

CITY COUNCIL  
WORK SESSION AGENDA  
Monday, January 3, 2011  
6:00 PM – 6:45 PM

A. **Emergency Services Building Update**

B. **January 18<sup>th</sup> Work Session**

Motor Carrier Enforcement Ordinance

C. **Future Work Session Topics**

Carriage Ordinance discussion (2/7)

Possible Topics:

Liquor Licenses

Rate Study reports

Historic District Ordinance

Council Rules

Department operations and tours

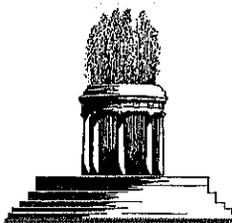
Investment Policy

D. **Other Items**

# MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 p.m.

JANUARY 3, 2011



## HISTORIC MARSHALL

MAYOR: James Dyer

COUNCIL MEMBERS:  
Ward 1 – Wayne Booton  
Ward 2 – Nick Metzger  
Ward 3 – Brent Williams  
Ward 4 – Ryan Trayer  
Ward 5 – Jody Mankecian  
At-Large – Kathy Miller

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Richard Gerten, Family Bible Church
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** – Items can be added or deleted from the Agenda by Council action.
- 6) **CITY COUNCIL ORGANIZATION**
  - A. Election of Mayor Pro-Tem
  - B. Boards and Commissions Liaison Appointments
  - C. Firekeeper’s Local Revenue Sharing Board Appointment
  - D. Calhoun County Consolidated Dispatch Authority Board Appointment
- 7) **INFORMATIONAL ITEMS**
- 8) **PUBLIC COMMENT ON AGENDA ITEMS** – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 9) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
  - A. Public Hearing – Chapter 112: Peddlers and Solicitors

City Council will hear public comment on the proposed revisions to Chapter 112: Peddlers and Solicitors of the Marshall City Code.
  - B. Public Hearing – Chapter 120: Temporary Businesses

City Council will hear public comment on the creation of Chapter 120: Temporary Businesses of the Marshall City Code.
- 10) **OLD BUSINESS**
- 11) **REPORTS AND RECOMMENDATIONS**
  - A. Freedom of Information Act Policy

City Council will consider the recommendation to adopt the proposed Freedom of Information Act policy.
  - B. Michigan Medical Marijuana Act Moratorium

City Council will consider the recommendation to adopt the ordinance which will allow the Council time to continue to carefully analyze the requirements of the law by extending the moratorium until July 3, 2011.
  - C. Strategic Planning Proposal

City Council will consider the recommendation to accept the Strategic Planning Proposal from Dr. Lewis Bender and establish two Work Sessions for March 4, 2011 from 5:00 – 9:00 p.m. and March 5, 2011 from 8:00 a.m. – 2:00 p.m. at the Public Services Building.

12) APPOINTMENTS / ELECTIONS

13) CONSENT AGENDA

MAYOR: James Dyer

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

**A. Proposed License Fees for Chapter 112: Peddlers and Solicitors**

City Council will consider the recommendation to approve the suggested graduated fees for the licensing of Peddlers and Solicitors as permitted in §112.05: Fees Required.

**B. Proposed License Fees for Chapter 120: Temporary Businesses**

City Council will consider the recommendation to approve the suggested graduated fees for the licensing of Temporary Businesses as permitted in §120.05: Fees Required.

**C. Schedule Public Hearing – July 1, 2011 – June 30, 2017 Capital Improvement Program**

City Council will consider the request to schedule a public hearing for Tuesday, January 18, 2011 at 7:00 p.m. to hear public comment regarding the proposed July 1, 2011 through June 30, 2017 Capital Improvement Program.

**D. Purchase of a Used 1995 GMC Panel Truck**

City Council will consider the recommendation to approve the request to purchase a 1995 GMC P32 panel truck from Michiana Truck Center of South Bend, Indiana in the amount of \$4,900 and approve an additional \$5,100 in expenditures to retrofit the vehicle for city use.

**E. City Council Minutes**

Work Session..... Monday, December 20, 2010

Regular Session ..... Monday, December 20, 2010

**City Bills**

Regular Purchases ..... \$ 86,904.95

Weekly Purchases –12/17/10 ..... \$ 13,245.43

Weekly Purchases – 12/22/10 ..... \$ 6,544.95

**Total..... \$ 106,695.33**

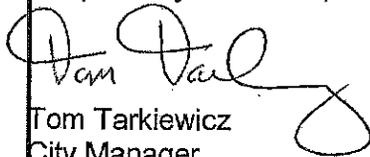
14) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any item not on the agenda.

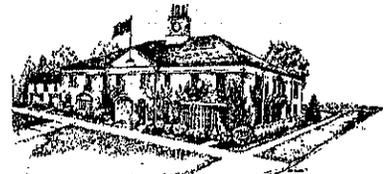
15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

  
Tom Tarkiewicz  
City Manager

# City of Marshall



Marshall Town Hall ca: 1857

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

## ADMINISTRATIVE REPORT January 3, 2011 - CITY COUNCIL MEETING

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

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Election of Mayor Pro-Tem

**BACKGROUND:** Section 2.07 of the City Charter states:

*At the first meeting in January following each regular city election, the council shall elect from among its members a mayor pro-tem who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the remainder of the unexpired term.*

**RECOMMENDATION:** It is recommended that the Council elect a Mayor Pro-Tem.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tom Tarkiewicz', written over a horizontal line. The signature is fluid and cursive.

Tom Tarkiewicz  
City Manager



# City of Marshall

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Marshall Town Hall ca. 1857

## ADMINISTRATIVE REPORT January 3, 2011 - CITY COUNCIL MEETING

**TO:** Honorable Mayor Dyer and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Board & Commission Liaison Appointments

**BACKGROUND:** At the first meeting in January after the City elections, the Mayor appoints the Board and Commission liaisons. These liaison appointments are non-voting positions. The Mayor will present his appointments to the following Boards:

Airport Board  
Ambulance Authority Board  
Chamber of Commerce  
Downtown Development Authority & Main Street Board  
Local Development Financing Authority  
Parks, Recreation and Cemetery Board  
Planning Commission  
Zoning Board of Appeals

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

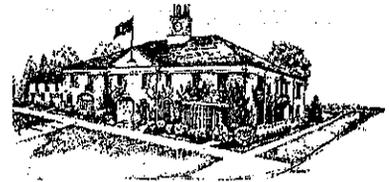
A handwritten signature in cursive script that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager



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**ADMINISTRATIVE REPORT**  
**January 3, 2011 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor Dyer and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Firekeeper's Casino Local Revenue Sharing Board  
Appointments

**BACKGROUND:**

**RECOMMENDATION:**

**FISCAL EFFECTS:** The Board appointee will assist in the determination of the City's share of the Casino disbursement.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tom Tarkiewicz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Tarkiewicz  
City Manager



## **RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATES TO THE LOCAL REVENUE SHARING BOARD**

WHEREAS, the Urban Cooperation Act of 1967 (MCL 124.501 et seq., as amended: hereinafter the "Urban Cooperation Act") provides that Public agencies of the State of Michigan and Public agencies of the United States may enter into interlocal agreements to exercise jointly with each other any power, privilege or authority that the agencies share in common and that each may exercise separately; and

WHEREAS, under subsection 2(e) of the Urban Cooperation Act (MCL 124.502(e)), Calhoun County, Emmett Charter Township, the City of Battle Creek, the City of Marshall, and Athens Township are Public agencies of the State of Michigan, each of which have the authority to enter into an interlocal agreement; and

WHEREAS, for purposes of the Urban Cooperation Act, the Nottawaseppi Huron Band of the Potawatomi Indians (hereinafter "the Tribe") is treated as a Public agency of the United States with the authority to enter into an interlocal agreement; and

WHEREAS, in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.; hereinafter referred to as "IGRA"), on December 3, 1998 the State of Michigan and the Tribe made and entered into a Compact providing for the conduct of casino gaming, as approved by the U.S. Secretary of the Interior by publication in the Federal Register on February 18, 1999 (64 Fed. Reg. 8111), and as amended on July 23, 2009 in accordance with Section 16 of the Compact and approved by the U.S. Secretary of the Interior by publication in the Federal Register on October 8, 2009, (74 Fed. Reg. 51875) (hereinafter collectively referred to as the "Compact"); and

WHEREAS, the Tribe, a federally-recognized Indian tribe, acting under its governmental authority in accordance with IGRA and the Compact, commenced casino gaming operations on August 1, 2009, at the Firekeepers Casino (hereinafter the "Casino") on land located in Emmett Township, Michigan that is held in trust for the Nottawaseppi Huron Band by the United States; and

WHEREAS, growth and development on and in the vicinity of the Pine Creek Indian Reservation, which is the governmental and community center of the Tribe, will have impacts on Athens Township, which will be affected by the Tribe's operation of the Casino; and

WHEREAS, the Compact provides that the local units of government that are in the immediate vicinity or are otherwise directly affected by the Casino, together with the local government(s) affected by growth and development of the Tribe's governmental and community facilities on and in the immediate vicinity of the Pine Creek Reservation that will result from the operation of the Casino, may, at their option, form a Local Revenue Sharing Board in conjunction with the Tribe for the purpose of receiving and directing the disbursement of revenue sharing payments required by the Compact; and

WHEREAS, by entering into this interlocal agreement (hereinafter this "Agreement"), the parties hereto seek to create a Local Revenue Sharing Board, consistent with the terms and provisions of the Compact and for the purposes stated therein; and

WHEREAS, the Local revenue Sharing Board bylaws allow appointment of a Board representative and Board alternates.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Marshall appoints

\_\_\_\_\_, as the representative,

\_\_\_\_\_, as the first alternate and

\_\_\_\_\_, as the second alternate to the Local Revenue Sharing Board in the absence of the representative.

Motion by Council member \_\_\_\_\_, supported by Council Member \_\_\_\_\_.

AYES, Council members:

NAYES, Council members:

ABSTAIN, Council members:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

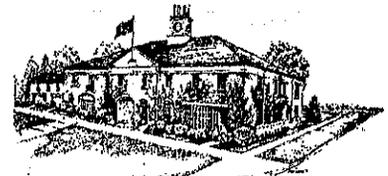
The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on January 3, 2011. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

City of Marshall

\_\_\_\_\_  
By: Sandra Bird  
Its: Clerk

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

# City of Marshall



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## **ADMINISTRATIVE REPORT** **January 3, 2011 - CITY COUNCIL MEETING**

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

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Calhoun County Consolidated Dispatch Authority Board Appointment

**BACKGROUND:** On August 18, 2008, the Council approved Mayor Bruce Smith's recommendation to appoint Councilmember Brent Williams to be the City's representative to the Calhoun County Consolidated Dispatch Authority Board. This term of office expired on December 31, 2010.

**RECOMMENDATION:** It is recommended that the City Council approve the Mayor's recommendation to the Calhoun County Consolidated Dispatch Authority Board.

**FISCAL EFFECTS:** The Board appointee will assist in the determination of the City's share of the CCCDA expenditures.

**ALTERNATIVES:** As suggested by Council.

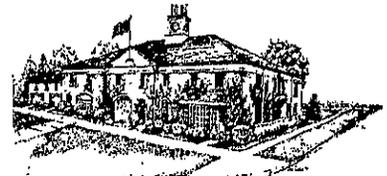
Respectfully Submitted,

  
Tom Tarkiewicz  
City Manager



# City of Marshall

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Marshall Town Hall ca: 1857

## ADMINISTRATIVE REPORT January 3, 2011 - City Council Meeting

**REPORT TO:** Mayor James L. Dyer and City Council Members

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

**SUBJECT:** Public Hearing 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 hearing comments at the public hearing, City Council approve and enact proposed amendments to Chapter 112: Peddlers and Solicitors.

**FISCAL EFFECTS:** None.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script that reads "Natalie Huestis".

Natalie Huestis  
Director of Community Services

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

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.

\_\_\_\_\_  
James L 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.

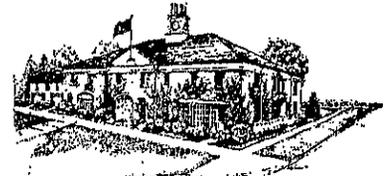
**§ 112.14 ENFORCEMENT.**

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



Marshall Town Hall ca: 1857

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

## ADMINISTRATIVE REPORT January 3, 2011 - City Council Meeting

**REPORT TO:** Mayor James L. Dyer and City Council Members

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

**SUBJECT:** Public Hearing to hear 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 hearing public comments on the proposed creation of Chapter 120, City Council approve and enact the ordinance.

**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 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.

\_\_\_\_\_  
James L. 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 120: Temporary Businesses**

- 120.01 Purpose
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### **§ 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.

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(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.

# City of Marshall

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Marshall Town Hall ca. 1857

## ADMINISTRATIVE REPORT January 3, 2011 - CITY COUNCIL MEETING

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

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Freedom of Information Act Policy

**BACKGROUND:** At the October 16<sup>th</sup> work session and the November 17<sup>th</sup> Council meeting, the City Attorney and the Council discussed revisions to the Freedom of Information Act (FOIA) Policy. Councilmember Williams, City Attorney Paul Beardslee, and John LaPietra have collaborated, and proposed a revised policy. The attachments include the Current Policy and the Proposed Policy.

**RECOMMENDATION:** After discussion, it is recommended that the Council adopt the proposed Freedom of Information Act (FOIA) Policy.

**FISCAL EFFECTS:** Reduction of fees received from FOIA requests.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tom Tarkiewicz". The signature is stylized and includes a flourish at the end.

Tom Tarkiewicz  
City Manager



## City of Marshall – Freedom of Information Act Policy Statement

The Freedom of Information Act (Public Act 442 of 1976, as amended; MCL §§ 15.231-15.246; hereafter FOIA or “the Act”) makes it the state’s public policy that all persons (except those who are incarcerated) – in order to be able to participate fully in the democratic process – are entitled to full and complete information about government affairs and the official acts of public officials and public employees. The City of Marshall will meet or exceed the requirements of the Act – and will try to provide requesters with copies of or access to public records in a courteous, rapid, and economical manner.

The Deputy City Clerk shall be the City’s FOIA Coordinator. The FOIA Coordinator shall keep a record of all written requests for public records made to the City or its employees or officials, whether or not such requests expressly include the term “FOIA” or similar language, and all responses to those requests. Any City employee or official who receives a written inquiry related to FOIA shall forward it to the FOIA Coordinator. Any employee or official who receives a written request for public records shall document the request, and any response the employee or official makes to the requester, to the FOIA Coordinator.

The FOIA Coordinator shall work with the appropriate City offices to gather information and respond to requests for public records. The City Clerk and City Attorney may also act on behalf of the FOIA Coordinator as needed.

The FOIA Coordinator determines and decides, on behalf of the City, whether a request for public records may be denied under the Act. When the FOIA Coordinator is not available in a timely manner, this responsibility and authority may be delegated to other individuals; the delegation shall be documented, and no person involved in denying a request shall be involved in deciding an appeal of that denial. Any denial of a request shall be provided to the requester in writing, and shall include the information about the right to an appeal to the City Manager, who is designated to consider appeals.

City staff shall provide reasonable opportunities and facilities for persons to inspect or examine public records and take notes or extracts from those records. The City shall take reasonable precautions to protect public records from loss, alteration, mutilation, or destruction – and to prevent excessive and unreasonable interference with the public business of the City. The City reserves the right to ask requesters to put their requests in writing (on paper or electronically) as required by the Act. City staff shall make a standard request form available to the public. The form shall cover a requester’s name, complete address, telephone number, and e-mail or other needed contact information if the request asks for or allows an electronic response.

It is the policy of the City that a waiver of fees for providing public records in the following circumstances is in the public interest, because the City considers that searching for, printing, or furnishing copies of such public records without calculating and charging the costs for doing so primarily benefits the general public:

\* When the requester will accept an electronic version of a public record sent by e-mail, the City will charge no fee for providing the requested public record.

\* When the requester will not or cannot accept an electronic version of a public record sent by e-mail, the City will charge no fee for copying the first ten (10) pages of public records provided to that requester per calendar week.

Also, if a requester submits with the request an affidavit either

\* saying that the requester is receiving public assistance; or

\* stating facts showing the requester is indigent and so cannot pay any permitted costs the Act would permit the City to charge, the City shall waive the first \$20.00 of the fee calculated for that request.

The City shall not charge for the cost of search, examination, review, or deletion/separation of exempt from nonexempt information as provided in Section 14 of the Act unless:

\* failure to charge a fee would result in unreasonably high costs to the City because of the nature of the particular request; and

\* the City specifically identifies the nature of these unreasonably high costs.

Public records that are readily available, whether in electronic or paper format, are presumed not to impose unreasonably high search, examination, review, or deletion/separation costs on the City.

If all or part of a request for public records is not covered by the exceptions or allowances above, the City will charge requesters the actual cost rates and factors for research, compilation, copying, and separation of exempt from non-exempt material as appropriate. These rates and factors are shown, along with costs or charges for disclosure of particular types of public records or information specifically covered by other laws than FOIA, in a schedule attached to this policy statement as Appendix A. The City will review cost rates, factors, and statutory charges periodically.

If the projected fee for a FOIA request is calculated to exceed \$50.00, then the City may require the requester, at the time the request is made, to pay a good-faith deposit of up to half (1/2) of the total fee for the request.

Interested persons may find additional resources related to the Freedom of Information Act at the Michigan Attorney General's website:

<http://www.michigan.gov/ag/>

-or-

[http://www.michigan.gov/ag/0,1607,7-164-17337\\_18160-51242--,00.html](http://www.michigan.gov/ag/0,1607,7-164-17337_18160-51242--,00.html)

**City of Marshall – Freedom of Information Act Policy Statement**  
Appendix A: Schedule of Cost Rates, Factors, and Statutory Charges

The City will charge fees as follows for fulfilling requests for public records.

1) Copies: The City will charge no fee for copying or printing the first ten (10) pages of public records provided to a requester per calendar week. For additional pages, the charge shall be **\$0.05 per page copied or printed.**

2) Labor: The City shall not charge for the labor cost of search, examination, review, or deletion/separation of exempt from non-exempt information as provided in Section 14 of the Act unless

\* failure to charge a fee would result in unreasonably high costs to the City because of the nature of the particular request; and

\* the City specifically identifies the nature of these unreasonably high costs.

If the City may charge for labor, and does so, the charge shall be based on the rate of the City's lowest-paid employee capable of doing the work.

3) Mailing: If hard copies of public records are mailed, the actual cost of postage plus the cost of the envelope shall be charged.

4) Materials: Any other materials provided (CDs, diskettes, flash drives, etc.) shall be charged at cost.

5) Other statutes: If another statute specifically authorizes the sale of a public record to the public, or specifically states the amount of the fee for providing a copy of the public record, then the FOIA Coordinator shall so inform the requester. The fee charged in such a case shall be calculated based on that other statute.

Standard fees and cost factors from such statutes are incorporated by reference here, and may also be attached or incorporated verbatim for convenience.

# City of Marshall

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Marshall Town Hall ca: 1857

## ADMINISTRATIVE REPORT January 3, 2011 - CITY COUNCIL MEETING

**REPORT TO:** Honorable Mayor Dyer and City Council

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Michigan Medical Marijuana Act Moratorium

**BACKGROUND:** At the July 19<sup>th</sup> Council meeting, an ordinance was adopted to place a six month moratorium concerning the Michigan Medical Marijuana Act. The Michigan voters approved the Act in November of 2008 and the law took effect on December 4, 2008. In July, the City Attorney recommended a six month moratorium to analyze how the City of Marshall should deal with the Act. Over the past six months, several cities have been sued and others have reviewed proposed ordinances but tabled due to the uncertainty of how the courts will rule in this matter. The City has not received any requests to open a dispensary and no requests from caregivers.

**RECOMMENDATION:** It is recommended that Council adopt the attached Ordinance which will allow the Council the time to continue to carefully analyze the requirements of the law by extending the moratorium until July 3, 2011.

**FISCAL EFFECTS:** None at this time.

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Tarkiewicz". The signature is fluid and cursive, with a long, sweeping underline.

Tom Tarkiewicz  
City Manager



CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2011-

**WHEREAS**, the sale or dispensation of medical marijuana was not envisioned when the current Zoning Ordinance was adopted on September 18, 2006 and is not regulated in any way; and,

**WHEREAS**, allowing the sale or dispensation of medical marijuana prior to the amendment of the Zoning Ordinance would be contrary to the goals of the 2008 Master Plan for Land Use; and,

**WHEREAS**, the City desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law; MCL 333.26423(d) in order to protect the public health, safety, and welfare; and,

**WHEREAS**, the City Council determines that it is desirable to forbid the sale or dispensation of medical marijuana until an amendment to the Zoning Ordinance (Chapter 156 of the City Code) becomes effective and a permitting process is established; and,

**RESOLVED** that the following ordinance – to impose a moratorium on the issuance of permits or licenses for the sale or dispensation of medical marijuana for a period of six (6) months from the effective date of this ordinance, or until the effective date of the adoption of proper text amendments to the Zoning Ordinance (Chapter 156 of the City Code) and any necessary licensing requirements, whichever occurs first – is hereby adopted.

The proposed ordinance reads as follows:

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF  
PERMITS OR LICENSES FOR THE SALE OR DISPENSATION OF MEDICAL  
MARIJUANA WITHIN THE CITY OF MARSHALL.

ORDINANCE NO. 2011 -

THE CITY OF MARSHALL ORDAINS:

Section 1.     Findings. The City Council has determined that:

1. The provisions within Chapter 156 of Title XV of the City Code of the City of Marshall were adopted on September 18, 2006 and that these zoning regulations have not kept pace with recent statewide legislation.
2. It is within the rights of the City to establish reasonable regulations to control the sale and dispensation of medical marijuana in order to protect the public health, safety, and welfare.
3. A moratorium should be imposed upon the issuance of any and all permits or licenses for the sale or dispensation of medical marijuana for six (6) months or until an amendment of the Zoning Ordinance and other applicable codes, whichever occurs first.

Section 2. That there be and hereby is imposed for a period of six (6) months from the effective date of this ordinance a moratorium upon the issuance of any and all permits or licenses for the sale or dispensation of medical marijuana within the City of Marshall.

Section 3. The moratorium imposed by this ordinance shall expire the earlier of six (6) months from its effective date or the effective date of an amendment to the Zoning Ordinance – Chapter 156 of the City Code and/or other applicable codes as deemed necessary.

Carried by a roll call vote:

Yeas:

Nays:

Dated: January 3, 2011

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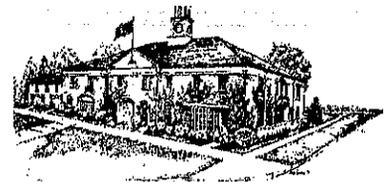
James L. Dyer, Mayor

I, James L. Dyer, being duly sworn as the Mayor 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 January 3, 2011 and that said meeting was conducted in accordance with the Open Meeting Act and that the minutes of said meeting were kept and will be or have been made available to the public.

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James L. Dyer, Mayor

# 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 January 3, 2011 - CITY COUNCIL MEETING

**TO:** Honorable Mayor Dyer and City Council  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Strategic Planning Proposal and Establishment of Work Sessions on March 4 and March 5, 2011

**BACKGROUND:** The City Council and Staff in 2008 participated in a Strategic Planning Process facilitated by Dr. Lewis Bender. The City Council and staff has had major changes in the past three years and the economy of the community has changed, which lends itself to prepare a new Strategic Plan. A proposal from Dr. Lewis Bender has been received and is attached. Dr. Bender is a recognized facilitator for local governments.

The Strategic Planning Process would begin with a four hour session on Friday night March 4<sup>th</sup> and finish with a six hour session on Saturday morning. The Friday session will be with the Council & City Manager, and the Saturday session will be with the Council, City Manager, Directors and Economic Development staff.

**RECOMMENDATION:** It is recommended that the Council accept the Strategic Planning Proposal from Dr. Lewis Bender and establish two Work Sessions for March 4, 2011 from 5:00 PM to 9:00 PM and March 5, 2011 from 8:00 AM to 2:00 PM at the Public Services Building.

**FISCAL EFFECTS:** To appropriate and amend the Special Projects Fund-Strategic Planning Project expenditure line item 792-000-955.14 to provide increased funding of \$4,000 for the proposed Strategic Planning working session with a source of funding from the \$9,000 Special Projects fund balance reserves designated for this project.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

  
Tom Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

# ***A Proposal for Facilitation Strategic Planning Process for the City of Marshall***

---

## **Lewis G. Bender**

P.O. Box 330  
Leroy, MI 49655  
231-797-5536 231-797-5865 (fax)  
[lew\\_bender@aol.com](mailto:lew_bender@aol.com)  
[www.lewbender.com](http://www.lewbender.com)

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## **Purpose of a facilitated process**

*The purpose of this process is three fold:*

1. Assist the City Manager, Mayor, City Council and Department Heads in their efforts to establish strategic direction and goals for the City of Marshall.
2. Create a facilitated environment which allows participants to explore and discuss ideas in a task-oriented, fair, respectful and balanced manner.
3. Present documentation which adequately reflects the major deliberations and decisions of the planning group.

## **Tasks to be completed**

*The facilitator will complete the following tasks:*

1. Consult with the City Manager and involved persons regarding the specific purposes and agenda of the two day process.
2. Facilitate the meeting in a manner which permits the Mayor and City Manager to be free of the responsibilities of running the meeting and which encourages the positive and creative exchange of ideas.
3. Offer advice regarding processes and methodologies to the participants.
4. Move the process forward in an efficient and effective manner.
5. Provide an outline of the major points of the proceedings.

## **Proposed dates**

*Friday, March 4 and Saturday, March 5, 2011*

## **Cost**

The total cost for facilitation services involving pre-consultations, up to two days of on-site facilitation and preparation of meeting notes is \$4000. This amount includes expenses associated with travel from Luther Michigan. The cost of an optional follow-up day is \$2000 plus travel expenses.

## Proposed format

*It is recommended that the planning retreat utilize the following format:*

Friday	5:00 PM – 9:00 PM Participants: City Manager, Mayor and Members of City Council	<i>Focus:</i> <ul style="list-style-type: none"> <li>• Review the state of the City-Major Trends</li> <li>• Create a shared vision statement for the City of Marshall that permits the creation of Strategic Goals for the Board and Staff</li> </ul>
Saturday	8:00 AM – 2:00 PM Participants: City Manager, Mayor, City Council Members and Department Heads	<i>Focus:</i> <ul style="list-style-type: none"> <li>• Share and discuss the strategic vision and major goals with Department Heads</li> <li>• Identify/Develop strategic goal areas based on the Board's Strategic Vision</li> <li>• Identify key objectives and guidelines for each goal area.</li> </ul> <p>Identify the calendar for completing the strategic plan.</p>

Date to be determined	This second meeting may or may not be facilitated depending on the needs of the City	<i>Focus – Completing the Strategic Plan</i> <p>This usually involves the City Manager and staff creating an action plan:</p> <ol style="list-style-type: none"> <li>1) Completing proposed goal statements</li> <li>2) Focused objectives and tasks for each goal</li> <li>3) Dates and budgets related to achievement of objectives and goals</li> <li>4) Submission of the proposed strategic plan to the Board for discussion, revision and adoption.</li> </ol>
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## **Facilitator**

Dr. Lewis Bender will serve as facilitator of this process. He has a long history of work with municipal and other local governments. He has conducted numerous strategic planning processes and teaches a graduate level class on the subject.

He is Professor Emeritus of Public Administration at Southern Illinois University at Edwardsville (SIUE). He taught a variety classes in supervision and leadership for the Department of Public Administration and Policy Analysis.

Previously at SIUE, he was the Director of Regional Research and Development Services, which was responsible for university community and public service outreach and applied research endeavors. Throughout his career, Professor Bender has been deeply involved in community-based applied research, organizational goal setting and planning, and approaches to organizational development.

His educational background includes BS in History from Grand Valley State University, Allendale, Michigan (1971); Masters Degree in Political Science, Wayne State University, Detroit, Michigan (1973) and Ph.D. in Political Science, University of Georgia, Athens, Georgia. (1977)

A specialist in training and organizational development for business and government, he conducts seminars and workshops for management, supervisors support staff and customer service employees – anyone who needs to be effective in communicating. Dr. Bender is well known for his candid approach and casual style. He has worked with organizations across the U.S. and Canada.

Prior to his appointment to SIUE, Dr. Bender served as the Director of the Center for Governmental Research at Central Michigan University.

## **Recent strategic plan references**

**Ms. Karen Darch, President**  
**Village of Barrington, Illinois**  
**(847) 382-1186**

**Mr. David Payne, Supervisor**  
**Bloomfield Township, Michigan**  
**(248) 433-7701**

**Ms. Susan Osbourne, Mayor**  
**City of Fenton, Michigan**  
**(810) 922-8477**

**Mr. James T. Wickman III, Township Manager**  
**Charter Township of Hartland, Michigan**  
**(810) 632-7498 ext. 260**

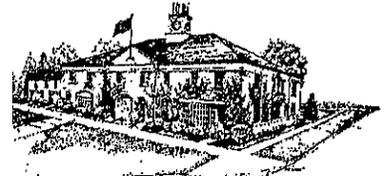
## **Additional Strategic Planning Experience**

- Winter 2010-Grand Valley Metropolitan Council, Grand Rapids, Michigan
- Winter 2010-City of Walker Michigan, Walker, Michigan
- Spring 2010-Oakway Fire Consortium, Birmingham, Michigan
- Summer 2010-Michigan Municipal Treasurers Association
- November 2009-Southern Illinois Law Enforcement Commission, Belleville, Illinois
- Fall 2009-Barrington Area Council of Government, Barrington, Illinois
- Fall 2009-Michigan Chapter of the American Public Works Association, Mt. Pleasant, Michigan
- Fall 2009-Village of Wauconda, Wauconda, Illinois
- Summer 2009-Michigan Association of Municipal Clerks
- April 2009-City of Midland, Midland, Michigan
- January 2008-City of Fenton, Fenton, Michigan
- August 2008-City of Fenton Downtown Development Authority, Fenton, Michigan
- Fall 2007-Hartland Township, Hartland, Michigan
- Summer 2007-Village of Barrington, Barrington, Illinois
- Summer 2007-City of Cadillac Management Team, Cadillac, Michigan
- Summer 2007-Homeland Security Region III, Bay City, Michigan
- Summer 2007-Homeland Security Region I, Lansing Michigan
- Spring 2007-Mid Michigan Community College Board of Trustees, Harrison, Michigan
- Winter 2005 – City of Alma, Michigan
- Winter 2004, 2005, 2006, 2009 – Summit Pointe Community Mental Health System, Battle Creek, Michigan
- Winter-Spring 2006-Alumni Association of Southern Illinois University, Carbondale, Illinois
- Winter 2006 – City of Maplewood, Missouri
- Fall 2005 – Chamber of Commerce of Maplewood, Missouri
- Fall 2005 – Illinois Network of Child Care and Resource Referral Association, Bloomington, Illinois
- Spring 2004 – Big Brothers and Big sisters of Sangamon county, Springfield, Illinois
- Winter 2006 – Board of Trustees, Mid Michigan Community College, Harrison, Michigan
- Winter 2006 – Village of Vernon Hills Police Department, Vernon Hills, Illinois
- Spring-Summer 2000 – Winter 2004 Michigan Commission on Law Enforcement Standards Board, Staff Strategic Plan Facilitation, Lansing, Michigan
- Winter 2002/Spring-2004 Strategic Planning and Team Development for Iroquois Memorial Hospital, Watseka, Illinois
- February 14, 2002, Strategic Planning and Team Development for Iroquois Memorial Hospital, Watseka, Illinois
- Fall 2000/2001 Cadillac Police Department Strategic Goals Workshop, Cadillac, Michigan
- Spring 2001, Council-Manager Planning Workshop, City of Mt. Pleasant, Michigan
- Fall 2000, City of Sandusky, Council Manager Retreat

- Summer 2000, Riverside Memorial Hospital, Board Strategic Planning Retreat, Door County, Wisconsin
- Spring 2000, American Public Works Association, Illinois Chapter Board Strategic Planning Working, Springfield, Illinois
- Spring – Fall 2000/Fall 2001, Bay County Management Information System Strategic Plan, Bay County, Michigan
- Spring 2000, Iroquois Memorial Hospital Board Strategic Planning Retreat, Chicago, Illinois
- Spring 2000, Police Corps of Western Illinois University, facilitation of input from affected communities
- Winter 2000, Southern Illinois Law Enforcement Commission, Strategic Direction for Officer Training, Belleville, Illinois
- Winter 2000/Winter2001, Madison County Community Development “Continuum of Care 2000” – Homeless Strategy for Madison County, Illinois
- Spring 1999, Library of Michigan Technical Services Division Strategic Plan for Customer Service, Lansing, Michigan
- Spring 1999, Eden Village – Assisted Living Development Strategic Plan and Research Support (Focus groups, data capture with Rhonda Penelton, Glen Carbon, Illinois)
- Spring 1999, LINC – Assisted Living Center, Strategic Plan, Belleville, Illinois
- Spring 1999, Winder Housing Authority – HUD Drug Elimination Grant, Winder, Georgia

# 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 January 3, 2011 - City Council Meeting

**REPORT TO:** Mayor James L. Dyer and City Council Members

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

**SUBJECT:** Proposed license fees for Chapter 112: Peddlers and Solicitors

**BACKGROUND:** As allowed in Chapter 112, section 112.05, staff recommends a set of graduated fees pertaining to the licensing of Peddlers and Solicitors. The fees suggested will provide for staff time spent in licensing approvals along with other city services provided normally to the community; however, a peddler or solicitor by nature is less likely to incur the degree of city services that a temporary business will incur, therefore fees are proposed at half the cost of a temporary business license fees.

The word "consecutive" has been added to all fees in order to help define the fee process further. In other words, the intent is that for *each activity*, the applicant may apply for a license for a set amount of consecutive time. In this sense, the fee structure encourages long-range planning on behalf of the applicant and also cuts down on the amount of staff time spent in processing and monitoring the permit. The suggested fees are based on time limits:

- |                                 |          |
|---------------------------------|----------|
| o 1-10 consecutive days         | \$25.00  |
| o Less than 30 consecutive days | \$60.00  |
| o Less than 60 consecutive days | \$75.00  |
| o Up to 90 consecutive days     | \$100.00 |

**RECOMMENDATION:** Staff recommends that City Council consider approval of the suggested graduated fees for the licensing of Peddlers and Solicitors as permitted in §112.05. Fees Required.

**FISCAL EFFECTS:** General Fund revenues will increase dependent upon the amount of licenses issued.

**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

RESOLUTION  
11-##

WHEREAS, Chapter 112, Section 112.05 of the Marshall City Code provides that a license fee for Temporary Business licenses shall be set by Resolution of the Marshall City Council.

THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall hereby adopts the following graduated fee schedule to become effective immediately:

1-10 consecutive days license	\$25.00
Less than 30 consecutive days license	\$60.00
Less than 60 consecutive days license	\$75.00
Up to 90 consecutive days license	\$100.00

Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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 January 3, 2011 - City Council Meeting

**REPORT TO:** Mayor James L. Dyer and City Council Members and City Council Members

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

**SUBJECT:** Proposed license fees for Chapter 120: Temporary Businesses

**BACKGROUND:** As allowed in Chapter 120, section 120.05, staff recommends a set of graduated fees pertaining to the licensing of Temporary Businesses. The fees suggested will provide for staff time spent in licensing approvals along with other city services provided normally to the community during the time period the temporary business is located in Marshall.

The word "consecutive" has been added to all fees in order to help define the fee process further. In other words, the intent is that for *each activity*, the applicant may apply for a license for a set amount of consecutive time. In this sense, the fee structure encourages long-range planning on behalf of the applicant and also cuts down on the amount of staff time spent in processing and monitoring the permit. The suggested fees are based on time limits:

- |                                 |          |
|---------------------------------|----------|
| o 1-10 consecutive days         | \$50.00  |
| o Less than 30 consecutive days | \$120.00 |
| o Less than 60 consecutive days | \$150.00 |
| o Up to 90 consecutive days     | \$200.00 |

**RECOMMENDATION:** Staff recommends that City Council consider approval of the suggested graduated fees for the licensing of Temporary Businesses as permitted in §120.05. Fees Required.

**FISCAL EFFECTS:** General Fund revenues will increase dependent upon the amount of licenses issued.

**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

RESOLUTION  
11-##

WHEREAS, Chapter 120, Section 120.05 of the Marshall City Code provides that a license fee for Temporary Business licenses shall be set by Resolution of the Marshall City Council.

THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall hereby adopts the following graduated fee schedule to become effective immediately:

1-10 consecutive days license	\$50.00
Less than 30 consecutive days license	\$120.00
Less than 60 consecutive days license	\$150.00
Up to 90 consecutive days license	\$200.00

Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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 January 3, 2011 – City Council Meeting

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

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

**SUBJECT:** Schedule a Public Hearing for Adoption of the July 1, 2011 – June 30, 2017 Capital Improvement Program

**BACKGROUND:** Each year the City of Marshall must prepare a six-year capital program that is formally adopted by City Council. This six-year capital improvement program, commonly referred to as the CIP, is the guide for future capital needs and resource allocation for the City of Marshall.

Beginning in September staff update the previous CIP to address the changes impacting the six-year plan and add the latest fiscal year, 2016-17. The Clerk-Treasurer assembles the data and analyzes the needs and the potential revenue resources.

The Marshall City Planning Commission held a public hearing at its December 7, 2010 regular meeting. The Planning Commission's role is to review the CIP to make certain it addresses any priorities included in the Master Plan for Future Land Use. There was no public present and no public comments were heard on the CIP. The Planning Commission accepted and recommended Council approval of the CIP with the following changes to the Planning Commission portion of the CIP:

1. Brooks Master Plan for Brooks Nature Park – recommendation to be created before any of the projects took place – move to #2 priority.

Council shall conduct a public hearing to receive comments on the proposed Capital Improvement Program. Following the public hearing, Council will be asked to adopt the CIP as presented or with any changes Council deems appropriate.

**RECOMMENDATION:** Set a public hearing for Tuesday, January 18, 2011 at 7:00 p.m. for discussion and public comment regarding the proposed July 1, 2011 through June 30, 2017 Capital Improvement Program.

**FISCAL EFFECTS:** None.

**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



## MEMORANDUM

**TO:** Sandra Bird, Clerk/Treasurer, Mayor Jim Dyer and City Council Members

**FROM:** Natalie Huestis, Director of Community Services

**SUBJECT:** Planning Commission recommendation on 2011-2017 Capital Improvements Plan

At their regular meeting on November 10, 2010, commissioner's received the draft Planning Commission portion of the 2011-2017 Capital Improvements Plan. At that time, commissioners had a brief discussion on priority rankings and the history behind splitting the CIP into a smaller version for Planning Commission review. A public hearing was then set and noticed appropriately for December 7, 2010.

The Marshall City Planning Commission held a public hearing at its December 7, 2010 regular meeting. The Planning Commission's role is to review the CIP to make certain it addresses any priorities included in the Master Plan for Future Land Use. There was no public present and no public comments were heard on the CIP. The Planning Commission accepted and recommended Council approval of the CIP with the following changes to the Planning Commission portion of the CIP:

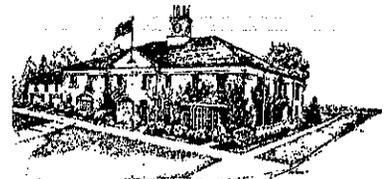
The Marshall City Planning Commission held a public hearing at its December 7, 2010 regular meeting. The Planning Commission's role is to review the CIP to make certain it addresses any priorities included in the Master Plan for Future Land Use. There was no public present and no public comments were heard on the CIP. The Planning Commission accepted and recommended Council approval of the CIP with the following motion:

**MOTION** by Burke Smith, supported by Stevenson, to recommend to the City Council that the Planning Commission's portion of the draft Capital Improvements Program for 2011-2017 be approved with the following change:

1. Brooks Master Plan for Brooks Nature Park – recommendation to be created before any of the projects took place – move to #2 priority.

On a voice vote; **MOTION CARRIED.**

# 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 January 3, 2011 - City Council Meeting

**REPORT TO:** Mayor James L. Dyer and City Council Members

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

**SUBJECT:** Purchase of a Used 1995 GMC Panel Truck

**BACKGROUND:** Staff is asking the City Council to approve funding of \$4,900 for the purchase of a used 1995 GMC P32 panel truck (gas) with 97,100 miles to replace the current 1990 sewer camera truck that is no longer safe to drive. This vehicle replacement was not included in the FY 2011 budget. These types of vehicles are hard to find; Michiana Truck Center in South Bend, Indiana was the closest dealer with a sale price of \$4,900.

The City Mechanic, a DPW employee, and the Deputy Director went to South Bend on Tuesday, December 28<sup>th</sup> to look over and drive this vehicle. The sidewalls and flooring are constructed with aluminum and the roof is fiberglass to let in natural light. It comes with some aluminum shelving that can assist in retrofitting the vehicle. The engine is gas and runs well. It started without a problem.

Staff is asking for additional funding of \$5,100 to cover the following items:

- The vehicle needs to be painted and decaled.
- Wiring needs to be added to accommodate a power converter to run the electrical equipment.
- Strobes will be purchased for safety
- Metal cabinets will be purchased to store disinfectants, gloves, and miscellaneous tools.
- Interior lighting needs to be installed.

Staff considered purchasing a used ambulance, but a decent one starts at around \$30,000. A new cargo van on state bid costs \$17,000. The employees that will be using this piece of equipment feel that this vehicle will meet their needs.

**RECOMMENDATION:** It is recommended that the City Council approve the request to purchase a 1995 GMC P32 panel truck from Michiana Truck Center, South Bend, Indiana in the amount of \$4,900.00 and approve the additional \$5,100.00 in expenditures to retrofit the vehicle for city use.

**FISCAL EFFECTS:** To appropriate and amend the Motor Pool Fund-Capital Outlay expenditure line item 661-898-970.00 to provide increased funding of \$10,000 for the proposed purchase and retrofit of a 1995 GMC P32 panel truck with a source of funding from the Motor Pool Fund revenues.

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

  
Tom Tarkiewicz  
City Manager

  
Tim Eggleston  
Deputy Director of Community Services



HISTORIC  
LANDMARK  
DISTRICT




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**1995 GMC P32**

 Ad Listing ID: 76475312  
 Stock Number: 503638

**\$4,900.00**


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**SELLER INFORMATION**

 Michiana Truck Center  
 3610 Deahl Ct  
 South Bend, IN 46628

- Toll Free: (888) 455-7096
- <http://www.michianatrucks.com>

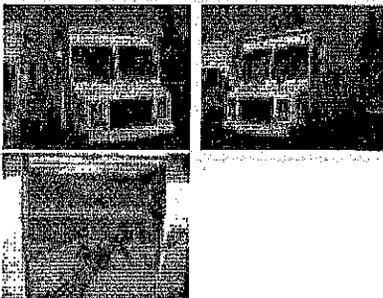
Call cell phone 574-532-6625




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**VEHICLE DETAILS**

**Year:** 1995  
**Make:** GMC  
**Model:** P32  
**Location:** South Bend, IN  
**Type:** CLASS 4 (GVW 14001 - 16000)  
**Mileage:** 97,100




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**SELLER DESCRIPTION**

1995 GMC P32, 1995 P32, 14' van, 350 V-8, Auto,  
 Translucent roof, Cargo door, Shelving

 Printed on Dec-29-2010  
 Courtesy CommercialTruckTrader.com™

IN A WORK SESSION Monday, December 20, 2010 at 6:00 P.M. in the Conference Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Smith.

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

Also Present: City Manager Tarkiewicz

Absent: None.

Mark Beauchamp of Utilities Financial Solutions was present to give a presentation on the Water and Wastewater Rate Study.

The meeting was adjourned at 6:55 p.m.

---

Bruce Smith, Mayor

---

Sandra Bird, Clerk-Treasurer

**CALL TO ORDER**

IN REGULAR SESSION Monday, December 20, 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**

Scott Loughrige of Crossroads Church gave the invocation and Mayor Smith led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

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

**PRESENTATIONS AND RECOGNITION**

Director of Community Services Natalie Huestis introduced John Rodgers as the new Marshall House Administrator.

**INFORMATIONAL ITEMS**

City Manager Tarkiewicz announced that Christmas Tree pickup will begin on Monday, January 10, 2010 at 7:00 a.m.

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

**A. Sewer Backup – Cleanup Reimbursement Request:**

**Moved** Williams, supported Dyer, to approve the payment of the invoice in the amount of \$1,988.07 to reimburse the homeowner at 746 Forest Street for the sanitary sewer backup. On a roll call vote – ayes: none; nays: Dyer, Mankerian,

Metzger, Miller, Mayor Smith, Traver, and Williams. **MOTION DEFEATED.**

**REPORTS AND RECOMMENDATIONS**

**A. Set Public Hearing – Peddler Ordinance:**

**Moved** Metzger, supported Traver, to schedule a public hearing for Monday, January 3, 2011 to hear public comment on the revisions to Chapter 112: Peddlers and Solicitors Ordinance. On a voice vote – **MOTION CARRIED.**

**B. Set Public Hearing – Temporary Business Ordinance:**

**Moved** Miller, supported Williams, to schedule a public hearing for Monday, January 3, 2011 to hear public comment on the revisions to Chapter 120: Temporary Business Ordinance. On a voice vote – **MOTION CARRIED.**

**C. Tax Collection Fee:**

This item was an informational report of the City's intent to bill for reimbursement of tax collection services.

**D. ESB Resolutions:**

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

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2010-29**

**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

#### **APPOINTMENTS / ELECTIONS**

**Moved** Miller, supported Metzger, to appoint Kristine Boley-Morse to fill the vacancy on the Parks and Recreation board with a term to expire on July 1, 2011. On a voice vote – **MOTION CARRIED.**

#### **CONSENT AGENDA**

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

- A. Approve the resolution of intent to authorize DART to seek financial

- assistance from the State of Michigan for its public transportation service;
- B. Approve amended Traffic Control Order #93;
  - C. Approve 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;
  - D. Approve the request to use Public Surplus Inc. to dispose of surplus equipment based on using 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. Approve minutes of the City Council Work Session and Regular Session held on Monday, December 6, 2010 and the Work Session held on Saturday, December 11, 2010;
  - F. Approve city bills in the amount of \$1,103,207.31.

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

#### **PUBLIC COMMENT ON AGENDA ITEMS**

None.

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

Council Member Dyer presented Mayor Smith with a plaque in appreciation for his service as Mayor for the City of Marshall.

#### **CLOSED SESSION**

**Moved** Dyer, supported Williams, to enter into closed session under section 8 (h) of the Michigan Open Meetings Act to discuss attorney-client privilege information. On a roll call vote – ayes: Miller, Mayor Smith, Traver, Williams, Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

At 8:07 p.m. moved to the conference room for closed session

At 8:27 p.m. returned to open session.

#### **ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

Marshall City Council, Regular Session  
Monday, December 20, 2010  
Unofficial

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 12/30/2010

Time: 10:55am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALL-TRONICS, INC	6691	ALARM MONITORING	69.00	0.00
ARISTO CHEM, INC	7059	POWDER FREE GLOVES	603.75	0.00
ARROW UNIFORM	6839	CUST #010198-01	892.21	0.00
AUTO VALUE MARSHALL	21340	MERCON SP QUART	974.14	0.00
BATTERIES PLUS	6532	BATTERY	749.19	0.00
BOSHEARS FORD SALES INC	7117	#115 IGNITION SWITCH BUILT	116.04	0.00
BROOKS GRANTIER	300500	TUNED PIANO	60.00	0.00
BUDGET DRAIN CLEANING	7148	SERVICE @ MH	190.00	0.00
CALHOUN COUNTY CONS DISPATCH	7176	1ST QTR 2011 SERVICE	55,476.50	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CB HALL ELECTRIC COMPANY	3387	TIME CLOCK	443.40	0.00
CMP DISTRIBUTORS, INC.	21379	HOLSTER	12.50	0.00
COGITATE INC	8443	Monthly Support	140.00	0.00
COLE CHRYSLER DODGE JEEP	2996	2002 DODGE RAN 2500	1,326.20	0.00
CORPORATE CLEAN INC	217897	DETAIL CLEAN #208 & EXCESS MOL	150.00	0.00
CRYSTAL FLASH ENERGY	6176	DIESEL FUEL	575.11	0.00
D & D MAINTENANCE SUPPLY	7271	JANITORIAL SUPPLIES	171.30	0.00
DARLING ACE HARDWARE	7281	COUPLING GLV	334.25	0.00
EMERGENCY VEHICLE SERVICES INC	3896	SERVICE CALL	1,015.00	0.00
ERIC DALE HEATING & AIR COND	21467	SERVICE CALL - FURNACE	64.00	0.00
ESRI INC	6293	Quote #20377405 (Arcview - Sin	1,500.00	0.00
FORUM OF GREATER KALAMAZOO	3720	KALAMAZOO RIVER/LAKE ALLEGAN	500.00	0.00
GARAGE DOORS UNLIMITED	300432	SERVICE CALL	794.85	0.00
GORDON FOOD SERVICE INC	8734	SUPPLIES	28.94	0.00
HD SUPPLY FACILITIES MAINT	9781	DRIP BOWLS, RANGE ELEMENT	89.00	0.00
HOLLAND BUS COMPANY	5874	BUCKLE ASSY, DART 10	42.90	0.00
ISAAC & SONS	7484	APT #208	70.00	0.00
J & K PLUMBING SUPPLY	3351	P-TRAP	24.86	0.00
JACKSON TRUCK SERVICE	7495	DART 4	63.34	0.00
JOHN D BRUNDAGE &	6437	NOVEMBER SERVICES	2,990.00	0.00
KEBS INC	3051	BOUNDARY SURVEY	475.00	0.00
LARRY'S FLOOR COVERING	7530	PAINT	99.57	0.00
MARSHALL LUMBERTOWN	7569	2 X 4 X 8 PREMIUM	15.54	0.00
MARTIN OVERHISER	9249	HERITAGE ROUTE BYWAYS GRANT	1,050.00	0.00
MEDLER ELECTRIC COMPANY	7604	2" EXPANSION COUPLING	1,749.59	0.00
MICHBIO	21311	MICHBIO EVENT ATTENDEE	225.00	0.00
MICHIGAN PIPE & VALVE	8400	12 US HYD EXT M250	313.00	0.00
STATE OF MICHIGAN ENV.QUALITY	8582	NPDES Annual Permit Fee	5,500.00	0.00
MSC-INDUSTRIAL SUPPLY CO	6831	#3 ENGINE FUEL PRIMING PUMP	85.55	0.00
NAPA OF MARSHALL	2939	#115 TRANSMISSION FLUID	61.03	0.00
NORTHROP GRUMMAN	9974	VERSAPROBE	2,162.00	0.00
NTEA	9350	TRADE SHOW - MERRINGER, ANTHONY	75.00	0.00
POWER LINE SUPPLY	7821	307 PHOTO EYE	558.71	0.00
ROOT SPRING SCRAPER CO	217840	WINTER MAINTENANCE	1,413.00	0.00
RS TECHNICAL SERVICE INC	9149	3' DIAPHRAGM	650.96	0.00
STATE OF MICHIGAN	4021	BOILER CERTIFICATE	60.00	0.00
STRUBLE'S HARDWARE & SUPPLY	6352	CHAIN AND SUPPLIES	72.30	0.00
TASER INTERNATIONAL	4185	X26 RETURN	350.00	0.00
TRI AIR TESTING INC	8206	NFPA AIR ANALYSIS	139.00	0.00
TRI-COUNTY INTERNATIONAL TRUCK	8034	#302 - SERVICE	1,765.02	0.00
VALLEY TRUCK PARTS	9536	TRANSMISSION PARTS	255.00	0.00
WIL-MAC SALES AND SERVICE	8029	REBUILD BACKFLOW ELEC ROOM	363.20	0.00
Grand Total:			86,904.95	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 12/17/2010

Time: 9:24am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 781-4845 873 0	1,447.68	0.00
RON ASHBY II	2580	BOOT REIMBURSEMENT	156.45	0.00
CALHOUN COUNTY MUNICIPAL	5745	11/2/10 ELECTION NOTICES	20.66	0.00
CALHOUN COUNTY TREASURER	7177	DEL PER PROP 09/23/10-12/15/10	482.68	0.00
CALHOUN INTERMEDIATE	7178	DEL PER PROP 9/23/10-12/15/10	241.69	0.00
CAREERTRACK	7187	CUST #30886347, KOEHLER,DESSIE	119.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
DAVID CLARK	300142	B.O.R. REFUND	1,006.20	0.00
COMMERCIAL OFFICE PRODUCTS	9769	SPRAY CLEANER	505.62	0.00
LANCE & ELISHA CRONK	300493	B.O.R. REFUND	560.70	0.00
DARCIE MCALLISTER	20159	B.O.R. REFUND	268.20	0.00
FIVE STAR SPRINKLERS	300485	SPRINKLER SYSTEM MAINTENANCE	395.00	0.00
ROBERT GUTNER	300491	B.O.R. REFUND	265.59	0.00
& BRIAN MATTHEW HUGGETT	300489	B.O.R. REFUND	283.74	0.00
IIMC	2366	MEMBERSHIP FEE-T. NELSON	135.00	0.00
KELLOGG COMMUNITY COLLEGE	7507	DEL PER PROP 9/23/10-12/15/10	144.48	0.00
DAVID KELLOGG	300496	REFUND UTILITY OVERPAYMENT	400.17	0.00
AARON KLOACK	300490	B.O.R. REFUND	302.40	0.00
LEWEY'S SHOE REPAIR	7538	BOOT REIMBURSEMENT--MERRINGER	100.00	0.00
JIMMY LIBBRECHT	6075	REIMBURSE HEALTH INS PREM	83.56	0.00
MADRIGAL MAUELA- LT	217922	B.O.R. REFUND	26.27	0.00
MARSHALL DISTRICT LIBRARY	8065	DEL PER PROP 9/23/10-12/15/10	80.26	0.00
MARSHALL FIREFIGHTER AMBULANCE	7561	DEL PER PROP 9/23/10-12/15/10	18.82	0.00
MARSHALL PUBLIC SCHOOLS	7574	DEL PER PROP 9/23/10-12/15/10	495.96	0.00
CITY OF MARSHALL	7595	PETTY CASH REIMBURSEMENT	43.52	0.00
MCCLELLAN APARTMENTS	2029	M.T.T. ADJUSTMENT	1,005.68	0.00
MEDLER ELECTRIC COMPANY	7604	to correct PO encumbrance	0.00	0.00
CHARLES & PAELA NEWMAN	300495	DEPOSIT REFUND	33.84	0.00
THOMAS NIEBEL	300494	B.O.R. REFUND	654.99	0.00
ONE COMMUNICATIONS	2729	ACCT #7018274	2,158.72	0.00
QUADEL CONSULTING CORPORATION	300497	WORKSHOP 21010.129.001-RODGERS	725.00	0.00
ROBERT RITSEMA	6320	EXPENSE REIMBURSEMENT	12.01	0.00
SOUTH CENTRAL EAR,NOSE&THROAT	300264	REFUND OVERPAYMENT - TAXES	113.57	0.00
TERRY II, RICHARD	300492	B.O.R. REFUND	243.90	0.00
VERIZON WIRELESS	217862	ACCT #683169426-00001	67.03	0.00
OFELJA WORGESS	300462	B.O.R. REFUND	395.10	0.00
ALISON YARGER	300288	EXPENSE REIMBURSEMENT	178.54	0.00

Grand Total: 13,172.03 0.00

Prescription Reimbursement 73.40

Total Cash Disbursement \$13,245.43

VENDOR APPROVAL SUMMARY REPORT

Date: 12/22/2010

Time: 9:08am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AMERICAN MESSAGING	6657	ACCT #Z1-406436	126.32	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	BOOKCASE	606.61	0.00
DONALD & SALLY DINGEE	300499	REFUND TAX OVERPAYMENT	0.26	0.00
CARL FEDDERS	6811	50% TUITION REIMBURSEMENT	721.50	0.00
ROBERT KIESSLING	6013	COFFEE & SUPPLIES	149.70	0.00
DIANE LARKIN	9373	MI MAINSTREET QTRLY TRAINING	184.23	0.00
JIM LIPPINCOTT	21297	DECEMBER ASSESSING SERVICES	3,250.00	0.00
MARSHALL COMMUNITY CU	7558	4562 - HUESTIS	328.26	0.00
PITNEY BOWES	300405	LEASE ACCT #8446065	789.00	0.00
CINDY PORTER	9799	SERVICES RENDERED FOR DDA	90.00	0.00
WILCOXSON, JOHN	300498	REFUND TAX OVERPAYMENT	284.07	0.00
Grand Total:			6,529.95	0.00

Prescription reimbursements 15.00

Total cash disbursements \$6,544.95