICZ	110.00	0.00
ONE COMMUNICATIONS	2729	ACCT #7018274	2,187.42	0.00
VERIZON WIRELESS	217862	ACCT #683169426-00001	56.94	0.00

Grand Total: 21,328.01 0.00

Prescription reimbursements 15.00

Total Cash Disbursements \$21,343.01

VENDOR APPROVAL SUMMARY REPORT

Date: 11/24/2010
 Time: 12:54pm
 Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALLSTATE WORKPLACE DIVISION	3431	POLICY #ALLMI550	746.40	0.00
BLUE CROSS AND BLUE SHIELD	7946	GROUP #17902-001	3,142.98	0.00
BLUE CROSS BLUE SHIELD	9681	GROUP #17902-902	44,532.57	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	GROUP #17902-003	1,795.11	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	GROUP #17902-002	83,227.83	0.00
BROADSTRIPE	3293	ACCT #198-040788	1,924.74	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	CLIPS, TONERS, PENS, CLIPBRDS	811.07	0.00
CONSUMERS ENERGY	8560	1000 0916 3203	2,374.28	0.00
ED COSTINE	6061	BOOT REIMBURSEMENT	110.00	0.00
WILLIAM DAY	8268	MEALS	10.00	0.00
DELTA DENTAL PLAN OF MICHIGAN	7294	CUSTOMER #MI022820001	4,921.14	0.00
EXCELL PAVING PLUS	300356	Accessible Paths at Athletic F	2,520.48	0.00
BRET GRAVES	300473	REFUND DEPOSIT	37.23	0.00
GRIFFIN PEST SOLUTIONS	6272	200 E SPRUCE	42.00	0.00
TRACY HALL	6028	SNACKS FOR TRAINING	14.00	0.00
ROBERT KIESSLING	6013	USED SIREN	250.00	0.00
LAKE MICHIGAN MAILERS	9559	POSTAGE	500.00	0.00
MARSHALL COMMUNITY CU	7558	3648 - KIESSLING	263.91	0.00
PVS TECHNOLOGIES	7797	FUEL SURCHARGE ON INV 146804	99.00	0.00
Grand Total:			147,322.74	0.00

Prescription Reimbursements 35.00

Total cash disbursements \$147,357.74