

CITY COUNCIL  
WORK SESSION AGENDA  
Monday, December 20, 2010  
6:00 PM – 6:45 PM

**A. Water and Wastewater Rate Study Presentation by Utilities Financial Solutions**-Mark Beauchamp and Dawn Lund

**B. January 3<sup>rd</sup> Work Session**  
Emergency Services Building Update

**C. January 18<sup>th</sup> Work Session**  
Motor Carrier Enforcement Ordinance

**D. Future Work Session Topics**  
Carriage Ordinance discussion

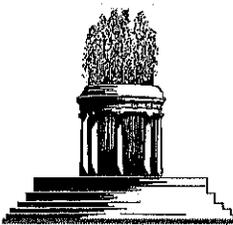
Possible Topics:  
Historic District Ordinance  
Council Rules  
Department operations and tours  
Investment Policy

**E. Other Items**

# MARSHALL CITY COUNCIL AGENDA

MONDAY— 7:00 p.m.

DECEMBER 20, 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 Mankertan  
At-Large – Kathy Miller

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Scott Loughrige, Cross Roads Church & Ministries
- 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. Introduction of Marshall House Administrator
- 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
- 10) OLD BUSINESS
  - A. Sewer Backup – Cleanup Reimbursement Request

City Council will consider the request by the property owner of 746 Forest Street to be reimbursed for a sanitary sewer backup cleanup bill.
- 11) REPORTS AND RECOMMENDATIONS
  - A. Set Public Hearing – Peddler Ordinance

City Council will consider the recommendation to schedule a public hearing for January 3, 2011 to hear public comment on revisions to Chapter 112: Peddlers and Solicitors.
  - B. Set Public Hearing – Temporary Business Ordinance

City Council will consider the recommendation to schedule a public hearing for January 3, 2011 to hear public comment on the creation of Chapter 120: Temporary Businesses.
  - C. Tax Collection Fee

This is an information report of the City's intent to bill for reimbursement of tax collection services.
  - D. ESB Resolutions

City Council will consider the recommendation to authorize the Mayor to sign the USDA Rural Development Pre-application and approve the Resolution of intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt.
- 12) APPOINTMENTS / ELECTIONS
  - A. Parks and Recreation Board Appointment

City Council will consider the recommendation to appoint Kristine Boley-Morse to fill the vacancy on the Parks and Recreation Board with a term expiring July 1, 2011.

13) CONSENT AGENDA

MAYOR: Bruce Smith

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

A. DART Application for State Financial Assistance for FY 2012

City Council will consider the recommendation to approve the Resolution of Intent to authorize the City of Marshall DART to seek financial assistance from the State of Michigan for its public transportation service.

B. Revised Traffic Control Order

City Council will consider the recommendation to approve amended Traffic Control Order #93.

C. Charitable Gaming License Request

City Council will consider the request to approve a resolution allowing Crossroads Church to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license to benefit the "I Got Your Back Foundation".

D. Used Equipment Sales through Public Surplus

City Council will consider the recommendation to approve the request to use Public Surplus Inc. to dispose of surplus equipment based on staffs guidelines and setting the following reserve prices: 1993 Ford Pickup at \$400, Sewer Camera Truck at \$600, 1996 Dodge Pickup at \$2,500, Crown Victoria's at \$3,500, Tire Changer \$20, Bus Tires for \$5, Truck Tires for \$5, Fare Box with vaults for \$50 each, and 3-phase Air Compressor for \$500.

E. City Council Minutes

Work Session..... Monday, December 6, 2010  
Regular Session ..... Monday, December 6, 2010  
Work Session ..... Saturday, December 11 2010

F. City Bills

Regular Purchases .....	\$159,038.30
Purchased Power .....	\$765,861.60
Weekly Purchases -12/3/10 .....	\$ 121,075.99
Weekly Purchases - 12/10/10 .....	\$ 57,231.42
<b>Total.....</b>	<b>\$ 1,103,207.31</b>

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.

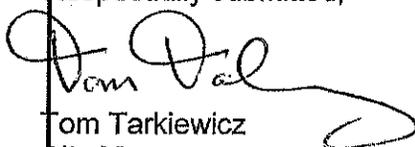
15) COUNCIL AND MANAGER COMMUNICATIONS

16) CLOSED SESSION

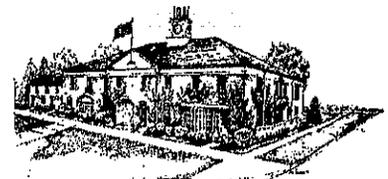
City Council will be requested to convene into Closed Session to discuss Attorney-Client Privilege Communication.

17) ADJOURNMENT

Respectfully submitted,

  
Tom Tarkiewicz  
City Manager

# 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 20, 2010 - City Council Meeting**

**REPORT TO:** Honorable Mayor and Council Members  
**FROM:** Thomas Tarkiewicz, City Manager  
**SUBJECT:** Sewer Backup – Cleanup Reimbursement Request

**BACKGROUND:** At the December 6th meeting, the City Council received a request from the property owner at 746 Forest Street to be reimbursed for a sanitary sewer backup cleanup bill. The City's insurance company has denied the claim. Attached are the following:

Homeowner request letters  
Selective Insurance Claim Denial  
Homeowner cleanup bill

**RECOMMENDATION:** After reviewing the request, the City Council may approve the sewer backup cleanup reimbursement request.

**FISCAL EFFECTS:** \$ from the Wastewater Fund.

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

  
Thomas Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

12/2/10

Dear Trisha Nelson, Tom Tarkiewicz, Bruce Smith, and board members,

November 27<sup>th</sup> Pete Westin, my neighbor at 742 Forest, discovered sewage back-up over the entire tile and cement basement floor at 746 Forest, my residence. My daughter-in-law, Mary Gratz, attempted to clean it, but it had seeped under the tiles, up the paneling, and the wood studs. The foul sewage odor hits you when you enter the garage. November 26<sup>th</sup> the Westins had sewer back-up in their basement. He called a plumber, then the city, and it was found to be a city sewage problem. November 27<sup>th</sup> I called the city out to stop the back up in my basement. See the letter from Mary, estimate from ServPro, and completed insurance forms and grant us full-coverage through your insurer please.

The house is for sale. We had an offer November 27<sup>th</sup> and two realtors had potential buyers that wanted to see the house on December 1<sup>st</sup> and then on December 2<sup>nd</sup>. C.J. Shapiro could not allow the showings until ServPro is done with tile removal, cleaning and drying, which is a 3-5 day process. Please take responsibility for our loss, even possibly the sale of my home.

I've lived in Marshall and owned this home for over 50 years. I've paid the exorbitant utility bills and sewage maintenance costs. I'm a disabled senior citizen on a fixed income. I have to sell the house because I had to move close to my daughter. It is only right and fair that I demand pay-back from the city due me for this costly, untimely city sewage back-up in my basement. Thank you for my compensation (final bill is forth-coming).

Sincerely,



Alice Gratz

December 1, 2010

To Whom It May Concern:

On Monday, November 29, 2010, at approximately 10:00 a.m., I arrived at my mother-in-law, Alice Gratz' home at 746 Forest St., Marshall, MI.

Upon entering the garage, I immediately noticed a fairly strong and unpleasant odor. The odor became stronger as I approached and entered the house. Every room on the main floor smelled of sewage with the odor being strongest in the kitchen where stairs access the basement.

In the basement I found puddled and standing gray water covering approximately 20% of the floor. There was residue from sewage evaporation and dampness on an additional approximately 40% of the floor. The most significant finding other than the smell was that several 8"x8" floor tiles were loose and floating in the puddles.

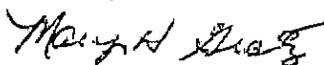
After removing all standing water with a ShopVac (and doing my best to extract water from underneath the tiles), I mopped with a strong chlorine bleach and water solution. Next I mopped again with Lysol and water. Although the concrete sections appeared to be clean, almost all of the tiled flooring was discolored and dull with much of it loose.

A dehumidifier had been running almost continuously and yet I found some condensation on the inside of several windows.

Every soft surface (carpets, drapes, etc.) was sprayed with Extra Strength Febreze and several plug-in room deodorizers were utilized, apparently to no avail. The house reportedly still smells extremely bad.

I appreciate your consideration of the above facts and trust that an equitable remedy can be found.

Sincerely,



Mary H. Gratz  
5 Surrey Lane  
Elkhart, IN 46514  
(574) 264-1907



**SELECTIVE®**

Selective Insurance Company of America  
Derek Pietrzykowski  
P.O. Box 57  
Dewitt, MI 48820  
Phone#: 517-668-6091  
Fax#: 517-659-5911  
derek.pietrzykowski@selective.com

December 12, 2010

Myra Wiggins  
C/O Alice Gratz  
1421 Miami Rd  
Benton Harbor, MI 49022

|||||

Re: Insured: City Of Marshall  
Claimant: Alice Gratz  
Claim #: 21038666  
Date of Loss: November 26, 2010  
Insurance Company: Selective Way Insurance Company

Dear Ms. Wiggins:

I am a(n) Claims Management Specialist employed by Selective Insurance Company of America. I am responsible for handling this matter on behalf of Selective Way Insurance Company (Selective), insurer for City Of Marshall.

This letter is in response to the water damages at your home located at 742 Forest St, Marshall, MI 49068, that occurred on or about November 26, 2010.

We were notified by our insured of your situation occurring on or about December 3, 2010 which created a back-up into your residence. It has been determined that there was a blockage in the city line. The cause and/or source of the blockage is unknown. The city had no prior indication that this could or would occur.

There are numerous statues, which address various governmental responsibilities and/or immunities in regards to claim against a municipality. Public Act 222(2001) specifically addresses claims in regards to sewer back-ups. There are several elements, which are required to be met in order to qualify for compensation of damage resultant from sewer back up. All of the following elements must be met:

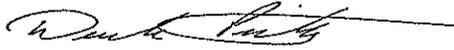
- a. The governmental agency was an appropriate governmental agency.
- b. The sewage disposal system had a defect
- c. The governmental agency knew, or in the exercise of reasonable diligence should have known, about the defect.
- d. The governmental agency, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect.
- e. The defect was a substantial proximate cause of the event and the property damage or physical injury.

Please note that all the above must apply in order for the City of Marshal to be responsible for your damages.

We appreciate that this situation has caused a great inconvenience however we must deny your claim for damages.

If you have any questions or need additional information, please call me at 517-668-6091.

Sincerely,

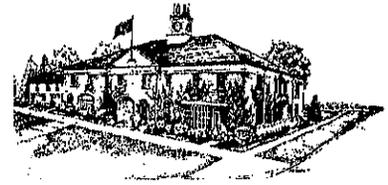


Derek Pietrzykowski  
Claims Management Specialist

cc: City Of Marshall  
HUB INTERNATIONAL MIDWEST LIMITED

# 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 20, 2010 - City Council Meeting

**REPORT TO:** Mayor Bruce Smith and City Council Members

**FROM:** Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Set Public Hearing for January 3, 2011 to hear public comments on the text rewrites of Chapter 112: Peddlers and Solicitors

**BACKGROUND:** Former changes to Chapter 112: Peddlers, Solicitors, and Temporary Businesses were proposed during the November 2010 meetings and a public hearing was held on November 17, 2011. After hearing comments at that meeting, Council asked staff to dissect Chapter 112 into two ordinances; one ordinance for Peddlers and another for Temporary Businesses in an effort to address regulation for the different types of activities. City Attorney Beardslee has reviewed both ordinances and the rewrites are included for Council's review.

The rewrites of Chapter 112 include a thorough change to all sections to include the words "peddlers and solicitors" and to include the former proposed, as well as current language that would be applicable to such businesses. For example, the only definition included in this chapter is now "Peddler and Solicitor". Also, section 112.06 (A) Exemptions includes a rewrite of the definition of tax-exempt organizations to "Entities which qualify or could qualify as tax-exempt organizations" in an effort to include community-minded organizations such as scouting organizations that may or may not have filed for tax-exempt status with the IRS. In section 112.07 Investigation and Issuance; Notice of Denial, the text has been changed to allow the applicant to *file* an application with City Council within seven days of the denial. The same is true of section 112.09 (C) Revocation of License; Appeal. Section 112.11 Hours of Business and Section 112.12 Sales from a Vehicle pertain especially to the type of business activities performed in the city by Peddlers and Solicitors.

**RECOMMENDATION:** Staff recommends that after review of the proposed changes to Chapter 112, City Council schedule a public hearing for January 3, 2011 to hear public comments.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

  
Natalie Huestis  
Director of Community Services

  
Tom Tarkiewicz  
City Manager

**CITY OF MARSHALL  
ORDINANCE ##-11**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 112: PEDDLERS, SOLICITORS AND TEMPORARY BUSINESSES.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That Chapter title will change to:

Chapter 112: Peddlers and Solicitors

**Section 1a.** That section **§112.01 Purpose** of the Marshall City Code, is hereby amended to read as follows:

The purpose of this chapter shall be to protect the health, safety and welfare of the citizens of the city by regulating peddlers and solicitors.

**Section 1b.** That section **§112.02 Definitions** of the Marshall City Code, is hereby amended to read as follows:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PEDDLER AND SOLICITOR.** Any person who by profession, trade, or occupation sells or offers for sale any goods, wares, merchandise or services by traveling about the city and, in the course of his or her business, may enter upon residentially-owned property and is not subject to Marshall City taxes on the subject business' real or personal property.

**Section 1c.** That section **§112.03 License Required** of the Marshall City Code, is hereby amended to read as follows:

Peddlers and solicitors shall not operate within the city without first obtaining a license in compliance with the provisions of this chapter.

**Section 1d.** That section **§112.04 Application for License** of the Marshall City Code, is hereby amended to read as follows:

Persons required to obtain a license shall apply for it at the office of the City Clerk. Each individual peddler or solicitor will apply for a license and provide a valid driver's license or State ID. The content of the application form shall be prescribed by the City Clerk.

**Section 1e.** That section **§112.06 Exemptions (A)** for the Marshall City Code, is hereby amended to read as follows:

(A) The following persons and entities shall not be required to obtain licenses as specified herein and shall not be required to pay the fees prescribed herein: Duly authorized solicitors on behalf of any religious organization; Entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service; Governmental entities. The City Clerk shall make the final determination regarding exemptions. Exempt persons or organizations shall be required to register with the City Clerk for identification purposes when engaging in any activity regulated by this chapter.

**Section 1f.** That section **§112.07 Investigation and issuance; notice of denial (A) and (B)** of the Marshall City Code, is hereby amended to read as follows:

(A) Upon receipt of an application for a peddler's or solicitor's business license, the City Clerk and the Chief of Police may cause the investigation of the person's or persons' business responsibility or moral character to be made as they deem necessary for the protection of the public good. If, as a result of the investigation, the applicant's character and business reputation appear to be satisfactory, the City Clerk shall proceed to issue a license.

(B) The City Clerk shall keep a full record in his or her office of all licenses issued and shall submit a copy of the record to the Chief of Police. Within three working days of receipt of an application, the City Clerk shall either issue to the applicant the requested license or issue a written notice of denial and the reason therefor. The person whose license has been denied shall have the right to file an appeal to the City Council within seven days of the denial.

**Section 1g.** That section **§112.08 Expiration of License** of the Marshall City Code, is hereby amended to read as follows:

All licenses issued under the provisions of this chapter shall expire within ten, thirty, sixty or ninety days of issuance. No peddler or solicitor may be issued a license for more than ninety days in a twelve month period.

**Section 1h.** That section **§112.09 Revocation of License; Appeal (C)** of the Marshall City Code, is hereby amended to read as follows:

(C) The person whose license has been revoked shall have the right to file an appeal to the City Council within seven days of the revocation.

**Section 1i.** That section **§112.10 Display of License** of the Marshall City Code, is hereby amended to read as follows:

Any peddler or solicitor licensed under the provisions of this chapter shall have the license issued to him or her in his or her immediate possession and shall display the same upon demand of any duly authorized representative of the city. Peddlers and solicitors shall produce their license upon demand by any person.

**Section 1j.** That section **§112.11 Hours of Business** of the Marshall City Code, is hereby amended to read as follows:

No person shall engage in any door-to-door soliciting at any residence within the city during the period from dusk until 9:00 a.m.

**Section 1k.** That section **§112.12 Location** of the Marshall City Code, is hereby deleted.

**Section 1l.** That former section **§112.13 Sales from a Vehicle** change to section **§112.12 Sales from a Vehicle**

**Section 1m.** That section **§112.12 Sales from a Vehicle (G)** of the Marshall City Code, is hereby amended to read as follows:

(G) Make or attempt to make a sale from a side of a vehicle not closest to the curb.

**Section 1n.** That former section **§112.14 Restrictions on Operations of Solicitors, Roadside Stands and Temporary Businesses** change to section **§112.13 Restrictions on Operations of Peddlers and Solicitors**

**Section 1o.** That former section **§112.15 Enforcement** change to section **§112.14 Enforcement**

**Section 1p.** That former section **§112.16 Relationship to Other Ordinances** change to section **§112.15 Relationship to Other Ordinances**

**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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
Jim Dyer, 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 January 3, 2011, 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

## **CHAPTER 112: PEDDLERS AND SOLICITORS**

- 112.01 Purpose
- 112.02 Definitions
- 112.03 License required
- 112.04 Application for license
- 112.05 Fees required
- 112.06 Exemptions
- 112.07 Investigation and Issuance; notice of denial
- 112.08 Expiration of license
- 112.09 Revocation of license; appeal
- 112.10 Display of license
- 112.11 Hours of business
- 112.12 Sales from a vehicle
- 112.13 Restrictions on operations of peddlers and solicitors
- 112.14 Enforcement
- 112.15 Relationship to other ordinances

### **§ 112.01 PURPOSE.**

The purpose of this chapter shall be to protect the health, safety and welfare of the citizens of the city by regulating peddlers and solicitors.

### **§ 112.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***PEDDLER AND SOLICITOR.*** Any person who by profession, trade, or occupation sells or offers for sale any goods, wares, merchandise or services by traveling about the city and, in the course of his or her business, may enter upon residentially-owned property

and is not subject to Marshall City taxes on the subject business' real or personal property.

### **§ 112.03 LICENSE REQUIRED.**

Peddlers and solicitors shall not operate within the city without first obtaining a license in compliance with the provisions of this chapter.

### **§ 112.04 APPLICATION FOR LICENSE.**

Persons required to obtain a license shall apply for it at the office of the City Clerk. Each individual peddler or solicitor will apply for a license and provide a valid driver's license or State ID. The content of the application form shall be prescribed by the City Clerk.

#### ***Statutory reference:***

*Home solicitation sales, see M.C.L.A. §§ 445.111 et seq.; M.S.A. §§ 19.416(201) et seq.*

### **§ 112.05 FEES REQUIRED.**

A license fee, set by resolution of the City Council, shall be paid in full prior to issuance of the license.

### **§ 112.06 EXEMPTIONS.**

(A) The following persons and entities shall not be required to obtain licenses as specified herein and shall not be required to pay the fees prescribed herein: Duly authorized solicitors on behalf of any religious organization; Entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service; Governmental entities. The City Clerk shall make the final determination regarding exemptions. Exempt persons or organizations shall be required to register with the City Clerk for identification purposes when engaging in any activity regulated by this chapter.

(B) Persons selling newspapers, commercial travelers or selling agents calling upon commercial establishments in the usual course of business shall not be required to obtain a license.

### **§ 112.07 INVESTIGATION AND ISSUANCE; NOTICE OF DENIAL.**

(A) Upon receipt of an application for a peddler's or solicitor's business license, the City Clerk and the Chief of Police may cause the investigation of the person's or persons' business responsibility or moral character to be made as they deem necessary for the protection of the public good. If, as a result of the investigation, the applicant's

character and business reputation appear to be satisfactory, the City Clerk shall proceed to issue a license.

(B) The City Clerk shall keep a full record in his or her office of all licenses issued and shall submit a copy of the record to the Chief of Police. Within three working days of receipt of an application, the City Clerk shall either issue to the applicant the requested license or issue a written notice of denial and the reason therefor. The person whose license has been denied shall have the right to file an appeal to the City Council within seven days of the denial.

#### **§ 112.08 EXPIRATION OF LICENSE.**

All licenses issued under the provisions of this chapter shall expire within ten, thirty, sixty or ninety days of issuance. No peddler or solicitor may be issued a license for more than ninety days in a twelve month period.

#### **§ 112.09 REVOCATION OF LICENSE; APPEAL.**

(A) The licenses issued pursuant to this chapter may be revoked at any time by the City Clerk or the Chief of Police, or their duly authorized representatives, for any of the following reasons:

(1) Any fraud, misrepresentation or false statement contained in the application for license;

(2) Any fraud, misrepresentation or false statement contained in connection with the selling of goods, wares, merchandise or services;

(3) Any violation of a city ordinance, including the city zoning code and the city sign code;

(4) Conviction of the applicant or other persons acting under the authority of the applicant's license for any felony or of a misdemeanor conviction involving moral turpitude within five years; and/or

(5) Conducting the business permitted under this chapter in an unlawful manner or in such a manner as, to constitute a breach of the peace, nuisance or a menace to the health, safety or general welfare of the public.

(B) Within three working days of the revocation of a license, the City Clerk shall send to the person whose license has been revoked, notice setting forth specifically the grounds of the revocation. The notice shall be mailed to the person to whom the license was issued at the address shown on the license application.

(C) The person whose license has been revoked shall have the right to file an appeal to the City Council within seven days of the revocation.

**§ 112.10 DISPLAY OF LICENSE.**

Any peddler or solicitor licensed under the provisions of this chapter shall have the license issued to him or her in his or her immediate possession and shall display the same upon demand of any duly authorized representative of the city. Peddlers and solicitors shall produce their license upon demand by any person.

**§ 112.11 HOURS OF BUSINESS.**

No person shall engage in any peddling or soliciting activity at any residence within the city during the period from dusk until 9:00 a.m.

**§ 112.12 SALES FROM A VEHICLE.**

It shall be unlawful for any person traveling about the city doing business from any vehicle which is self-propelled, propelled by human power or propelled by any other means to:

- (A) Operate a vehicle when under the age of 18 years;
- (B) Double park in any manner;
- (C) Operate the vehicle backwards in making or attempting to make a sale;
- (D) Permit any person to hang on the vehicle;
- (E) Refuse to remove the vehicle from any street, sidewalk or public place in the city upon the request of a police officer when, in the opinion of the police officer, the vehicle is causing traffic congestion;
- (F) Cry his wares in a loud voice or use any noise-making device other than a soft chime and the limit of audibility of his or her voice or chime shall not be more than 200 feet from the source of the sound; or
- (G) Make or attempt to make a sale from a side of a vehicle not closest to the curb.

**§ 112.13 RESTRICTIONS ON OPERATIONS OF PEDDLERS AND SOLICITORS.**

(A) The City Manager, City Clerk or Chief of Police may place such reasonable restrictions upon the location, hours, provisions for parking, or methods of operation of any peddler or solicitor licensed under this chapter, as deemed necessary to protect the general public health, safety or welfare. The restrictions may be imposed, modified or withdrawn at the time of licensure or any point thereafter.

(B) The City Council may, by resolution, establish general policies and guidelines, in addition to the provisions of this chapter, governing the location, hours or methods of operation of peddlers or solicitors. Any such resolution shall not have the effect of invalidating any license already issued.

**§ 112.14 ENFORCEMENT.**

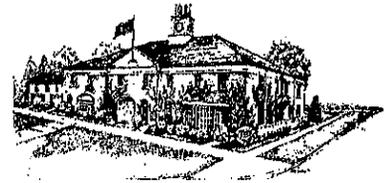
The Chief of Police and the City Clerk and their duly authorized representatives shall have the authority to examine all places of business and persons within the city, subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating same.

**§ 112.15 RELATIONSHIP TO OTHER ORDINANCES.**

The terms of this chapter shall in no manner alter the interpretation or requirements of any other chapter of the City Code, whether the person is licensed or exempt under this ordinance shall comply with all applicable provisions of the city's Zoning, Sign and Building Codes. The City Clerk may require evidence of compliance with the codes prior to issuing a license.

# 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 20, 2010 - City Council Meeting

**REPORT TO:** Mayor Bruce Smith and City Council Members

**FROM:** Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Set Public Hearing for January 3, 2011 to hear public comments on the creation of Chapter 120: Temporary Businesses.

**BACKGROUND:** The former Chapter 112: Peddlers, Solicitors, and Temporary Businesses chapter has morphed into two separate ordinances: Chapter 112: Peddlers and Solicitors and newly proposed, Chapter 120: Temporary Businesses. Along with City Attorney Beardslee, staff created a new ordinance to cover the regulation and community-wide concerns regarding Temporary Businesses.

In this chapter, there are two definitions offered: "Permanent Business" and "Temporary Business"; this is done deliberately so that the differences in the two types of businesses stand out. Section 120.03 calls "permanent business" out as exempt from Chapter 120 requirements. Similar to the rewrite of Chapter 112, Chapter 120 section 120.06 (A) Exemptions, includes a rewrite of the definition of tax-exempt organizations to "Entities which qualify or could qualify as tax-exempt organizations" in an effort to include community-minded organizations such as scouting organizations that may or may not have filed for tax-exempt status with the IRS. In section 120.07 Application and Conditions; Notice of Denial, the text has been changed to allow the applicant to *file* an application with City Council within seven days of the denial. The same is true of section 120.09 (C) Revocation of License; Appeal.

One of the basic differences between Chapter 112 and 120 can be noted in section 120.07 Application and Conditions; Notice of Denial (A) which calls out the process of application for a temporary business license to be a much more detailed process than it would be for a peddler or solicitor. Both chapters address the need for some type of background check; however, the application for a temporary business involves review by several different city departments like Planning & Zoning, Engineering, Building, and Fire in addition to the Police Department. This process in the application will allow the business to be more visible to city staff and form an internal system of checks and balances that was not used previously.

**RECOMMENDATION:** Staff recommends that after review of the proposed changes to Chapter 120, City Council schedule a public hearing for January 3, 2011 to hear public comments.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Handwritten signature of Natalie Huestis in cursive.

Natalie Huestis  
Director of Community Services

Handwritten signature of Tom Tarkiewicz in cursive.

Tom Tarkiewicz  
City Manager

**CITY OF MARSHALL  
ORDINANCE #-11**

AN ORDINANCE TO CREATE CITY OF MARSHALL CODE, CHAPTER 120:  
TEMPORARY BUSINESSES.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That **Chapter 120: Temporary Businesses** of the Marshall City Code, is hereby created and will read as follows:

**CHAPTER 120: Temporary Businesses**

- 120.01 Purpose
- 120.02 Definitions
- 120.03 License required
- 120.04 Application for license
- 120.05 Fees required
- 120.06 Exemptions
- 120.07 Application and Conditions; notice of denial
- 120.08 Expiration of license
- 120.09 Revocation of license; appeal
- 120.10 Display of license
- 120.11 Location
- 120.12 Restrictions on operations of temporary businesses
- 120.13 Enforcement
- 120.14 Relationship to other ordinances

**§ 120.01 PURPOSE.**

The purpose of this chapter shall be to protect the health, safety and welfare of citizens, as well as promote fairness to permanent businesses located within the city, through regulation of temporary businesses.

**§ 120.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PERMANENT BUSINESS.** Any profession, trade, occupation, shop, store and any other kind of calling carried on in a building that is subject to Marshall City taxes on the subject lot or business.

**TEMPORARY BUSINESS.** Any profession, trade, occupation, shop, store and every other kind of calling carried on at a lot or business within the city, the instrumentalities of which are not subject to Marshall City taxes.

**§ 120.03 LICENSE REQUIRED.**

Temporary businesses shall not operate within the city without first obtaining a license in compliance with the provisions of this chapter. Permanent Businesses are exempt.

**§ 120.04 APPLICATION FOR LICENSE.**

Persons required to obtain a license shall apply for it at the office of the City Clerk. The content of the application form shall be prescribed by §120.07.

**§ 120.05 FEES REQUIRED.**

A license fee, set by resolution of the City Council, shall be paid in full prior to issuance of the license.

**§ 120.06 EXEMPTIONS.**

(A) The following persons and entities shall not be required to obtain licenses as specified herein and shall not be required to pay the fees prescribed herein: Duly authorized solicitors on behalf of any religious organization; Entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service; Governmental entities. The City Clerk shall make the final determination regarding exemptions. Exempt persons or organizations shall be required to register with the City Clerk for identification purposes when engaging in any activity regulated by this chapter.

**§ 120.07 APPLICATION AND CONDITIONS; NOTICE OF DENIAL.**

(A) The applicant shall provide the following information to the City Clerk:

1. Applicant's name, location of business, home address, social security number and preferred telephone number.
2. A description of the type of business operation the applicant will conduct, including hours of operation.
3. Name and social security number of each employee, agent, or independent contractor working on behalf of the proposed business within the City.
4. A description of the goods, wares, merchandise or services the applicant will offer for sale.
5. Written permission from the owner of the business location, acknowledging responsibility for the care and custody of the property from/on which the business will operate.

6. Address of the applicant's most recent place of business.
7. Issuance of City license does not absolve applicant of responsibility to obtain all applicable county, state and federal licensing.

(B) Upon the receipt of application, the City Clerk will issue a notice of review for:

1. Approval of a criminal background check by the Police Department.
2. Approval by the Planning & Zoning Department with respect to compliance with the City's Zoning and Sign ordinances.
3. Approval through the City Engineers office with respect to the use of streets, sidewalks, and right-of-ways.
4. Approval by the Building Official with respect to the safety and compliance of any structures being used.
5. Approval by the Fire Department with respect to compliance with Fire Code.

(C) The City Clerk shall keep a full record in his or her office of all licenses issued, approvals given, and shall submit a copy of the record to the Chief of Police. Within ten working days of receipt of an application, the City Clerk shall either issue to the applicant the requested license or issue a written notice of denial and the reason therefor. The person whose license has been denied shall have the right to file an appeal to the City Council within ten days of the denial.

#### **§ 120.08 EXPIRATION OF LICENSE.**

All licenses issued under the provisions of this chapter shall expire within ten, thirty, sixty or ninety days of issuance. No business may be issued a license for more than ninety days in a twelve month period.

#### **§ 120.09 REVOCATION OR DENIAL OF LICENSE; APPEAL.**

(A) The licenses issued pursuant to this chapter may be revoked at any time by the City Clerk or the Chief of Police, or their duly authorized representatives, for any of the following reasons:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement contained in connection with the selling of goods, wares, merchandise or services;
- (3) Any violation of a city ordinance, including the city zoning code and the city sign code;
- (4) Conviction of the applicant or other persons acting under the authority of the applicant's license for any felony or of a misdemeanor conviction involving moral turpitude within the preceding five years.

(5) Conducting the business permitted under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace, nuisance or a menace to the health, safety or general welfare of the public.

(B) Within three working days of the revocation of a license, the City Clerk shall send to the person whose license has been revoked, notice specifically setting forth the grounds of the revocation. The notice shall be mailed to the person to whom the license was issued at the address shown on the license application.

(C) The person whose license has been revoked shall have the right to file an appeal to the City Council within ten days of the revocation.

#### **§ 120.10 DISPLAY OF LICENSE.**

Any person or business licensed under the provisions of this chapter shall have the license issued to him or her in his or her immediate possession and shall display the same at the place of business.

#### **§ 120.11 LOCATION.**

Temporary businesses shall comply with the following location requirements:

(A) Temporary stands or businesses are allowed, with owner permission and license approval, on all non-residential, taxable parcels for a period of up to 90 days per calendar year.

(B) Stands or businesses must meet the following requirements:

(1) Structures must not be less than sixteen feet from the face of each curb abutting a street.

(2) Structures must provide not less than six feet clearance on all public walks or pedestrian ways.

(C) When located on public property other than the public rights-of-way, the stands or businesses shall be permitted at the discretion of the City Manager under the policy guidance of the City Council. The City Council may, by ordinance or resolution, establish such additional programs or requirements it deems fit for the operation on public property of any business regulated by this chapter.

#### **§ 120.12 RESTRICTIONS ON OPERATIONS OF TEMPORARY BUSINESSES.**

(A) The City Manager, City Clerk or Chief of Police may place such reasonable restrictions upon the location, hours, provisions for parking, ingress or egress or methods of operation of any temporary business licensed under this chapter, as deemed necessary to protect the general public health, safety or welfare. The restrictions may be imposed, modified or withdrawn at the time of licensure or any point thereafter.

(B) The City Council may, by resolution, establish general policies and guidelines, in addition to the provisions of this chapter, governing the location, hours or methods of operation of temporary business. Any such resolution shall not have the effect of invalidating any license already issued.

**§ 120.13 ENFORCEMENT.**

The Chief of Police and the City Clerk and their duly authorized representatives shall have the authority to examine all places of business and persons within the city, subject to the provisions of this chapter, to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating same.

**§ 120.14 RELATIONSHIP TO OTHER ORDINANCES.**

The terms of this chapter shall in no manner alter the interpretation or requirements of any other chapter of the City Code, whether the person is licensed or exempt under this ordinance shall comply with all applicable provisions of the city's Zoning, Sign and Building Codes. The City Clerk may require evidence of compliance with the codes prior to issuing a license.

**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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
Jim Dyer, 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 January 3, 2011, 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 20, 2010 – City Council Meeting

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

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

**SUBJECT:** Tax Collection Fee – Informational Report: Intent to Bill Units of Government for Reimbursement of Tax Collection Costs

**BACKGROUND:** The City of Marshall assesses and collects taxes for various units of government and incurs expenses, which are paid for by the City's General Fund. Michigan Compiled Laws, MCL Section 380.1611 Revised School Code allows a City or Township to seek reimbursement from the schools to the extent the costs are reasonable, do not exceed the actual costs of tax assessing, billing and collection and are in addition to the expenses of assessing and collecting other taxes at the same time.

As this is a proposed new fee, staff will provide notification to Marshall Public Schools, Calhoun ISD and Kellogg Community College with the City's intent to bill for tax collection services and allow them the opportunity to respond, if desired, prior to the request for Council action in January. Refer to the sample letter attached.

In reference to the Tax Collection Fee Schedule attached, this schedule would be updated annually in December, to allow reasonable time for the schools to include in the plan for their next year's FY 2012 budget.

**RECOMMENDATION:** Authorize staff to provide notification to the schools of the City's intent to bill for reimbursement of tax collection services, beginning FY 2012.

**FISCAL EFFECTS:** None at this time. This report is for information purposes only. There is a potential for increase in FY 2012 General Fund Tax Collection Fee revenues line item 101-000-405.00, up to \$66,549.45 annually (\$22,183.15 x 3 school entities).

**ALTERNATIVES:** As suggested by Council.

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  
**Tax Collection Fee**  
 FY 2011-12 (Updated December, 2010)

<u>Units of Government:</u>		<u># Parcels:</u>	<u>Summer</u>	<u>Winter</u>	<u>Total</u>	<u>Cost Share</u>
City	Exempt	3762	\$ 2.72		\$ 2.72	\$ 10,238.36
County	Exempt	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
State of Michigan (SET)	Exempt	3762	\$ 2.72		\$ 2.72	\$ 10,238.36
Library	MCL N/A	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Marshall Public Schools	Bill. Tax Col. Fee	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Calhoun ISD	Bill. Tax Col. Fee	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Kellogg Community College	Bill. Tax Col. Fee	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Marshall Ambulance Authority	MCL N/A	3762		\$ 3.18	\$ 3.18	\$ 11,944.77
			\$ 19.05	\$ 19.05	\$ 38.10	\$ 143,337.28

<u>Per Billing Cycle Costs (2 cycles - summer &amp; winter):</u>		<u>Hours</u>	<u>Cost/</u> <u>Tax Season</u>
<b>Tax Roll Preparation</b>			
	Millage Entry/Tax Calculation	3	\$ 84.60
	Balance Tax Roll/Warrant with Assessor	5	\$ 141.00
	Bill Preparation (electronically)/BSA Checklist	5	\$ 141.00
	Revising Bills (Wkly roll chgs, July/Dec BOR, MMT, STC)	32	\$ 902.40
	<b>Sub-total</b>		\$ 1,269.00
<b>Tax Bill Forms</b>			
	Printing (.05 cents per parcel statement)		\$ 188.10
	Perforated paper for statements		\$ 188.81
	Sorting, Folding, Stuffing, Filing	15	\$ 281.25
	<b>Sub-total</b>		\$ 658.16
<b>Envelopes</b>			
	Envelopes		\$ 720.00
	Lg envelopes (box) for mortgage holders		\$ 25.00
	<b>Sub-total</b>		\$ 745.00
<b>Bill Preparation</b>			
	Re-do for name changes D. Treasurer.	3	\$ 84.60
	Re-do for Mortgage changes D. Treasurer.	5	\$ 141.00
	Resend to corrected addresses D. Treasurer	12	\$ 338.40
	Legal Ads to paper		\$ 120.00
	<b>Sub-total</b>		\$ 684.00
<b>Postage</b>			
	First Mailing @ \$.382 each		\$ 1,437.08
	Second mailing 25% of original		\$ 359.27
	<b>Sub-Total</b>		\$ 1,796.36
<b>Preparation for Post Office</b>			
	Running postage machine	3	\$ 56.25
	Delivery to P. O.	1	\$ 18.75
	<b>Sub-total</b>		\$ 75.00
<b>Tax Receipting</b>			
	Cashier/D. Treasurer (10min/parcel)	450	\$ 10,563.75
	D. Treasurer Tax Distribution 2x/month	30	\$ 846.00
	<b>Sub-total</b>		\$ 11,409.75
<b>Phone Calls Regarding Taxes</b>			
	Handled by all office staff; 50 calls per day (20days/mo.) for 3 months/tax season @ 10min./call.	500	\$ 9,375.00
	<b>Sub-total</b>		\$ 9,375.00

City of Marshall  
**Tax Collection Fee**  
 FY 2011

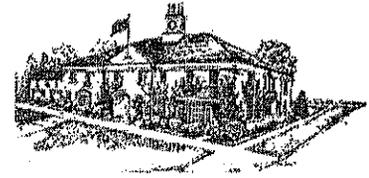
**Annual Costs:**

<b>Software BSA</b>				
	Annual Software Maintenance Agreement		\$	6,540.00
		<b>Sub-total</b>	\$	6,540.00
		Per Billing Cycle (2)	\$	3,270.00
<b>Collection Delinquent Personal Property Tax</b>				
	D. Treasury quarterly billing, collection, distribution, customer service, court appearance, etc.		100 \$	2,820.00
		<b>Sub-total</b>	\$	2,820.00
		Per Billing Cycle (2)	\$	1,410.00
<b>Assessor</b>				
	Assesor Contract		\$	39,200.00
	Board of Review Panel		\$	300.00
	Admin. Asst. to the Assessor		\$	41,701.25
		<b>Sub-total</b>	\$	81,201.25
		Per Billing Cycle (2)	\$	40,600.63
<b>Auditing Tax Fund Bank Statements</b>				
	Auditor review of statements/tax fund @\$100/hr		4 \$	400.00
	Clerk-Treasurer review, auditor prep, meet with Auditor		10 \$	391.50
		<b>Sub-total</b>	\$	791.50
		Per Billing Cycle (2)	\$	395.75
<b>ESTIMATED TOTAL COST FOR TAX COLLECTION PER BILLING CYCLE</b>				<b>\$ 71,668.64</b>
<b>ESTIMATED TOTAL COST FOR TAX COLLECTION PER YEAR (x) 2</b>				<b>\$ 143,337.28</b>
	3762 Parcels	Per parcel cost per billing cycle		<b>\$ 10.05</b>

**COMPARISONS:**

	Charged/parcel
Groveland Twp 2008 Brandon,Holly, Goodrich	\$2.75
Milford Twp. 2010 (\$11.71/parcel actual)	\$5.34
Springfield 2008 Brandon,Holly	\$2.66
Highland Twp 2008	\$5.13
Brandon Twp.	\$2.00
Oxford	\$1.50
Holly Twp flat rate	\$ 15,000.00

# City of Marshall



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SAMPLE

December 21, 2010

Mr. Scott Blankinship, Director of Business Operations  
Marshall Public Schools  
100 East Green Street  
Marshall, MI 49068

Mr. Blankinship,

In response to your letter dated December 1, 2010, this is to provide notification of the City's intent to bill Marshall Public Schools for reimbursement of the City's FY 2011 tax collection services, beginning in FY 2012. The City has not billed the schools in the past; however, the City along with many other local municipalities in Michigan feel this cost is a direct benefit to the all of the taxing units and can no longer be absorbed 100% by the City's General Fund.

Please refer to the attached Tax Collection Fee schedule for the proposed FY 2012 reimbursement request. This schedule will be updated annually in December to allow for reasonable time to include in your FY 2012 budget plan. If you have any questions regarding the proposed tax collection fee, please feel free to contact me at your convenience. The proposed fee schedule will be brought forth to the City's Council for approval in January.

Respectfully,

Sandra Bird, Clerk-Treasurer  
City of Marshall  
323 W. Michigan Ave.  
Marshall, MI. 49068  
[sbird@cityofmarshall.com](mailto:sbird@cityofmarshall.com)



NATIONAL HISTORIC LANDMARK DISTRICT



# MARSHALL PUBLIC SCHOOLS

*A Rich Tradition of Excellence*

December 1, 2010

Ms. Sandra Bird  
Marshall City Clerk/Treasurer  
323 West Michigan Avenue  
Marshall, Michigan 49068

Dear Ms. Bird:

Attached is a copy of the Board's Annual Resolution to collect a 50 percent summer tax for 2011 adopted on November 22, 2010.

As you are aware, in order to comply with H.B. 4150, we must determine a reasonable collection cost within thirty days of you receiving this notification of our intent to collect summer taxes. Since it is my desire to continue the cooperation realized between our school district and your office as in past years, I am asking you to contact my office as soon as you have determined a reasonable collection fee.

Please note, this does not represent a change in our tax collection procedure as it is our present intent to collect a summer tax only in the City of Marshall, Marshall Township, and Fredonia Township.

If you have any questions, you may contact me at (269)781-1250 x 1110

Sincerely,

T. Scott Blankinship  
Director of Business Operations

Attachment

cc: T. Tarkiewicz

ANNUAL SUMMER TAX RESOLUTION  
MARSHALL PUBLIC SCHOOLS  
2011 SUMMER TAXES

A regular meeting of the Board of Education of the Marshall Public School District (the "District") was held in the Marshall Middle School on the 22nd day of November, 2010, at 7:00 o'clock p.m.

The meeting was called to order at 7:00 o'clock, p.m., by President Ali Webb

Present: Ali Webb, Vic Potter, Annette Campau, Bill DeSmet, Janice Darling,  
Richard Lindsey

Absent: Dan Stulberg

The following preamble and resolution were offered by Member Vic Potter and

supported by Member Annette Campau:

**WHEREAS:**

1. The Board of Education previously adopted a resolution to impose a summer property tax levy to collect one-half of school property taxes, including debt services, upon property located within the school district and continuing from year to year until specifically revoked by this Board of Education; and

2. The Revised School Code, as amended, requires formal action of the Board of Education prior to January 1 every year to continue the summer tax levy.

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

1. This Board of Education, pursuant to the Revised School Code, as amended, hereby invokes for 2011 its previously adopted ongoing resolution imposing a summer tax levy of one-half of school property taxes, including debt service, and continuing from year to year until specifically revoked by this Board of Education, and requests the City of Marshall, Marshall Township, and Fredonia Township collect those summer taxes.

2. The Superintendent, school business official, or his/her designee, is authorized and directed to forward to the governing body of the City of Marshall, Marshall Township, and Fredonia Township a copy of this Board's resolution imposing a summer property tax levy on an ongoing basis and a copy of this resolution requesting the City of Marshall, Marshall Township, and Fredonia Township agree to collect the summer tax levy for 2011 in the amount specified in this resolution. Said resolutions and the request to collect the summer tax levy shall be forwarded so that they are received by the appropriate governing bodies before January 1, 2011.

3. The Superintendent, school business official, or his/her designee, is authorized and directed to negotiate on behalf of this District with the governing body of the City of Marshall, Marshall Township, and Fredonia Township for the reasonable expenses for collection of the District's summer tax levy that the city and/or townships may bill under MCLA 380.1611 or MCLA 380.1612. Any such proposed agreement shall be brought before this Board of Education for its approval or disapproval.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

Ayes: Ali Webb, Vic Potter, Annette Campau, Bill DeSmet, Janice Darling,  
Richard Lindsey

Nays: None

Resolution declared adopted.

Annette M. Campau  
Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of the Marshall Public School District, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a Regular meeting held on November 22, 2010, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).

Annette M. Campau  
Secretary, Board of Education

THE REVISED SCHOOL CODE (EXCERPT)

Act 451 of 1976

**380.1611 Certification of school property taxes; approval of city governing body; assessment, spread, and collection of taxes; remittance of collections; expenses; limitations; powers and duties of city officers; school taxes as lien; penalties, interest, and collection charges.**

Sec. 1611. (1) Upon the approval of the city governing body before January 1, 1983, the board of a school district or intermediate school district situated in whole or in part in a city may certify either the total or 1/2 of the levy of school property taxes on the city portion of the school district or intermediate school district. If certified, or if approval of the city governing body is not given before January 1, 1983 and a city agrees or elects pursuant to section 1613 to collect either the total or 1/2 of the levy of school taxes on the taxable property of the city portion of the school district or intermediate school district, the appropriate officials of that city in which the school district or intermediate school district is located shall assess, spread, and collect these school taxes and shall remit the collections to the school district or intermediate school district as provided in Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Except where a city assessed and collected school taxes pursuant to this section prior to December 31, 1974, reasonable expenses incurred by the city in assessing and collecting the school taxes, to the extent that those expenses are in addition to the expenses of assessing and collecting other taxes at the same time and, except as otherwise agreed to by the city and school district or intermediate school district, exceed the amount of any fee and charge imposed by the city on collection of the school taxes, shall be billed to and paid by the school board of education or intermediate school board. However, if these additional reasonable expenses are allowed by this section to a city exercising its option under section 1613(3), the following limitations shall apply:

(a) These additional reasonable expenses shall not exceed the amount specified in the statement required by section 1613(4)(b) as the actual cost of collection in addition to fees and charges authorized by section 1613(4)(g) that the treasurer of the school district, intermediate school district, or county has determined to be imposed.

(b) The total reasonable expenses, without deduction because the expense is part of the expense of assessing and collecting other taxes at the same time and including fees and charges imposed by the city on the collection of the school taxes, shall not exceed the amount specified in the statement required by section 1613(4)(b) as the aggregate amount of the costs of collection the district has determined to incur itself or the county treasurer may receive from district payments and from fees and charges imposed pursuant to section 1613(4)(g).

(3) In proceedings for the assessment, spreading, and collection of taxes for school purposes in the school district or intermediate school district, and for the receipt and disbursement of money belonging to the school district or intermediate district, the city assessing officer, city clerk, and city treasurer of the city in which the school district or intermediate school district is situated shall have like powers and duties as prescribed by the laws of this state for township supervisors, township clerks, and township treasurers.

(4) School taxes collected by a city shall become a lien against the property on which assessed in the same manner and on the same date as city taxes or, if the city approves the collection of school taxes on a date other than the date it collects the city taxes, on July 1. The school taxes which are collected with the city taxes shall be subject to the same penalties, interest, and collection charges as city taxes and shall be returned as delinquent to the county treasurer in the same manner and with the same interest, penalties, and fees as city taxes are returned. School taxes collected by a city pursuant to this section on a date other than a date it collects city taxes shall be subject to the same fees and charges a city may impose under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws. School taxes collected pursuant to this section on or before September 14 of each year by a city that collects school taxes on a date other than the date it collects city taxes shall be without interest, but such taxes collected after September 14 in each year shall bear interest at the rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year. All interest and penalties that are imposed prior to the date these taxes are returned delinquent and that are attributable to school taxes other than collection fees shall belong to the school district or intermediate school district. The collection fees if imposed shall be retained by the city.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 20, Imd. Eff. May 27, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1982, Act 333, Imd. Eff. Dec. 16, 1982.

# City of Marshall

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Marshall Town Hall ca: 1857

## ADMINISTRATIVE REPORT December 20, 2010 – City Council Meeting

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

**FROM:** Tim Eggleston, Deputy Director of Community Services  
Sandra Bird, Clerk-Treasurer  
Tom Tarkiewicz, City Manager

**SUBJECT:** Proposed Emergency Services Building:  
1) USDA Rural Development Pre-application  
2) Resolution to Provide for Statement of Intent to Reimburse Expenditures from Bond Proceeds Required by Internal Revenue Code for Tax-Exempt Debt

**BACKGROUND:** The City of Marshall is developing a plan to acquire, construct, furnish and equip a new emergency services building for use by fire, ambulance, and police services, and to renovate, refurnish and re-equip City Hall including the portion currently used for emergency services, including related appurtenances and attachments thereto, site acquisition and improvements, and demolition of an existing structure.

The City may receive a loan to finance costs of the Project from the United States of America through the United States Department of Agriculture – Rural Development (the “Government”), through delivery to the Government of the City’s general obligation bond.

The Rural Development program(s) under the USDA provides a number of finance options to local communities with population up to 20,000 people to erect and/or renovate essential community facilities. Community facilities are City Halls, libraries, fire stations, public safety facilities, schools, and day care facilities to name a few. There is a pre-application process and the City Council can withdraw the application at any time.

The highest elected official (Mayor) is required to sign the pre-application. Signing the pre-application signifies that the Council members are in agreement that they would like to review the funding options provide by the USDA to determine the benefit to the community.

Some possible benefits are as follows:

1. Lower interest rate.
2. Lower bond issuance costs.
3. Davis Bacon does not apply.



4. Can make extra payment with no penalty.
5. Can finance the project for 30 years.

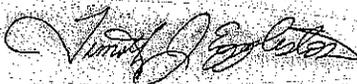
The Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures. The attached resolution will allow project expenses incurred prior to the bond sale, be reimbursed from future bond proceeds.

**RECOMMENDATION:** Authorize the Mayor to sign the USDA Rural Development pre-application and approve the Resolution Stating Intent to Reimburse Expenditures from Bond Proceeds for Emergency Services Building and City Hall Renovation.

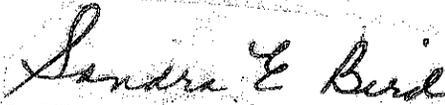
**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Tim Eggleston  
Deputy Director of Community Svcs.



Sandra Bird  
Clerk-Treasurer



Tom Tarkiewicz  
City Manager

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2010-\_\_\_\_\_**

**RESOLUTION STATING INTENT TO  
REIMBURSE EXPENDITURES FROM BOND PROCEEDS  
FOR EMERGENCY SERVICES BUILDING AND CITY HALL RENOVATION**

**A RESOLUTION TO PROVIDE FOR:**

- Statement of Intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt.

**WHEREAS**, the City of Marshall, County of Calhoun, State of Michigan (the "City") is developing a plan to acquire, construct, furnish and equip a new emergency services building for use by fire, ambulance, and police services, and to renovate, refurbish and re-equip City Hall including the portion currently used for emergency services, including related appurtenances and attachments thereto, site acquisition and improvements, and demolition of an existing structure (the "Project"); and

**WHEREAS**, the City may receive a loan to finance costs of the Project from the United States of America through the United States Department of Agriculture – Rural Development (the "Government"), through delivery to the Government of the City's general obligation bond; and

**WHEREAS**, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt before making the expenditures.

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

1. The City hereby makes the following declaration of official intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(1) As of the date of this resolution the City reasonably expects to reimburse itself for the expenditures described in (2) below with proceeds of debt to be incurred by the City.

(2) The expenditures described in this paragraph (2) are to pay certain costs associated with the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the debt from the general funds or capital fund of the City.

(3) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is Six Million Six Hundred Five Thousand Dollars

(\$6,605,000) which debt may be issued in one or more series and/or together with debt for other purposes.

(4) A reimbursement allocation of the expenditures described in paragraph (2) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

(5) The expenditures for the Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(6) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in paragraph (4) above.

2. This declaration is executed to indicate the intent of the City only, and does **NOT** bind the City to acquire and construct any improvements or to issue any bonds or other obligations of the City.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

---

Sandra Bird, Clerk-Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on December 20, 2010 at 7:00 o'clock p.m., prevailing Eastern Time, 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 as required by said Act 267.

---

Sandra Bird, Clerk-Treasurer

### CITY OF MARSHALL BOARDS & COMMISSIONS APPLICATION

Your interest and willingness to serve the City of Marshall is appreciated. The purpose of this application is to provide the Mayor and Council with basic reference data and information pertaining to residents being considered for appointment to a City board or commission. The information supplied on this form will be available for the Mayor and Council and may be used for their deliberation concerning such appointments.

Date 12/7/10

*Please type or print -*

Name Kristine Boley-Morse

Address 22011 L Drive North

Home Phone 269-420-5901 Work Phone 269-781-4867 x. 42

Fax Number 269-781-3199 E-Mail Address Kristine.boleymorse@macd.org

How long have you lived in the City of Marshall? 34 years

Education Masters/MSU Primary Personal Interest Outdoor Enthusiast

*Please feel free to attach, for example, a resume, brief bio, hobbies, former committee work, etc.*

\*\*\*\*\*

*Please indicate your choice(s) -*

If you are interested in more than one, designate first choice (1), second choice (2), etc. (Please see reverse for information regarding each board and commission).

- |  |  |
|--|--|
| <input type="checkbox"/> Airport Board (3 yrs)                       | <input checked="" type="checkbox"/> Parks & Rec Advisory Board (3 yrs) |
| <input type="checkbox"/> Board of Review (2 yrs)                     | <input type="checkbox"/> Planning Commission (4 yrs)                   |
| <input type="checkbox"/> District Library Board (3 yrs)              | <input type="checkbox"/> Sister City Committee (3 yrs)                 |
| <input type="checkbox"/> Downtown Development Authority (4 yrs)      | <input type="checkbox"/> Zoning Board of Appeals (3 yrs)               |
| <input type="checkbox"/> Local Development Finance Authority (3 yrs) |  |

# 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 20, 2010 - CITY COUNCIL MEETING**

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

**FROM:** Tim Eggleston, Deputy Director of Community Services  
Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Dial-A-Ride Transit Application for State Financial Assistance for FY 2012

**BACKGROUND:** As required by Michigan Public Act 51, Marshall Dial-A-Ride Transit must submit an annual application to the State of Michigan for financial assistance for transit operation and adopt a Resolution of Intent signifying the City of Marshall's desire to participate in the Comprehensive Transportation Fund.

The application submitted to the State of Michigan includes the following information:

- Title VI Compliance Data Report. This report gives City of Marshall employment data for the previous 12 months to ensure the City is an equal opportunity employer
- Proposed revenues and expenditures for FY 2012
- Coordination Plan. This report lists all transit providers in the area and describes the efforts for coordinating transit services
- Performance Indicators. This section identifies and measures the transit system performance
- Section 5311. Deals with Federal Transit Administration (FTA) compliance since the city receives funding from this organization;
- Local Bus Capital Assistance. Includes an inventory of our current fleet, proposed capital improvements for the current year, the fiscal year which this application is being submitted and two years beyond and documentation of ADA accessibility.

For the State of Michigan FY 2012, Marshall Dial-A-Ride Transit has proposed a preliminary budget with funding sources of \$60,804 (16%) estimated federal section 18 grant funds, \$141,065 (37.12%) estimated state funds, \$100,797 estimated local funds (millage), \$50,000 estimated fare receipts, and \$31,858 estimated other funds (*Delinquent Property Tax \$350, Tax Penalties and Interest \$350, Interest \$1,200, RTAP educational funding \$4,500, \$22,458 from fund balance to cover short fall, \$3,000 from sale of bus*) with total estimated eligible



expenses of \$384,523 and estimated ineligible expenses of \$178,500 (\$41,500 for depreciation, \$132,500 capital purchases, and \$4,500 for RTAP funds) for FY 2012.

**RECOMMENDATION:** Adopt the attached Resolution of Intent to authorize the City of Marshall DART to seek financial assistance from the State of Michigan for its public transportation service.

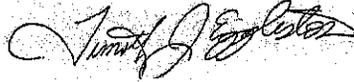
**FISCAL EFFECTS:** None at this time. This action is part of the application for State operating assistance in the amount of \$201,868 but it is not the final contract for these funds.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,



Tom Tarkiewicz  
City Manager



Tim Eggleston  
Deputy Director Community Services

**THE APPROVED RESOLUTION OF INTENT TO APPLY FOR FINANCIAL ASSISTANCE FOR FY 2012 UNDER ACT NO. 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED**

**WHEREAS**, pursuant to Act No. 51 of the public Acts of 1951, as amended (Act 51), it is necessary for the City of Marshall to provide a local transportation program for the state fiscal year of 2012 and therefore, apply for state financial assistance under provisions of Act 51; and

**WHEREAS**, it is necessary for the City Council, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the Council or department for its administration of Act 51; and

**WHEREAS**, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

**WHEREAS**, the City Council has reviewed the proposed preliminary budget and funding sources of \$60,804 (16%) estimated federal section 18 grant funds, \$141,065 (37.12%) estimated state funds, \$100,797 estimated local funds (millage), \$50,000 estimated fare receipts, and \$31,858 estimated other funds (*Delinquent Property Tax \$350, Tax Penalties and Interest \$350, Interest \$1,200, RTAP educational funding \$4,500, \$22,458 from fund balance to cover short fall, \$3,000 from sale of bus*) with total estimated eligible expenses of \$384,523 and estimated ineligible expenses of \$178,500 (*\$41,500 for depreciation, \$132,500 capital purchases, and \$4,500 for RTAP funds*) for 2012.

**NOW THEREFORE**, be it resolved that the City Council does hereby make its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

**HEREBY**, appoints the Deputy Director of Community Services for the City of Marshall, as the Transportation Coordinator for all public transportation matters, who is authorized to provide such information as deemed necessary by the Council for its administration of Act 51, for FY 2012.

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 20, 2010, and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

---

Sandra Bird, CLERK-TREASURER

# 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 20, 2010 - CITY COUNCIL MEETING

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Amend Traffic Control Order #93

**BACKGROUND:** On December 6, 2010 the Marshall City Council approved Traffic Control Order (TCO) for the removal of stop signs for eastbound and westbound traffic on Prospect Street at Madison Street. The TCO then allowed stop signs to be placed on both northbound and southbound Madison Street at Prospect Street.

After further investigation and consideration, it is determined the stop signs for eastbound and westbound on Prospect Street should remain in place.

**RECOMMENDATION:** As the Police Chief for the City of Marshall and the Traffic Engineer it is the recommendation that the Council establish a 4-way stop for the intersection of Prospect and Madison Streets.

**FISCAL EFFECTS:** To appropriate \$105.00 from the MVH Major Streets Fund budgeted expenditure line item 202-474-778 for the related labor and maintenance costs to install the northbound and southbound stop signs.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script that reads "James M. Schwartz".

James M. Schwartz  
Police Chief

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

Tom Tarkiewicz  
City Manager



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

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

*In accordance 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:*

**AMENDED:**

Erect **STOP SIGNS** for both northbound and southbound Madison Street at Prospect Street. Keep the **STOP SIGNS** for both eastbound and westbound Prospect Streets at Madison Street in place. 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**

**Temporary Order**

\_\_\_\_\_  
City Traffic Engineer  
James M. Schwartz

\_\_\_\_\_  
City Traffic Engineer  
James M. Schwartz

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

Date: December 20, 2010

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

Adopted by the Marshall City Council

pc: Street Superintendent  
City Manager's Office

# City of Marshall

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## ADMINISTRATIVE REPORT December 20, 2010 - CITY COUNCIL MEETING

**REPORT TO:** Mayor Bruce Smith and City Council

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** "I Got Your Back Foundation" Gaming License

**BACKGROUND:** Crossroads Church is sponsoring a raffle to benefit the "I Got Your Back Foundation". In order to do this, they are required to apply to the Michigan Lottery Charitable Gaming Division with a resolution passed by the Marshall City Council

**RECOMMENDATION:** It is recommended that the City Council approve the attached resolution allowing the Crossroads Church to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Tom Tarkiewicz  
City Manager





Charitable Gaming Division  
Box 30023, Lansing, MI 48909  
OVERNIGHT DELIVERY:  
101 E. Hillside, Lansing MI 48933  
(517) 335-5780  
www.michigan.gov/cg

### LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

#### APPROVAL

#### DISAPPROVAL

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

# City of Marshall

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Marshall Town Hall ca. 1857

## **ADMINISTRATIVE REPORT** **December 20, 2010 - City Council Meeting**

**REPORT TO:** Mayor Bruce Smith and City Council Members

**FROM:** Tim Eggleston, Deputy Director Community Services  
Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Disposal of used equipment through Public Surplus Inc

**BACKGROUND:** For those Council Members that were not on the Council in May, staff asked the City Council at that time to allow staff to dispose of surplus equipment through Public Surplus Inc. This site is only used by public entities for equipment or material disposal. The following is an explanation of how the site works:

Fees charged for use of the site are as follows: three percent (3%) if Public Surplus collects the money from the buyer. This is the preferred method, as Public Surplus becomes the collection agency and deals with the buyer directly. Seven percent (7%) is charged for use of the site. For purchases of \$4,000 or less a credit card may be used, otherwise, the only acceptable payment method is a cashier check, certified check, or fund transfer. The buyer is responsible for paying **all of the fees** on top of the winning bid price, so essentially, the City pays nothing to use the site, nor does the city lose any money from the winning bid.

Public Surplus suggests that the minimum bid price be set at \$100 (the starting bid price should not be too high or potential bidders may be scared off) and the length of the auction should be limit to no more than 10 days. Staff can set a reserve price. The reserve price is the minimum bid the city will accept for a particular piece of equipment. Staff may stop the auction at anytime, for any reason, and without penalty.

Another encouraging aspect of using Public Surplus is that when a number of bids are received at the last minute of the auction, the system automatically extends the selected closing time of the auction by five minutes and continues in five minute increments until no more bids are received.

The Charter states that the City Council has to approve the sale of all assets and this poses somewhat of a problem with using an online sale site. Once the auction closes, the winning bidder receives notice that he/she is the successful



bidder and is able to complete the transaction and pick up the equipment. If Council denies the sale, then the denial would create a problem with the terms and conditions of using the site, let alone the expectation of the winning bidder believing he/she can pay for and receive the equipment he/she wants.

Staff would like Council to consider a meshing of the two entities requirements that would allow use of this site to the benefit of the community based on the statements in this report while protecting the interest of all parties concerned. Therefore, staff makes the following for Council's consideration:

City Council will give their pre-approval for the sale of surplus equipment based on setting an acceptable **reserve price** with the intention of this price being met.

City staff has maintained a history of the sale of equipment over the years and there is the ability to access Kelly Blue Book. By setting an acceptable **reserve price**, council could be assured they are upholding the intent of the Charter language in being responsible fiduciaries for the community. Any increase beyond the reserve price would be to the benefit of the community.

If the reserve price is not met, then staff has three options:

1. The equipment can be pulled from the site.
2. Staff can contact the bidder closest to the reserve price (upon council approval) and ask them if they would be interested in purchasing the equipment for what they bid.
3. The reserve price could be removed and the item rebid.

If Council believes that staff's suggested guidelines meet the intent of the Charter requirement, then staff would like Council approval to post the following items with suggested reserve prices on Public Surpluses website.

1 – 1993 Ford Pickup – Reserve of \$400 (based on per ton scrape price). The pickup is being sold for parts only.

1 – Police vehicle 2005 Crown Victory – Reserve of \$3,500 based on past history.

1 – Sewer Camera Truck 1990 Ford E 350 Ambulance – Reserve bid of \$600 (based on per ton scrape price); The vehicle is also being listed for parts only as it cannot meet DOT safety standards.

1- 1996 Dodge 1500 4-wheel pickup – Reserve \$2,500

20 – Bus Tires (need to be recapped) – Reserve \$5.00 for all

3 – Truck Tires 10.00 x 20 – Reserve \$5.00 for all

4 – Fare Boxes with 2 vaults each – Reserve \$50 each. These are still used by other transit agencies.

1 – 3 Phase Air Compressor – Reserve \$500. The reason for such a low reserve is that it is doubtful that it will bring any bids due to the fact that it is 3 phase.

1 – Tire Changer – Reserve \$20. The tire changer is obsolete.

The vehicles, equipment, and supplies will be listed on the web site for two (2) weeks. At the completion of the auction, if the bid reserves are not met, staff will look at the bid closes to the reserve price and compare it to the current scrap price and dispose of the vehicle and equipment accordingly. If no bids are received for the bus and truck tires, staff will have no choice but to pay a vendor to dispose of the tires.

Included at the end of this report is some information off of Public Surplus's website [www.publicsurplus.com](http://www.publicsurplus.com).

**RECOMMENDATION:** Staff recommends that the City Council approve staff's recommendation to use Public Surplus Inc. to dispose of surplus equipment based on using staffs guidelines and setting the following reserve prices for the 1993 Ford Pickup at \$400, Sewer Camera Truck at \$600, 1996 Dodge Pickup at \$2,500, Crown Victoria's at \$3,500, Tire Changer \$20, Bus Tires for \$5, Truck Tires for \$5, Fare Box with vaults for \$50 each, and 3 phase Air Compressor for \$500.

**FISCAL EFFECTS:** An increase to the Motor Pool revenues budget line-item 661-000-681.00 Sale of Fixed Assets and an increase to the Dial-A-Ride revenues budget line-item 588-000-681.00 Sale of Fixed Assets for the anticipated revenue to be received from equipment sold on Public Surplus website.

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,



Tom Tarkiewicz  
City Manager



Timothy J. Eggleston  
Deputy Director of  
Community Services



Natalie Huestis  
Director of  
Community Services

The following information is from the Public Surplus's website.

- 1. Public Surplus was designed specifically for public agencies!** Our system enables agencies to manage their entire surplus inventory, while at the same time maintaining compliance with State regulations and policies. The system's specific features allow for the reallocation or auctioning of surplus items without actual, or the appearance of: waste, favoritism, or collusion.
- 2. Public Surplus assures compliance with state and local regulations and policies!** Many States require that public agencies maintain audit-records detailing the disposition of every surplus item. Public Surplus satisfies this requirement by maintaining complete records of all transaction on our system. The history of each item listed for auction will be saved for up to seven years. Agencies have the ability to easily obtain a printed record of this information.
- 3. Public Surplus simplifies internal reallocation!** Most States require that public agencies, whenever possible, reallocate surplus items internally. Public Surplus specifically designed its, 'Reallocation Component,' to satisfy this requirement. We provide a way for agencies to *instantly* and *automatically* notify all appropriate departments within the organization of surplus items available for redistribution. Interested departments are then allowed to easily and electronically request these surplus items on a, "first come first served," basis.
- 4. Public Surplus helps agencies attract larger numbers of community members to their surplus auctions.** Our system increases the contact between an agency and the community it serves. By being accessible, 24 hours, 7 days a week, an agency's auctions via Public Surplus allow a larger percentage of the community to take advantage of the bargains surplus items provide.

IN A WORK SESSION Monday, December 6, 2010 at 6:00 P.M. at the Calhoun County Consolidated Dispatch Center, 315 West Green Street, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

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

Also Present: Chief Jim Schwartz

Absent: None.

The City Council was given a tour of the new Calhoun County Consolidated Dispatch Center.

The meeting was adjourned at 6:45 p.m.

---

Bruce Smith, Mayor

---

Sandra Bird, Clerk-Treasurer

**CALL TO ORDER**

IN REGULAR SESSION Monday, December 6, 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, Traver, and Williams.

Also Present: City Manager Tarkiewicz

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mike Donahue of Four Winds Christian Fellowship gave the invocation and Mayor Smith led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Williams, supported Mankerian, to approve the agenda as presented. On a voice vote: **MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITION**

A. Christopher Correnti, VP of AGC Flatglass, was present to ask City Council to reconsider their decision to seek a Tax Clawback from AGC.

B. Mark Kettner of Rehmann Robson gave a presentation on the FY 2010 Audit for the City of Marshall.

C. Recreation Superintendent Teri Trudeau presented the FY 2010 Annual Report for the Recreation Department.

**INFORMATIONAL ITEMS**

Council member Williams informed the public that Council toured the new 911 center for the Work Session to view the new operations. Also, the FOIA policy committee had their first meeting to address issues and there will be a report at the next meeting.

**PUBLIC COMMENT ON AGENDA ITEMS**

Wayne Booton of 509 North Drive East shared results of a survey he conducted on Main Street regarding the parking study.

John LaPietra of 386 Boyer Court commented on the work going into the FOIA policy revision and his hopes of addressing it at the next council meeting.

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

#### **A. Conflict of Interest Policy:**

Mayor Smith opened the public hearing to hear comment on the revisions to the Conflict of Interest Policy.

Brian Munger of 120 S. Grand Street previously attended the work session held on the Conflict of Interest Policy changes where discussion took place regarding changes that needed to be made to the policy. He inquired as to what changes have been made since that meeting.

John LaPietra of 386 Boyer Court feels that conflict should be addressed on other kinds of things and not just financial interest and he made some recommendations regarding changes.

Wayne Booton of 509 North Drive East commented he is not aware of any claims of corrupt as description of this policy.

Brian Munger of 120 S. Grand Street feels the procedural part of the city charter needs to be revisited as well as the conflict of interest policy.

Hearing no further comment the hearing was closed.

**Moved** Dyer, supported Miller, to adopt the proposed revision to the Conflict of Interest Policy and be transmitted to other City Boards and Officials as presented in the policy.

Ken Jendryka of 617 N. Kalamazoo feels the council should look at other matters beyond financial interest that affect conflict of interest.

**Moved** Dyer, supported Williams, with a friendly amendment to delete from Article II, sub paragraph (c), delete paragraph (2) and renumber paragraph (3) and (4) accordingly.

John LaPietra of 386 Boyer Court asked for clarification on the friendly amendment.

**Moved** Dyer, supported Williams, with a friendly amendment to add to Article II, sub paragraph (c), paragraph (1): a member of the individuals immediate family, and eliminate the word member between owner and partner.

**Moved** Dyer, supported Williams, with a friendly amendment to amend the last paragraph, Article V (c), by changing the word chapter to policy and changing the word complete to complaint.

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

## **CONFLICT OF INTEREST POLICY DECEMBER 6, 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 or a member of the individuals immediate family, is an owner, 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) 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
  - (3) 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 complaint 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 policy to each official and employee of the City.

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

Nancy Wood, Marshall House Resident, spoke on behalf of some residents with a list of concerns with the apartments.

John LaPietra of 386 Boyer Court commented on the revised Conflict of Interest policy and asked Council if they planned on doing another printing of the City Charter.

#### **OLD BUSINESS**

##### **A. Pratt Park – Time Extension:**

**Moved** Williams, supported Metzger, to grant the request by Allman Development for a time extension from January 1, 2011 to April 1, 2011 to finish the exterior of 1148 Woodruff. On a roll call vote – ayes: Metzger, Miller, Mayor Smith, and Williams; nays: Dyer, Mankerian, and Traver. **MOTION CARRIED.**

##### **B. Proposed Rules for Ordinance 73.19.1: Parking Limited Between 3:00 a.m. and 6:00 a.m.:**

**Moved** Williams, supported Metzger, to approve the proposed parking rules for Ordinance 73.19.1. On a voice vote – **MOTION CARRIED.**

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

**C. Revised Ordinance 134.03: DISORDERLY HOUSE:**

**Moved** Dyer, supported Miller, to approve Ordinance 134.03: DISORDERLY HOUSE. On a roll call vote – ayes: Mayor Smith, Traver, Williams, Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2010-10**

**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.

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Sandra Bird, CLERK-TREASURER

**D. Ordinance 134.10: WINDOW PEEPING:**

**Moved** Miller, supported Dyer, to approve Ordinance 134.10: WINDOW PEEPING. On a roll call vote – ayes: Williams, Dyer, Mankerian, Metzger, Miller, Mayor Smith, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2010-11**

**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.

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Bruce R. Smith, MAYOR

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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.

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Sandra Bird, CLERK-TREASURER

### **REPORTS AND RECOMMENDATIONS**

#### **A. Downtown Parking Needs Assessment Proposal:**

**Moved** Miller, supported Dyer, to accept the proposal from Walker Parking Consultants of Kalamazoo for \$20,000 plus expenses to perform a downtown parking assessment. On a roll call vote – ayes: Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED.**

### **APPOINTMENTS / ELECTIONS**

None.

### **CONSENT AGENDA**

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

- A. Approve Temporary Traffic Control Orders #92 and #93;
- B. Approve the listing of the 2011 Boards and Commissions Positions that are scheduled to expire and the term of office;
- C. Approve the 2011 City Council Meeting Dates;
- D. Approve minutes of the City Council Work Session and Regular Session held on Wednesday, November 17, 2010;
- E. Approve city bills in the amount of \$369,353.94.

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

### **COUNCIL AND MANAGER COMMUNICATIONS**

None.

Marshall City Council, Regular Session  
Monday, December 6, 2010  
Unofficial

**ADJOURNMENT**

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

\_\_\_\_\_  
Bruce R. Smith, Mayor

\_\_\_\_\_  
Sandra Bird, Clerk-Treasurer

IN A WORK SESSION Saturday, December 11, 2010 at 8:30 A.M. at the Training Room of the Public Services Building, 900 South Marshall, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

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

Also Present: City Manager Tarkiewicz, Clerk-Treasurer Bird, Chief Schwartz, Chief Kiessler, and Director of Public Services Fedders.

Absent: None.

- A. Clerk-Treasurer Bird presented the FY 2012 Financial Forecast.
- B. The Council discussed the potential of using financing for the 2010 Aerial Fire Truck.
- C. John Courtney of Courtney & Associates presented his preliminary findings for the Electric Rate and Cost of Service Study.
- D. Clerk-Treasurer Bird discussed fund reserve levels.

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Bruce Smith, Mayor

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Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 12/16/2010

Time: 9:17am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ADRIAN COMMUNICATIONS	21093	INSTALL RADIO	941.50	0.00
AIRGAS GREAT LAKES	4982	CYLINDER RENTAL	72.85	0.00
AIRNAV, LLC	21499	AIRNAV LISTING	50.00	0.00
ALERT EMERGENCY EQUIPMENT	217874	SELECTOR KNOB	123.75	0.00
ALEXANDER CHEMICAL CORPORATION	7024	DEPOSIT CREDIT	1,774.00	0.00
AMERICAN PUBLIC POWER ASSOC	7045	TRAINING	79.00	0.00
ARROW ENERGY	5884	Aviation Fuel	22,107.09	0.00
ARROW UNIFORM	6839	CUST #010198-02	572.66	0.00
AUTO VALUE MARSHALL	21340	CERAMIC PADS CREDIT	688.57	0.00
BATTERIES PLUS	6532	AUTO/MARINE/3D CORE	145.09	0.00
BATTLE CREEK CITY TREASURER	3621	SIGNAL MAINT JULY-SEP 2010	290.30	0.00
BEARDSLEE LAW OFFICES	3471	NOVEMBER SERVICES	4,535.75	0.00
ASSOC OF MUNICIPAL CLERK	6694	2011 MEMBERSHIP--T. NELSON	100.00	0.00
BLU FISH CONSULTING, LLC	4473	ECON DEV BROOKS ONLINE/PRINT	18,253.00	0.00
BOLLINGER INSURANCE	7116	POLICY #3602AH230069	300.00	0.00
BOSHEARS FORD SALES INC	7117	M1 2008 CROWN VIC	208.04	0.00
BUD'S TOWING & AUTOMOTIVE	7149	DART BUS	198.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CB HALL ELECTRIC COMPANY	3387	PROGRAM LIGHTS	47.50	0.00
COCM	4296	TIMOTHY EGGLESTON	40.00	0.00
CORPORATE CLEAN INC	217897	DETAIL CLEAN #326	1,275.00	0.00
COURTNEY & ASSOCIATES	7259	NOVEMBER SERVICES	25,616.80	0.00
CRT, INC	6541	HARD DRIVE 2TB	203.00	0.00
CRYSTAL FLASH ENERGY	6176	FUEL	1,412.28	0.00
CULLIGAN ALPINE WATER INC	300486	ECON DEV, ACCT #1155180	28.00	0.00
D & D MAINTENANCE SUPPLY	7271	JANITORIAL SUPPLIES	250.70	0.00
DADOW POWER EQUIPMENT	7277	#707 & 708, WHL KIT, ROLLERS	447.17	0.00
DARLING ACE HARDWARE	7281	LED, EXTN CORD	421.72	0.00
DORNBOSS SIGN & SAFETY	6378	PAINTED DELINEATOR POSTS	1,107.92	0.00
DOUGLASS SAFETY SYSTEMS LLC	5012	HEADBANDS	37.69	0.00
ED'S DECORATING	9873	PAINTED APT #326	175.00	0.00
EDWARDS INDUSTRIAL SALES	7332	HOSE ENDS, HYD HOSE	28.11	0.00
FASTENAL COMPANY	5789	BRUSH HANDLES & LUBE	74.69	0.00
FIRE EXTINGUISHER SERVICE	7360	AIR TANK HYDROSTATIC TEST	161.00	0.00
FISHBECK THOMPSON CARR & HUBER	7365	Drainage Study	3,497.50	0.00
FORENSIC PHOTOGRAPHY SERVICES	300487	CLASS - MATT POTTER	70.00	0.00
GRAINGER	3644	SAMPLER TUBING	95.60	0.00
GUARDIAN ALARM	7427	MRSHL HSE - 12/2010--11/2011	407.16	0.00
HD SUPPLY FACILITIES MAINT	9781	PLUMBING/BATH SUPPLIES	398.10	0.00
HERMANS MARSHALL HARDWARE	7446	SCREWS, BIT	72.07	0.00
HOLLAND SUPPLY	5926	#45 4-1/2" DISC ONLY	294.09	0.00
HUSKIE TOOLS INC	3902	TOOL REPAIR	314.10	0.00
IDEXX DISTRIBUTION CORP	7468	LAB SUPPLIES	889.99	0.00
ISAAC & SONS	7484	APT #326	70.00	0.00
J & K PLUMBING SUPPLY	3351	PLUMBING SUPPLIES	62.49	0.00
JACKSON TRUCK SERVICE	7495	LED LITE BAR	371.58	0.00
JIMMY'S JOHNS	4235	NOVEMBER SERVICES--COMPOST	103.00	0.00
JS BUXTON	8962	CHEMICALS	1,034.72	0.00
JWC ENVIRONMENTAL	8508	Muffin Monster cutter cartridg	20,134.89	0.00
K-MART	7501	NOVEMBER CHARGES	26.00	0.00
KELLOGG'S REPAIR GARAGE	5869	#621 RPR GRASSHOPPER	12.45	0.00
KENT COUNTY HEALTH DEPT	7514	TESTING	20.00	0.00
KUSTOM SIGNALS INCORPORATED	7524	SERVICE ON RADAR EQUIPMENT	261.24	0.00
LARRY'S FLOOR COVERING	7530	PAINT	197.72	0.00
LEXISNEXIS OCC HEALTH SOLUTION	300324	CLINIC COLLECTION	16.44	0.00
MARSHALL FIREFIGHTER AMBULANCE	7561	MED 1ST RESPONDER CLASS	66.82	0.00
MARSHALL HIGH SCHOOL	3748	SWIMMING - SUMMER PROGRAM	1,128.00	0.00
MARSHALL LUMBERTOWN	7569	AIRPORT WINTERIZING SUPPLIES	67.91	0.00
MARSHALL WELDING & FABRICATION	7590	#305 FABRICATE BOWS & BRACKETS	488.20	0.00
MEDLER ELECTRIC COMPANY	7604	296-70 W HPS LAMPS	1,120.32	0.00
METTLER-TOLEDO, INC	7608	EQUIPMENT SERVICED	203.50	0.00
MICHIGAN ECONOMIC DEVELOPERS	7641	NOVEMBER	80.00	0.00
MICHIGAN SOUTH CENTRAL	7614	NOVEMBER 2010	1,542.21	0.00
MILLER CANFIELD PADDOCK &	7683	NOVEMBER SERVICES	330.00	0.00
MISS DIG SYSTEM INC	7688	2011 MISS DIG MEMBERSHIP FEE	784.56	0.00
MMTA	2461	2011 DUES - M. WASTEJ	50.00	0.00
MUNICIPAL SUPPLY CO.	7701	COMPRESSION BALL	335.02	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 12/16/2010

Time: 9:17am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
NATIONAL LAW ENFORCEMENT SUPPL	217839	INVESTIGATIVE SUPPLIES	492.13	0.00
NORTH CENTRAL LABORATORIES	7727	LAB SUPPLIES	979.65	0.00
NU-TWIST SCREEN PRINTING	7732	T SHIRTS	802.15	0.00
POWER LINE SUPPLY	7821	061 SM P.G. CLAMP	6,967.46	0.00
PRINTING SYSTEMS	7785	W2, 1099, W3, & 1096 FORMS	323.38	0.00
PVS TECHNOLOGIES	7797	CHEMICALS	5,866.76	0.00
QUALITY LAWN CARE	8838	MH LAWN CARE	585.00	0.00
REHMANN ROBSON PC	6455	FINAL AUDIT PAYMENT	6,420.00	0.00
ROOT SPRING SCRAPER CO	217840	WINTER MAINTENANCE	3,552.00	0.00
S.M.R.P.A.	300488	TERI TRUDEAU - MEMBERSHIP	60.00	0.00
SOUTHEASTERN EQUIPMENT CO, INC	21367	LUBRICANT	130.05	0.00
SPARTAN STORES	9656	NOVEMBER CHARGES	122.88	0.00
SPECTRA ASSOCIATES, INC	7773	CUSTOM MINUTE BOOK	177.85	0.00
SPRINT SUBPOENA COMPLIANCE	217861	VOICEMAIL	30.00	0.00
STANDARD PRINTING & OFFICE	7903	DELIVERY	329.74	0.00
STANLEY LAWN & GARDEN	7905	RPR HUSQVARNA	33.39	0.00
STATE OF MICHIGAN	4299	NPDES ANNUAL PERMIT FEE	400.00	0.00
STRUBLE'S HARDWARE & SUPPLY	6352	AIR FILTERS	43.96	0.00
SYNAGRO CENTRAL, LLC	4903	BIO-SOLIDS HAULING	13,404.16	0.00
THOMPSON'S BRAKE & SUSPENSION	300383	REPLACE POWER STEERING PUMP ON	1,741.34	0.00
TRI-COUNTY INTERNATIONAL TRUCK	8034	#308 ABS LIGHT STAYS ON	171.20	0.00
USA BLUEBOOK	2460	GLOVES	153.34	0.00
Grand Total:			159,038.30	0.00

CHECK NUMBER SERIES AS OF FRIDAY, 12/10/10

Beginning #      Ending #                      Dated

PAYROLL-ACH	71130	71137	11/27/10--12/10/10
A/P & P/R-OTHER	85877	86060	11/27/10--12/10/10



# MICHIGAN SOUTH CENTRAL POWER AGENCY

720 HERRING ROAD • LITCHFIELD, MICHIGAN 49252  
 PHONE (517) 542-2346 • FAX (517) 542-3049  
 www.mscca.net

## ORIGINAL INVOICE

MARSHALL CITY ELECTRIC DEPARTMENT  
 323 WEST MICHIGAN AVENUE  
 MARSHALL, MICHIGAN 49068  
 Attn: Mr. Tom Tarkiewicz

Invoice Date: 15-Dec-10  
 Due Date: 31-Dec-10  
 Service From: 01-Nov-10  
 To: 30-Nov-10

Peak Demand 16,483 kw  
 Total Energy Received 9,069,042 kWh

Area	Entitlement %	Operating and Maintenance Costs	Debt Service	Total
<b>PROJECT 1-ENDICOTT</b>	24.0%	209,399.66	133,825.94	343,225.60
<b>PROJECT 2</b>	18.0%	2,206.43	20,221.73	22,428.16
<b>PROJECT 3</b>	20.2%	2,213.13	-	2,213.13
<b>PURCHASED POWER</b>	17.7%	330,070.61		330,070.61
<b>TRANSMISSION</b>	18.2%	7,232.90	12,398.54	19,631.44
<b>MISO</b>	20.1%	(1,005.53)		(1,005.53)
<b>SUBSTATION</b>	34.4%	200.77	34,581.83	34,782.59
<b>ADMINISTRATION</b>	20.1%	29,243.72		29,243.72
<b>MEMBER</b>	12.9%	2,038.91		2,038.91
<b>CAPACITY</b>	12.9%	-		-
<b>RATE STABILIZATION</b>		(11,760.07)		(11,760.07)
<b>TOTAL COST</b>	\$	569,840.53	201,028.04	770,868.57
	\$/kWh	0.06283	0.02217	0.08500
<b>CREDITS</b>	\$	(5,006.97)	-	(5,006.97)
	\$/kWh	(0.00055)	0.00000	(0.00055)
<b>NET COST</b>	\$	564,833.56	201,028.04	765,861.60
	\$/kWh	0.06228	0.02217	0.08445

**Pay this amount \$ 765,861.60**

Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid.

**RATE STABILIZATION FUND BALANCE**  
**MARSHALL**

12/15/2010

DATE	DEPOSIT (\$)	INTEREST (\$)	WITHDRAWAL (\$)	BALANCE (\$)
Jul-09	2,561	406	0	636,800
Aug-09	0	403	30,766	606,436
Sep-09	0	346	0	606,782
Oct-09	240,000	327	16,510	830,599
Nov-09	0	426	4,822	826,203
Dec-09	0	383	19,584	807,003
Jan-10	0	336	11,190	796,149
Feb-10	72,000	268	42,995	825,423
Mar-10	0	272	16,997	808,697
Apr-10	0	218	22,266	786,649
May-10	0	257	25,590	761,316
Jun-10	0	261	0	761,577
Jul-10	0	206	0	761,783
Aug-10	0	199	0	761,983
Sep-10	0	204	0	762,187
Oct-10	247,384	181	0	1,009,753
Nov-10	0	298	0	1,010,051
Dec-10	0	306	11,760	998,596
Jan-11	0	0	0	NA
Feb-11	0	0	0	NA
Mar-11	0	0	0	NA
Apr-11	0	0	0	NA
May-11	0	0	0	NA
Jun-11	0	0	0	NA

VENDOR APPROVAL SUMMARY REPORT

Date: 12/03/2010

Time: 9:29am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
BOBBY ADAMS	300477	DEPOSIT REFUND	92.74	0.00
BATTLE CREEK UNLIMITED, INC.	4558	DECEMBER	13,750.00	0.00
BONNIE'S TAILORING	2257	ALTERATION	20.00	0.00
BRANDYWINE PRODUCTIONS	2377	REFUND TAX OVERPAYMENT	27.92	0.00
CALHOUN COUNTY CONS DISPATCH	7176	3RD QTR 2010	55,476.50	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CITGO	3724	CITGO FLEET #132271610	8,906.26	0.00
CONSUMERS ENERGY	8560	1000 4039 4866	341.62	0.00
JAMES R DEVENEY	300006	MECHANICAL INSPECTOR PAY	386.25	0.00
DARYL GANO	8148	ELECTRICAL INSPECTOR PAY	1,383.75	0.00
GORDON FOOD SERVICE INC	8734	CANDY & SHEET CAKE	17.98	0.00
GRIFFIN PEST SOLUTIONS	6272	323 W MICHIGAN	31.00	0.00
JOHN GROSS	300013	PLUMBING/MECH INSPCTR PAY	737.00	0.00
IDNETWORKS IDENTIFICATION	6916	ANNUAL SERVICE MAINTENANCE FEE	3,495.00	0.00
KNAUF, ERNIE	300242	EXPENSE REIMBURSEMENT	22.90	0.00
JOSH LANKERD	2321	EXPENSE REIMBURSEMENT	21.44	0.00
MARENGO TOWNSHIP	7555	P/N 13-15-311-015-00	1,094.81	0.00
MARSHALL MEDICAL ASSOCIATES	7571	TICE, TAYLOR	222.00	0.00
MARSHALL PUBLIC SCHOOLS	7574	FY-11 Data Processing-Professi	1,000.00	0.00
MARSHALL TOWNSHIP	7579	P/N 13-16-272-012-00	72.68	0.00
MEDLER ELECTRIC COMPANY	7604	250 W HPS LAMPS	1,911.60	0.00
NAPA OF MARSHALL	2939	ADJUST TO STATEMENT	464.17	0.00
OLIE'S TREE FARM	5570	100 FT ROPING	105.00	0.00
PAULA TUCKER CATERING	8129	COUNCIL PRESENTATION	170.00	0.00
PITNEY BOWES	6899	ACCT# 17848649	3,000.00	0.00
SCMWA	2104	2011 MEMBERSHIP	25.00	0.00
SPRINT	9628	ACCT #224843832	377.11	0.00
STATE OF MICHIGAN	4872	38-6004703 NOV10	27,682.93	0.00
TERI TRUDEAU	6010	DRIVER'S TIP	50.00	0.00
COLLEEN WEBB	300476	EXPENSE REIMBURSEMENT	175.33	0.00
Grand Total:			121,060.99	0.00

Prescription reimbursements 15.00

Total Cash Disbursements \$121,075.99

VENDOR APPROVAL SUMMARY REPORT

Date: 12/10/2010

Time: 9:47am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AD-VISOR & CHRONICLE	7557	AD FOR SALE OF BUICK	826.90	0.00
ARBOR DAY FOUNDATION	21366	ANNUAL MEMBERSHIP	15.00	0.00
DIANE BOCKELMAN	300483	SECURITY DEPOSIT REFUND	76.27	0.00
BROADSTRIPE	3293	ACCT #198-040293	2,097.97	0.00
CALHOUN COUNTY ROAD COMMISSION	7173	R.O.W. ANNUAL PERMIT	315.00	0.00
CALHOUN COUNTY TREASURER	7177	11/16/10--11/30/10 PERS AD VAL	6,696.51	0.00
CALHOUN INTERMEDIATE	7178	11/16/10--11/30/10 PERS AD VAL	1,860.01	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	FOLDERS	330.59	0.00
CONSUMERS ENERGY	8560	1000 0033 5602	3,327.38	0.00
CROUCH ELECTRIC LLC	300482	PERMIT FEE REFUND	10.00	0.00
TIM EGGLESTON	3734	INDEX CARDS	5.00	0.00
KIMBERLY EVANS	300484	SECURITY DEPOSIT REFUND	67.11	0.00
FOLK OIL COMPANY INCORPORATED	3343	ENERGY OPTIMIZATION-DENNY'S	31,794.75	0.00
GANNETT MICHIGAN NEWSPAPERS	9632	ADS FOR AIRPORT	623.86	0.00
TRACY HALL	6028	COOKIES FOR TRAINING	16.25	0.00
HOLLAND BUS COMPANY	5874	RPLC CK #85289	331.38	0.00
KALAMAZOO COUNTY FIRE CHIEF'S	300480	COMPANY OFFICER TRNG--MCCAIN	280.00	0.00
KALAMAZOO COUNTY FIRE CHIEF'S	300481	FIREHOUSE TO FIRE FLOOR-MCCAIN	195.00	0.00
KELLOGG COMMUNITY COLLEGE	7507	11/16/10--11/30/10 PERS AD VAL	1,102.47	0.00
MARSHALL DISTRICT LIBRARY	8065	11/16/10--11/30/10 PERS AD VAL	993.02	0.00
MARSHALL PUBLIC SCHOOLS	7574	11/16/10--11/30/10 PERS AD VAL	4,078.65	0.00
MEDLER ELECTRIC COMPANY	7604	to correct PO encumbrance	0.00	0.00
MIDWAY ROLLER RINK	7680	PLAYGROUND TRIP #8	249.00	0.00
JUNE MILLER	300478	SECURITY DEPOSIT REFUND	296.00	0.00
MATTHEW POTTER	300322	EXPENSE REIMBURSEMENT	22.19	0.00
PUBLIC AGENCY TRAINING COUNCIL	9672	SEMINAR--AMBROSE & RITSEMA	500.00	0.00
REPUBLIC SERVICES #249	2096	ACCT #3-0249-1022021	513.17	0.00
ANNA ROWLEY	300479	SECURITY DEPOSIT REFUND	65.00	0.00
STUART WEBB	6006	BOOT REIMBURSEMENT	300.00	0.00
SHERI ZIENERT	5152	COFFEE & FILTERS	84.24	0.00
Grand Total:			57,072.72	0.00

Prescription reimbursements 158.70

Total Cash Disbursements \$57,231.42