

CITY COUNCIL  
WORK SESSION AGENDA  
Tuesday, January 18, 2011  
6:00 PM – 6:45 PM

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

Motor Carrier Enforcement Ordinance

**B. Future Work Sessions**

Carriage Ordinance discussion (2/7)  
Septage Receiving Station (2/22)

Possible Topics:

Liquor Licenses  
Historic District Ordinance  
Council Rules

**C. Other Items**

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE TO CREATE CHAPTER 72, OF THE MARSHALL CODE,  
ENTITLED "MOTOR CARRIERS"**

Chapter 72 of the Marshall Code is hereby created to read as follows:

**§72.001 Adoption of federal regulations; definitions.**

- (1) The City of Marshall hereby adopts the following provisions of Title 49 of the Code of Federal Regulations, on file with the office of the Secretary of State except where modified by this chapter, to provide for the safe transportation of persons and property with the intent of following the policies and procedures of the United States Department of Transportation's Federal Highway Administration as they relate to Title 49 of the Code of Federal Regulations and the North American Standard Uniform Out-Of-Service Criteria and Inspection Procedures.
  - (a) Hazardous materials regulations, being 49 CFR parts 100 through 180 except for the transportation of agricultural products for which an exception from the application of 49 CFR subchapter C and 49 CFR subchapters G and H, part 172, is provided under 49 CFR 173.5, is specifically authorized if the transportation is in compliance with this ordinance and other state law.
  - (b) Motor Carrier Safety Regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 385, 387, 390 through 393, 395 through 399 including the appendices of each part except for the following:
    1. Except as provided in this subparagraph, where the term "United States Department of Transportation", "federal motor carrier safety administration", "federal motor carrier safety administrator", "director", "bureau of motor carrier safety", "pipeline and hazardous materials administration", or "associate administrator for hazardous materials safety" appears, it refers to the department of state police. If the term is being used for the purposes of 49 CFR 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan state transportation department.
    2. Where "interstate" appears, it shall mean intrastate or interstate, or both, as applicable, except as specifically provided in this ordinance.
    3. Where "special agent of the federal motor carrier safety administration", "administration personnel", or "hazardous materials enforcement specialist" appears, it either means a peace officer or an enforcement member of the motor carrier division of the department of state police.
    4. Where MCS 63 appears, it means MC 9 and MC 9b.
    5. Where MCS 64 appears, it means UD-70.
    6. Exempt intracity zones and the regulations applicable to exempt

intracity zones do not apply to this ordinance.

- (2) This ordinance does not apply to a bus operated by a public transit agency operating under any of the following:
  - (a) A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.
  - (b) An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
  - (c) A contract entered into pursuant to 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.
  - (d) An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, that provides transportation services.
  - (e) An authority financing public improvements to transportation systems under the revenue bond act or 1933, 1933 PA 94, MCL 141.101 to 141.140.
- (3) As used in this act, "hazardous material vehicle inspection or repair facility" means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 100 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

**§ 72.002 Person qualified to drive commercial motor vehicle.**

- (1) A person shall not drive a commercial motor vehicle unless he or she is qualified to drive that vehicle. A motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive that vehicle.
- (2) In the case of intrastate transportation, a person is qualified to drive a commercial motor vehicle if he or she meets all of the requirements of 49 CFR part 391 except all of the following provisions:
  - (a) Except as otherwise provided in subdivision (b), the person is at least 18 years old when transporting intrastate property or passengers.
  - (b) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 100 to 180.
  - (c) The person is eligible for and displays a valid medical waiver card, is excepted from the medical waiver card provisions under this ordinance, or displays a grandfather rights card issued in accordance with this ordinance.

**§ 72.003 Person applying to operate commercial motor vehicle; providing list of applicant's former employers and related information.**

A person who applies to operate a commercial motor vehicle as defined by section 7a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.7a of the Michigan Compiled Laws, shall submit a list of the names and addresses of the applicant's employers during the 7-year period preceding the 3-year period required by 49 C.F.R. 391.21(b)(10) for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment.

**§72.004 Person not physically qualified to drive, waiver to drive commercial motor vehicle, application; requirements; issuance of waiver; validity; renewal; notice; suspension or revocation; denial of application for waiver; appeal; effect on worker's compensation status.**

- (1) A person who is not physically qualified to drive under CFR 391.41 and who is otherwise qualified to drive a commercial motor vehicle may drive a commercial motor vehicle if the motor carrier division of the department of state police or the appeal board has granted a waiver to that person.
- (2) An application for a waiver shall be submitted jointly by the person who seeks a waiver of his or her physical disqualification and by the motor carrier that will employ the person if the application is granted. The application shall be delivered to the headquarters of the motor carrier division of the department of state police.
- (3) An application for a waiver shall contain all of the following:
  - (a) A description of all of the following:
    1. The type, size, and special equipment, if any, of the vehicles the individual applicant intends to drive.
    2. The general area and type of roads the individual applicant intends to traverse while driving.
    3. The maximum distances the individual applicant intends to drive.
    4. The nature of the commodities or cargo the individual applicant intends to support.
    5. The methods the applicant or any other person will use to load and secure the commodities or cargo.
    6. The nature and extent of the individual applicant's experience at operating commercial motor vehicles of the type he or she intends to drive.
  - (b) An agreement that the motor carrier will promptly file with the motor carrier division of the department of state police reports that the division may require, including accident reports.
  - (c) An agreement that if a waiver is granted, it authorizes the individual applicant to drive intrastate only when employed by the motor carrier that joined in the

individual's application.

- (4) An application for a waiver shall be accomplished by all of the following:
  - (a) Not less than 2 reports of medical examinations, conducted within the preceding 60 days of the date of the application, pursuant to 49 CFR 391.43, each of which includes the medical examiner's opinion concerning the individual applicant's ability to operate safely a vehicle of the type the applicant intends to drive.
  - (b) A copy of the individual applicant's application for employment made pursuant to 49 CFR 391.21 or this ordinance.
- (5) An application for a waiver shall be signed by both the individual applicant and the motor carrier. If the motor carrier is a corporation, the application shall be signed by an officer of the corporation. If the motor carrier is a partnership, the application shall be signed by a general partner.
- (6) The driver applicant or motor carrier applicant shall not falsify information in the letter of application or the renewal application.
- (7) The motor carrier division of the department of state police may deny the application or may approve the application, in whole or in part, and issue a waiver subject to the terms, conditions, and limitations as it considers consistent with safety and the public interest. A waiver is valid for not more than 2 years, and a waiver may be renewed upon submission of a new application under this ordinance.
- (8) If the motor carrier division of the department of state police grants a waiver, it shall notify each applicant by a letter, that sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain the letter or a legible copy of it and a copy of the medical waiver card in the driver's qualification file as long as the individual applicant is employed by that motor carrier and for 3 years thereafter. The individual applicant shall have the current medical waiver card in his or her possession when he or she drives a commercial motor vehicle or is otherwise on duty.
- (9) The motor carrier division of the department of state police may suspend a waiver at any time. The motor carrier division may revoke a waiver after the person to whom it was issued is given notice of the proposed revocation and a reasonable opportunity to appeal for review.
- (10) An applicant who was denied in whole or in part his or her application for a waiver of physical defect under this ordinance or conflict of medical evaluation under 49 CFR 391.47 may make an appeal for review by contacting the motor carrier division.
- (11) Notwithstanding any other provisions of this section, the determination of the motor carrier safety appeal board shall have no bearing on worker's compensation status.

**§72.005 Trailers or trailer-vehicle combinations; surge brakes equipment for intrastate operation.**

Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705.

**§72.006 Exceptions to ordinance and federal provisions; exemption from medical qualification; grandfather rights; preexisting conditions; maintaining copy of grandfather card.**

- (1) The provisions of this ordinance and 49 CFR 391.21 relating to applications for employment, 49 CFR 391.23 relating to investigations and inquiries, and 49 CFR 391.33 relating to road tests do not apply to a driver who has been a regularly employed driver of an intrastate motor carrier of property for a continuous period which began on or before June 10, 1984, as long as he or she continues to be a regularly employed driver of that motor carrier or to a driver who has been a regularly employed driver of an intrastate motor carrier of passengers for a continuous period which began on or before March 3, 1991, as long as he or she continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a commercial motor vehicle if he or she fulfills the requirements of section 90-201(2).
- (2) The provisions in this ordinance pertaining to an intrastate driver's medical qualifications do not apply to any driver who:
  - (a) Has been a regularly employed driver of the motor carrier for a continuous period that began on or before June 10, 1984.
  - (b) Has continued to be a regularly employed driver of that motor carrier.
  - (c) Is otherwise qualified to drive a commercial motor vehicle under this ordinance.
  - (d) Has made application to the appeal board claiming grandfathering rights.
  - (e) Has received a grandfather rights card from the motor carrier division of the department of state police. The grandfather rights card shall be carried at all times on the person of the driver while he or she is operating a commercial motor vehicle. The original grandfather rights application form or a legible copy of it will be retained in the driver's qualification file in accordance with this ordinance.
- (3) Notwithstanding subsection (2), the provisions of this ordinance pertaining to random, reasonable cause, and postaccident drug and alcohol testing apply to all drivers as required by 49 CFR part 382 granted grandfather rights under this section.
- (4) Grandfather rights shall remain valid until December 31, 2014.
- (5) The exemption from medical qualification under this section applies only to preexisting conditions before January 1, 1996. Any medical condition that would normally disqualify a driver under this ordinance automatically voids any grandfather rights. Any driver who develops a normally disqualifying medical condition or violates any provision of subsection (2) of this section after being issued a grandfather card must return the grandfather card to the motor carrier division of the department of state police and apply for a medical waiver as provided in this ordinance.
- (6) A motor carrier shall maintain the original or a legible copy of the grandfather card issued under this ordinance in the file of each driver that has been issued one.

**§72.007 Intrastate transportation; exceptions; applicability to farm vehicle driver, public utility driver, government-owned commercial motor vehicle, certain combination of vehicles, and buses; definitions.**

- (1) In the case of intrastate transportation, the provisions of 49 CFR 391.21 relating to application for employment, 49 CFR 391.23 relating to investigations and inquiries, 49 CFR 391.31 relating to road tests, 49 CFR part 395 relating to hours of service, 49 CFR 391.41 to 391.45 to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person and the provisions of this ordinance relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5.
- (2) For intrastate transportation, the provisions of this ordinance do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.
- (3) The provisions of this ordinance related to driver qualifications do not apply to a public utility, telephone, and cable television company service employee if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definitions of a commercial motor vehicle in 49 CFR part 383.
- (4) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, "emergency" means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.
- (5) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.
- (6) This ordinance does not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this ordinance, and except for all of the following parts of 49 CFR:
  - (a) Part 382.
  - (b) Part 391.
  - (c) Part 392.
  - (d) Part 393.
- (7) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intrastate operation as allowed by section 705(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes for intrastate operation.
- (8) This ordinance does not apply to a school bus as defined in the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877, or a bus defined and certificated under the motor bus transportation act, 1982 PA 432, MCL 474.101 to 474.414.
- (9) As used in subsections (3) and (4), "public utility" means a person or corporation

operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

- (10) As used in this section:
- (a) "Implement of husbandry" means that term as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.
  - (b) "Farm tractor" means that term as defined in section 16 of the Michigan vehicle code, 1949 PA 300, MCL 257.16.

**§72.008 Motor carriers; submission of documents to motor carrier officer; inspection of cargo.**

- (1) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, driver's records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any City of Marshall police officer.
- (2) Hazardous materials vehicle inspection and repair facilities shall submit, upon demand, all their transportation safety related documents as required by this ordinance, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any City of Marshall police officer.
- (3) A motor carrier or a hazardous material vehicle inspection or repair facility operating within this state with main offices in another state or province shall submit all transportation safety related documents as outlined in subsection (1) for inspection and copying within 10 working days after receiving formal notification requesting the documents.
- (4) A City of Marshall police officer may without warrant require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the City of Marshall Police offer shall insure the load is resealed and sign the load paper work provided by the driver.

**§72.009 Violation of ordinance or rules; penalty.**

- (1) Except as provided, any person, driver, or motor carrier as defined by CFR 390.5 who violates this ordinance or a rule promulgated under this ordinance, or permits or requires any person to violate this ordinance or a rule promulgated under this ordinance, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$250.00 for each violation.
- (2) A peace officer upon probable cause to believe that a motor vehicle is being operated in violation of this ordinance or a rule promulgated under this ordinance, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

- (3) A peace officer, upon notification of a valid out-of-service order upon a motor carrier issued by the United States department of transportation, by a state or a political subdivision of a state, by the Canadian or Mexican government, or by the government of a province of Canada, may stop and detain any vehicle operated by the motor carrier and place the vehicle and driver out of service pursuant to the order. A driver or motor carrier operating a vehicle in violation of an out-of-service order is responsible for a civil infraction and shall be assessed a fine of not more than \$500.00.

**§72.010 Serious safety defect.**

- (1) A driver, person, or motor carrier as defined by 49 CFR 390.5 who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this ordinance or a rule promulgated under this ordinance is responsible for a civil infraction and shall be assessed a fine of not more than \$500.00 for each violation. A fine ordered to be paid by a district court shall be paid to the treasurer of the political subdivision whose ordinance is violated.
- (2) As used in this section, "serious safety defect" means a violation of this ordinance or a rule promulgated pursuant to this ordinance relative to brakes, tires, steering, coupling devices, headlights, tail lights, brake lights, and turn signals that results in the vehicle being placed out of service.

**§72.011 Transporting package relating to hazardous material required to be marked or labeled; violation; penalty; owner or user of hazardous materials vehicle inspection or repair facility; violation as a misdemeanor.**

- (1) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this ordinance or a rule promulgated under this ordinance related to the transportation of hazardous materials if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is responsible for a civil infraction and may be ordered to pay a fine of not more than \$500.00 for each violation.
- (2) A person or entity identified in subsection (1) who knowingly or willfully violates this ordinance or rule promulgated under this ordinance is, upon conviction, guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, for each violation.
- (3) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance, or a rule promulgated under this ordinance, related to the transportation of hazardous materials, is guilty of a misdemeanor.

**§72.012 Definitions; compliance order; shut down order; noncompliance as misdemeanor; impoundment of vehicle.**

- (1) As used in this section:
  - (a) "Immediate destination" means the next scheduled stop of a commercial motor vehicle already in motion where the cargo on board can be safely secured.
  - (b) "Motor carrier division" means the motor carrier division of the department of state police.
  - (c) "Person" means an individual, driver, or employee or a firm, motor carrier, lessee, lessor, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of the City.
  - (d) "Shut down order" means a court order issued to a motor carrier upon proof shown of unreasonable risk or an imminent hazard.
  - (e) "Unreasonable risk or an imminent hazard" shall be defined as any condition of commercial motor vehicle, employee, or commercial motor vehicle operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.
- (2) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this state poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person's vehicles or operations, to comply with the laws of this state. In making an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.
- (3) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division may seek a shut down order from a circuit court. The motor carrier division shall set the time limit for compliance with the compliance order to be not less than 30 days and not more than 180 days.
- (4) Upon petition to the circuit court having jurisdiction by the motor carrier division, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person's commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.
- (5) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right to appeal.

- (6) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.
- (7) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highways of the City while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any costs incurred during impoundment. The vehicle shall be released upon the court's determination that the order has been complied with.

#### **§72.013 Venue.**

When this division has been violated, the offense may be prosecuted in the 10<sup>th</sup> district court in Calhoun County, State of Michigan.

#### **§72.014 Notification of incident; definition.**

- (1) Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the department of state police and the organized fire department of the area in which the incident occurred of the known details regarding the incident:
  - (a) A person is killed.
  - (b) A person is hospitalized due to an injury.
  - (c) A person is hospitalized due to hazardous material contamination or exposure.
  - (d) There is an unintentional release of hazardous materials that affects highway transportation safety or is caused, or believed to be caused, by a violation of this ordinance or a rule promulgated under this ordinance.
- (2) For the purposes of this section, "notify the motor carrier division of the department of state police" includes contacting the local state police post, the operations section of the department of state police, or the motor carrier division headquarters by telephone, facsimile machine, or other means.

**§72.015 Vehicle combination transporting combustible liquid; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (2) and (3); transport of flammable liquids, gases, or compressed gases.**

- (1) A truck tractor pulling a semitrailer and a trailer, or pulling 2 semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:
  - (a) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semitrailer in a truck tractor, semitrailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.
  - (b) Is equipped with stops in the spring hangers of each semitrailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of 3/4 of an inch when the spring passes from tension to compression.
- (2) The owner of the semitrailer or trailer to which the device described in subsection (1) is attached shall keep on file in their principal place of business the following information:
  - (a) Specifications and plans of the device.
  - (b) Name of the manufacturer of the device.
  - (c) Date of installation of the device.
  - (d) An individual manufacturer identification number which is stamped or permanently affixed to the device.
- (3) The information required in subsection (2) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.
- (4) The requirements specified in subsections (2) and (3) apply to devices affixed to vehicles on or after the effective date of the amendatory act that added this subsection.
- (5) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with section 722a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.722a of the Michigan Compiled Laws.

**§72.016 Fine for operating vehicle with a serious safety defect; exception, issuance of more than 1 citation; requirements as motor carrier enforcement officer.**

- (1) The fine for operating a vehicle with a serious safety defect shall be paid to the county treasurer and shall be allocated as follows:
  - (a) Seventy percent to the City of Marshall
  - (b) Thirty percent for library purposes as provided by law.
- (2) Subsection (1) does not apply to a fine ordered to be paid for a case in which the citation is dismissed pursuant to subsection (3).
- (3) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a, within a 24-hour period. If the owner or operator of a

commercial motor vehicle is issued a citation for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

- (4) In order to be classified as a motor carrier officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this ordinance.

#### **§72.017 Transfer of hazardous materials.**

- (1) Except as provided in subsection (2), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley in the City.
- (2) Subsection (1) does not apply to the following transfer situations:
  - (a) Fueling machinery or equipment for construction, farm, and maintenance use.
  - (b) Fueling emergency vehicles.
  - (c) Under emergency conditions, a transfer may be made provided it is approved by the local fire chief, the state fire marshal, or a hazardous materials investigator of the motor carrier division of the department of state police pursuant to their respective authority under the fire prevention code, 1941 PA 207, MCL 29.1 to 29.34.
- (3) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.
- (4) The penalty for violating this section shall be as prescribed in section 90-209.

#### **§72.018 Transporting hazardous materials in amount requiring placard on publicly maintained route; prohibition; violation; penalty.**

- (1) A person, driver, owner, carrier, lessee, or lessor shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the code of federal regulations on a publicly maintained route as identified on the national hazardous materials route registry as determined by the department of transportation under title 49 CFR.
- (2) The penalty for violating this section shall be as prescribed in section 90-209.

**§72.019 Prevention of water or road surface substances being thrown from rear wheels.**

A truck, tractor, trailer, semitrailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22-1/2 degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination.

INTRODUCTION.....

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, this Ordinance was \_\_\_\_\_ by a \_\_\_\_\_ vote.

**DRAFT**

**LAW ENFORCEMENT SERVICES AGREEMENT  
FOR ENFORCEMENT OF THE MOTOR CARRIER SAFETY ACT**

This agreement, pursuant to the Urban Cooperation Act of 1967, MCL 124.501 et seq, is made and entered into this 21<sup>st</sup> day of June, 2010, by and between the Charter Township of Emmett ("EMMETT") and Marshall Township ("MARSHALL").

WITNESSETH:

WHEREAS, MARSHALL is desirous of contracting with EMMETT for the performance of law enforcement services relating to the enforcement of the Michigan Motor Carrier Safety Act of 1963, PA 181 (MCL 480.11 et seq) within Marshall Township; and

WHEREAS, EMMETT is agreeable to rendering such service on the terms and conditions hereinafter set forth;

NOW, THEREFORE, it is agreed as follows:

- (1) EMMETT agrees, through its qualified Motor Safety Officer, to provide law enforcement services in connection with enforcement of the Motor Carrier Safety Act of 1963 within the corporate limits of Marshall Township to the extent and in the manner herein set forth. In the event that Marshall Township shall adopt an ordinance adopting the Motor Carrier Safety Act or portions thereof by reference, EMMETT likewise agrees to provide law enforcement services within the corporate limits of Marshall Township for such ordinance.
- (2) Except as otherwise hereinafter specifically set forth, such law enforcement services shall only encompass duties and functions relating to the enforcement of the Motor Carrier Safety Act, or a local ordinance adopting the same, within the jurisdiction of Marshall Township.
- (3) Except as otherwise provided, the minimum level of basic law enforcement services to be provided by EMMETT shall include enforcement of the Motor Carrier Safety Act within Marshall Township, testifying in court, preparing reports, police and traffic records.
- (4) The rendition of such service, the standards of performance, the discipline of officers, the hours of performance, and other matters incident to the performance of such services and the control of personnel so employed, shall remain with EMMETT except as otherwise herein provided. In the event of a dispute between the parties with respect to the interpretation of the provisions of this contract concerning the extent of the duties and functions to be rendered hereunder, or the minimum level or manner of performance of such service, binding resolution shall be made by Emmett Charter Township.
- (5) For the purpose of performing its obligations hereunder, EMMETT shall furnish and supply all necessary labor, supervision, equipment, communication facilities and

supplies necessary to maintain the level of service to be rendered; provided, however, that EMMETT shall have no obligation to provide or pay for dispatch services on behalf of Marshall Township.

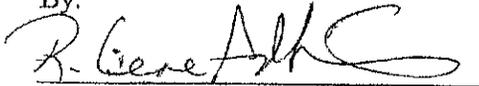
- (6) Notwithstanding anything herein contained, it is agreed that in all instances where special supplies, stationery, notices, forms, and the like are to be issued in or bear the name of Marshall Township, they shall be supplied by Marshall Township at its own cost and expense.
- (7) All persons employed in the performance of such services and functions pursuant to this agreement for Marshall Township shall be employees of Emmett Charter Township, and no person employed hereunder shall acquire any rights to payment, compensation, or status as an employee of Marshall Township by reason of such employment with Emmett Charter Township.
- (8) For the purpose of performing services and functions under, relating to, and within the scope of this agreement, and only for the purpose of giving official status to the performance thereof, each Emmett Charter Township public safety officer engaged in performing any such service and function may be deemed an officer or employee of Marshall Township while so performing. In no event, however, shall Marshall Township be liable for the direct payment of any salaries, wages, benefits, or other compensation, and shall not incur liability other than that provided for in this agreement.
- (9) Marshall Township shall not be liable for compensation or indemnity to any employee of Emmett Charter Township for injury or sickness arising solely out of his employment or performance of duties under this agreement.
- (10) Neither party, its officers, employees or agents, shall be liable for intentional or negligent acts of the other party or any officers, employees or agents thereof. Each party shall hold the other party harmless from damages, including the costs of litigation, resulting from intentional or negligent acts of the other party or any officer, employee or agent thereof. For purposes of this paragraph, the provisions of paragraph 8 hereof shall not apply.
- (11) Unless sooner terminated as provided for herein, this agreement shall be effective immediately upon signing and shall run for a period of 1 year thereafter, at which point the agreement shall automatically renew for a 5 year period unless either party notifies the other of its desire to terminate the agreement. At the expiration of the first 5 year term of this agreement, the agreement shall again automatically renew for successive 5 year periods until and unless either party notifies the other of its desire to terminate the agreement.
- (12) Notwithstanding the provision of the foregoing paragraph 11, either party may terminate this agreement upon notice in writing to the other party not less than 30 calendar days.

- (13) As compensation for the services to be provided hereunder, MARSHALL shall pay to EMMETT a sum equal to 80 percent of the fine proceeds allocated to Marshall Township as a result of the EMMETT Motor Carrier Safety Officer's enforcement efforts within Marshall Township. Marshall Township shall render to Emmett Charter Township monthly a statement reflecting the fine money paid to Marshall Township by the County Treasurer and Marshall Township shall likewise make its distribution to Emmett Charter Township on a monthly basis.
- (14) In addition to authorization to enforce the Motor Carrier Safety Act or a corresponding ordinance adopting the same within Marshall Township, Emmett Charter Township is hereby granted additional authority to dispatch public safety officers to Marshall Township as may be necessary to provide back-up assistance to a motor carrier safety officer acting within Marshall Township pursuant to this agreement. As to these additional back-up officers, the other provisions of this agreement apply.

IN WITNESS WHEREOF: The Charter Township of Emmett, under the authority of the State of Michigan Urban Cooperation Act of 1967, MCL 124.501, et seq, by resolution duly adopted by its Board, has caused this agreement to be signed by its supervisor and attested by its clerk; and Marshall Township by action of its Board has caused this agreement to be signed by its supervisor and attested by its clerk on the day and year first written above.

Emmett Charter Township

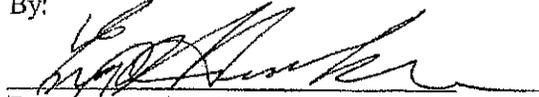
By:



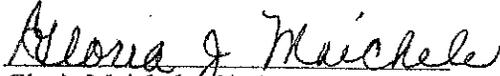
R. Gene Adkins, Supervisor

Marshall Township

By:

  
 Eugene Hamaker, Supervisor

ATTEST:

  
 Gloria Maichele, Clerk

ATTEST:

  
 Cynthia Sink, Clerk

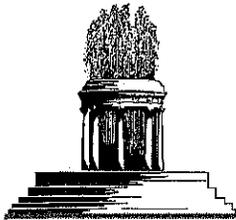
The foregoing resolution offered by Board Member R. Quinn and supported by Board Member J. Albaugh. Upon roll call vote, the following voted "Aye" Hamaker, Quinn, Albaugh, Sink  
 "Nay" - Zero Absent - Passard  
 The Supervisor declared the resolution adopted.

  
 Clerk

I, Cynthia Sink, the duly elected and acting Clerk of Marshall Township, hereby certify that the foregoing resolution was adopted by the Township Board of said Township at the regular meeting of said Board held on 6-21, 2010, at which meeting a quorum was present, by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

  
 Clerk

MARSHALL CITY COUNCIL AGENDA  
TUESDAY – 7:00 p.m.  
JANUARY 18, 2011



**HISTORIC MARSHALL**

MAYOR: James Dyer

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

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Brandon Crawford, Grace Baptist Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) CONSENT AGENDA
  - A. City Council Minutes  
Work Session ..... Monday, January 3, 2011  
Regular Session ..... Monday, January 3, 2011
  - B. City Bills  
Regular Purchases ..... \$ 72,589.26  
Weekly Purchases – 12/30/10 ..... \$ 438,102.92  
Weekly Purchases – 1/7/11 ..... \$ 79,542.34  
**Total.....\$ 590,234.52**
- 7) PRESENTATIONS AND RECOGNITIONS
- 8) INFORMATIONAL ITEMS
- 9) 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.
- 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION
  - A. Adoption of the Six Year Capital Improvement Program  
July 1, 2011 – June 30, 2017  
City Council will hear public comment on the proposed Capital Improvement Program for July 1, 2011 through June 30, 2017.
- 11) OLD BUSINESS
  - A. Firekeeper’s Casino Local Revenue Sharing Board Appointments  
City Council will consider the recommendation to reaffirm the appointment of Mayor James L. Dyer to the Firekeeper’s Casino Local Revenue Sharing Board and the appointment of a first and second alternate by adoption of the attached resolution.
  - B. Chapter 120: Temporary Businesses  
City Council will consider the recommendation to approve the creation of Chapter 120: Temporary Businesses of the Marshall City Code.

MAYOR: James Dyer

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

## 12) REPORTS AND RECOMMENDATIONS

### A. Special Land Use #SLU10.03 for Estilo Activity Center at 143 W. Michigan Avenue

City Council will consider the recommendation to approve the Special Land Use Permit #SLU10.03 to allow an indoor recreational use at 143 W. Michigan Avenue.

### B. Special Land Use #SLU10.04 for Quality Excavating at 817 Industrial Road

City Council will consider the recommendation to approve the Special Land Use Permit for #SLU10.04 to allow outdoor storage (stockyard) at 817 Industrial Avenue.

### C. Set Public Hearing - Chapter 152: Sign Ordinance

City Council will consider the recommendation to schedule a public hearing for February 7, 2011 to hear public comment on the proposed changes to Chapter 152: Sign Ordinance.

### D. Tax Collection Fee

City Council will consider the recommendation to authorize staff to bill the schools for reimbursement of tax collection costs beginning FY 2012.

### E. Set Public Hearing - Chapter 154: Flood Prevention and Protection

City Council will consider the recommendation to schedule a public hearing for February 7, 2011 to hear public comment on the proposed text changes to Chapter 154: Flood Prevention and Protection.

### F. Police Vehicle Replacement Purchase

City Council will consider the recommendation to approve the purchase of a Chevrolet Tahoe from Shaheen Chevrolet of Lansing in the amount of \$25,400.

### G. 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 of Chapter 120: Temporary Businesses.

## 13) APPOINTMENTS / ELECTIONS

### A. Downtown Development Authority Appointments

City Council will consider the recommendation to approve the appointments of Eldon Vincent and Janet Ostrum to the DDA Board for terms expiring December 31, 2014.

## 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

IN A WORK SESSION Monday, January 3, 2011 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 Dyer.

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

Also Present: City Manager Tarkiewicz

Absent: None.

A. City Manager Tarkiewicz provided an update on the progress of the Emergency Services Building Bond Proposal.

B. Chet Travis, a representative from the Marshall Emergency Services Building Millage Campaign Committee, provided an update on the progress and plans from committee.

The meeting was adjourned at 6:53 p.m.

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James L. Dyer, Mayor

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Sandra Bird, Clerk-Treasurer

**OATH OF OFFICE**

Deputy Clerk Nelson administered the Oath of Office to Mayor Jim Dyer, Council Member Wayne Booton, Council Member Brent Williams, and Council Member Jody Mankerian.

**CALL TO ORDER**

IN REGULAR SESSION Monday, January 3, 2011 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 Dyer.

**ROLL CALL**

Roll was called:

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

Also Present: City Manager Tarkiewicz

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Richard Gerten of Family Bible Church gave the invocation and Mayor Dyer 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.**

**CITY COUNCIL ORGANIZATION**

**A. Election of Mayor Pro-Tem:**

**Moved** Metzger, supported Traver, to support the Mayor's recommendation for Council Member Brent Williams to serve as Mayor Pro-Tem. On a voice vote – **MOTION CARRIED.**

**B. Boards and Commissions Liaison Appointments:**

Mayor Dyer read his list of Liaison Appointments for 2011:

Airport Board	Council Member Miller
Ambulance Authority	Council Member Metzger
Parks/Recreation	Council Member Miller
Zoning Boards of Appeals	Council Member Booton

Planning Commission	Mayor Dyer
Local Development Finance Authority	Council Member Williams
Chamber of Commerce	Council Member Metzger
Downtown Development Authority	Council Member Traver

**C. Firekeeper's Local Revenue Sharing Board Appointment:**

**Moved** Metzger, supported Williams, to approve the appointment of Mayor Dyer to serve on the Firekeeper's Local Revenue Sharing Board. On a voice vote – **MOTION CARRIED.**

**D. Calhoun County Consolidated Dispatch Authority Board Appointment:**

**Moved** Metzger, supported Traver, to approve the appointment of Council Member Williams to serve on the Calhoun County Consolidated Dispatch Authority Board. On a voice vote – **MOTION CARRIED.**

**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**

**A. Public Hearing – Chapter 112: Peddlers and Solicitors:**

Mayor Dyer opened the public hearing to hear comment of the proposed revisions to Chapter 112: Peddlers and Solicitors of the Marshall City Code.

Brian Munger of 120 S. Grand inquired about the fees for door-to-door sales.

Hearing no further comment the hearing was closed.

**Moved** Williams, supported Metzger, to approve the proposed revisions to Chapter 112: Peddlers and Solicitors.

**Moved** Williams, supported Miller, to amend Chapter 112.06 by removing the words "Government entities" in that section. On a voice vote – **MOTION CARRIED.**

**Moved** Williams, supported Metzger, to approve the proposed revisions to Chapter 112: Peddlers and Solicitors. On a roll call vote – ayes: Booton, Mayor

Dyer, Mankerian, Metzger, Miller, Traver, and Williams; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2011-01**

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 3rd day of January, 2011.

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James L Dyer, MAYOR

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Sandra Bird, CLERK-TREASURER

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on 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

**B. Public Hearing – Chapter 120: Temporary Businesses:**

Mayor Dyer opened the public hearing to hear comment on the creation of Chapter 120: Temporary Businesses of the Marshall City Code.

Hearing no comment, the hearing was closed.

After discussion, Council referred ordinance to Planning Commission for their

review.

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Freedom of Information Act Policy:**

**Moved** Miller, supported Williams, to adopt the proposed Freedom of Information Act Policy as presented.

**Moved** Williams, supported Miller, with a friendly amendment to add at the bottom of page 3, "The Council will review the policy no less than every 3 years from the date of adoption."

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

#### **City of Marshall – Freedom of Information Act Policy Statement Adopted January 3, 2011**

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 ( $\frac{1}{2}$ ) 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)

**The Policy and Appendix A will be reviewed no later than December 31, 2013.**

#### **B. Michigan Medical Marijuana Act Moratorium:**

**Moved** Williams, supported Metzger, to adopt the Ordinance to extend the Michigan Medical Marijuana Act Moratorium until July 3, 2011. On a roll call vote – ayes: Mankerian, Metzger, Miller, Traver, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2011-01

**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 – 02

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: Booton, Mayor Dyer, Mankerian, Metzger, Miller, Traver, and Williams.

Nays: None.

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.

---

James L. Dyer, Mayor

### **C. Strategic Planning Proposal:**

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

**APPOINTMENTS / ELECTIONS**

None.

**CONSENT AGENDA**

**Moved** Booton, supported Williams, to pull item Purchase of a Used 1995 GMC Panel Truck from the Consent agenda to be voted on individually. On a voice vote – **MOTION CARRIED.**

**Moved** Williams, supported Metzger, to approve the request to purchase a Used 1995 GMC 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. On a roll call vote – ayes: Miller, Traver, Williams, Mayor Dyer, Mankerian, and Metzger; nays: Booton. **MOTION CARRIED.**

**Moved** Williams, supported Metzger, to approve the consent agenda with the removal of item Proposed License Fees for Chapter 120: Temporary Businesses:

- A. Proposed License Fees for Chapter 112: Peddlers and Solicitors as permitted in §112.05: Fees Required.
- B. Scheduled 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;
- C. Approve minutes of the City Council Work Session and Regular Session held on Monday, December 20, 2010;
- D. Approve city bills in the amount of \$106,695.33.

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

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

None.

**ADJOURNMENT**

The meeting was adjourned at 8:16 p.m.

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James L. Dyer, Mayor

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Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 01/14/2011

Time: 8:16am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
360 SERVICES INTERNATIONAL	6631	POSTAGE-PERS PROP STATEMENTS	200.98	0.00
A & D LIGHTING SUPPLY	7002	LIGHTS	409.64	0.00
ALL-TRONICS INC	9157	RELCD DIGITAL PHONE	1,184.00	0.00
ARGUS-HAZCO	21440	H2S 25PPM/CO 50PPM/LEL	247.62	0.00
ARROW UNIFORM	6839	CUST #010198-03	286.33	0.00
AUTO VALUE MARSHALL	21340	RADIATOR	1,424.20	0.00
B C REPROGRAPHICS	8125	PLAN SETS FOR BYWAYS GRANT	343.50	0.00
BSN SPORTS	7145	Border Patrol and Saf-top Fenc	6,505.68	0.00
BUD'S TOWING & AUTOMOTIVE	7149	FORD F750 2000 TOWED	393.50	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CB HALL ELECTRIC COMPANY	3387	FIRE DEPT GARAGE SERVICE CALL	103.00	0.00
CIVIC SYSTEMS LLC	3314	SOFTWARE SUPPORT	4,911.00	0.00
CLASSIC DRY CLEANING&TAILORING	5975	CLEANING, LAUNDRY	322.30	0.00
CORPORATE CLEAN INC	217897	GENERAL CLEANING - DEC	900.00	0.00
CULLIGAN	736	ACCT #1155180	28.00	0.00
D & D MAINTENANCE SUPPLY	7271	ICEMELT	120.00	0.00
DADOW POWER EQUIPMENT	7277	CABLE	107.00	0.00
DARLING ACE HARDWARE	7281	FUSES	288.80	0.00
DORNBOSS SIGN & SAFETY	6378	SIGN POSTS	379.01	0.00
EJUSTICE SOLUTIONS LLC	300114	FEBRUARY RMS	1,000.00	0.00
FISHBECK THOMPSON CARR & HUBER	7365	Drainage Study	5,020.35	0.00
GRAPHIC EMBROIDERY	7144	KNIT CAPS	200.00	0.00
HD SUPPLY UTILITIES LTD	9601	TOOL EVALUATION	57.86	0.00
HERMANS MARSHALL HARDWARE	7446	GARBAGE CAN	19.49	0.00
INNER CIRCLE FIRE	300517	TRAINING	2,206.80	0.00
J & K PLUMBING SUPPLY	3351	SLIP ELBOW, COUP PVC	84.33	0.00
JS BUXTON	8962	SLURRY	1,152.75	0.00
K-MART	7501	DECEMBER CHARGES	175.33	0.00
KENT COUNTY HEALTH DEPT	7514	SAMPLE TESTED	20.00	0.00
LARRY'S FLOOR COVERING	7530	PAINT	99.57	0.00
LAWSON PRODUCTS	6497	BOLTS, NUTS, BUTT CONN	361.59	0.00
LAWSON-FISHER ASSOCIATES PC	2291	DAM BREACH ANALYSIS	2,546.49	0.00
LEXISNEXIS RISK DATA MNGMNT	400109	DECEMBER 2010	135.50	0.00
M & K QUALITY TRUCK SALES	6196	L/S DOOR PANEL	285.41	0.00
MARSHALL AREA CHAMBER	7556	ANNUAL MEMBERSHIP	217.00	0.00
MARSHALL MEDICAL ASSOCIATES	7571	hutchins, rebecca	20.00	0.00
MARSHALL TIRE	3771	DART TIRES	1,251.00	0.00
MICHIGAN DEPT OF ENV. QUALITY	8609	LAND APP FEE, DRY TONS REPORTED	5,727.04	0.00
MICHIGAN ECONOMIC DEVELOPERS	7641	2011 MEMBERSHIP DUES	240.00	0.00
MISSION CAR WASH	8074	NOVEMBER CAR WASHES	48.00	0.00
MMEA	2222	2011 MEMBERSHIP DUES	10,147.00	0.00
NAK NORDBERG	6200	RETURNED PARTS, O-RINGS	290.62	0.00
NAPA OF MARSHALL	2939	CABLES, SNOWBROOM	226.53	0.00
NORFOLK SOUTHERN CORPORATION	4673	RR FLASHER--LINDEN/MARSHALL ST	750.00	0.00
NU-TWIST SCREEN PRINTING	7732	T-SHIRTS	1,312.70	0.00
NYE UNIFORM COMPANY	7733	FIRE DEPT EMBLEMS	1,186.22	0.00
O'LEARY WATER CONDITIONING	6995	COOLER RENTAL, WATER	77.00	0.00
POWER LINE SUPPLY	7821	#2 ALUMINUM TRIPLEX	3,023.44	0.00
POWERPLAN	5940	WIPER BLADES, ARMS, FILTERS	351.71	0.00
RADIO SHACK	7811	CORRECT CK #84745	8.00	0.00
SEELYE GROUP LTD	300371	RUBBER TILE REPAIRS	265.00	0.00
SIMS HEATING & COOLING	8670	Replace HVAC unit Cornin Build	9,340.00	0.00
SPARTAN STORES	9656	DECEMBER CHARGES	84.66	0.00
STATE OF MICHIGAN - MDOT	4521	WEATHER OBSRVTN & DATA-SYS	718.50	0.00
USA BLUEBOOK	2460	FLOAT SWITCHES	238.55	0.00
VALLEY TRUCK PARTS	9536	Transmission repair for truck3	5,229.36	0.00
WIL-MAC SALES AND SERVICE	8029	APT #411, MATL & LABOR	317.00	0.00
Grand Total:			72,589.26	0.00

CHECK NUMBER SERIES AS OF FRIDAY, 01/14/11

Beginning #    Ending #                    Dated

PAYROLL-ACH	71142	71149	01/01/11--01/14/11
A/P & P/R-OTHER	86264	86353	01/01/11--01/14/11

VENDOR APPROVAL SUMMARY REPORT

Date: 12/30/2010  
 Time: 2:16pm  
 Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALLMAN DEVELOPMENT	9772	REFUND OVERPAYMENT	91.81	0.00
ALLSTATE WORKPLACE DIVISION	3431	POLICY #ALLMI550	746.40	0.00
DARLA ARTUSO	217854	REFUND OVERPAYMENT	24.79	0.00
BLUE CROSS AND BLUE SHIELD	7946	GROUP #17902-001	3,142.98	0.00
BLUE CROSS BLUE SHIELD	9681	GROUP #17902-902	44,532.57	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	GROUP #17902-003	1,787.05	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	GROUP #17902-012	80,038.08	0.00
BOGAR THEATER	9200	DAY CAMP TRIP	195.00	0.00
EDGAR BOTTOFF	300513	REFUND UTILITY OVERPAYMENT	55.19	0.00
BROADSTRIPE	3293	ACCT #198-040293	140.26	0.00
DR FRANK BURRIS	300514	REFUND UTILITY OVERPAYMENT	146.57	0.00
CALHOUN COUNTY TREASURER	7177	12/01/10-12/15/10 PERS AD VAL	21,043.26	0.00
CALHOUN INTERMEDIATE	7178	12/01/10-12/15/10 PERS AD VAL	52,653.92	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	TONER, LABELS, PAPER, CALENDARS	1,806.82	0.00
CONSUMERS ENERGY	3793	1000 0033 5602	5,082.95	0.00
CONSUMERS ENERGY	8560	1000 4039 4866	8,114.70	0.00
LANCE & ELISHA CRONK	300493	REFUND TAX OVERPAYMENT	560.70	0.00
MICHAEL DALE	300512	REFUND DEPOSIT	1.12	0.00
DUSTIN DAMON	300511	REFUND UTILITY OVERPAYMENT	0.51	0.00
DELTA DENTAL PLAN OF MICHIGAN	7294	CUST #MI022820001	4,856.48	0.00
JAMES R DEVENEY	300006	MECHANICAL INSPECTOR PAY	405.00	0.00
ERA NETWORK REALTORS	300460	REFUND OVERPAYMENT	104.69	0.00
BRIAN FESSLER	300510	REFUND DEPOSIT	60.79	0.00
FRANKE CENTER FOR THE ARTS	4102	ENERGY OPTIMIZATION	877.50	0.00
DARYL GANO	8148	ELECTRICAL INSPECTOR PAY	961.25	0.00
GRIFFIN PEST SOLUTIONS	6272	200 E SPRUCE	115.00	0.00
JOHN GROSS	300013	PLUMBING/MECHANICAL INSPECTOR	210.00	0.00
ROBERT GUTNER	300491	REFUND TAX OVERPAYMENT	265.59	0.00
HABITAT FOR HUMANITY	300509	REFUND UTILITY OVERPAYMENT	36.11	0.00
ANGELA & PATRICK HACKWORTH	300508	REFUND UTILITY OVERPAYMENT	38.40	0.00
HUB INTERNATIONAL MIDWEST	4472	BINDERS1805444	44,304.00	0.00
KELLOGG COMMUNITY COLLEGE	7507	12/01/10-12/15/10 PERS AD VAL	29,806.68	0.00
KEMPF FUNERAL	300515	REFUND-CHGD FOR SPRINKLER	291.06	0.00
TONY LAKE	300516	REFUND UTILITY OVERPAYMENT	11.61	0.00
RON MAEHRE	300506	REFUND DEPOSIT	174.00	0.00
MARSHALL COMMUNITY CU	7558	4315 - ARTUSO	1,348.76	0.00
MARSHALL DISTRICT LIBRARY	8065	12/01/10-12/15/10 PERS AD VAL	6,972.55	0.00
MARSHALL FIREFIGHTER AMBULANCE	7561	12/01/10-12/15/10 PERS AD VAL	7,523.78	0.00
MARSHALL MEDICAL ASSOCIATES	7571	RODGERS, MEYER	166.00	0.00
MARSHALL PUBLIC SCHOOLS	7574	12/01/10-12/15/10 PERS AD VAL	117,720.77	0.00
TEIG MCLELLAN	300505	REFUND UTILITY OVERPAYMENT	58.35	0.00
RED ROOF INN-OSU	300507	LODGING - CONF #262-602405	175.08	0.00
JEFF TAYLOR	300459	REFUND UTILITY OVERPAYMENT	36.60	0.00
ALICE C VOSBURG	300504	REFUND TAX OVERPAYMENT	494.73	0.00
KRISTIN&JOANNE WAGNER-CURNOW	300503	REFUND TAX OVERPAYMENT	811.24	0.00
WEAVER, ROBERT & BRIAN	300502	REFUND UTILITY OVERPAYMENT	36.48	0.00

Grand Total: 438,027.18 0.00

PRESCRIPTION REIMBURSEMENTS 70.74

TOTAL CASH DISBURSEMENTS \$438,102.92

VENDOR APPROVAL SUMMARY REPORT

Date: 01/07/2011

Time: 11:00am

Page: 1

CITY OF MARSHALL

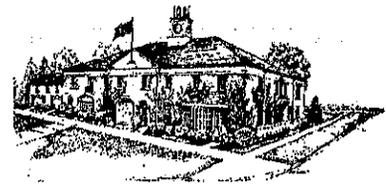
Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AD-VISOR & CHRONICLE	7557	ACCT #06100450-000 DEC CHGS	802.10	0.00
ALBION PUBLIC SAFETY	21341	POLICE TRAINING	240.00	0.00
BATTLE CREEK UNLIMITED, INC.	4558	JANUARY	13,750.00	0.00
LEWIS BENDER	3206	TRACY HALL-APPRAISALS	125.00	0.00
BROADSTRIPE	3293	ACCT #198-040788	1,918.74	0.00
KEVIN W BROWN	400107	REFUND UTILITY DEPOSIT	1.89	0.00
CALHOUN COUNTY TREASURER	7177	DECEMBER TRAILER FEES	80.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CITGO	3724	CITGO FLEET #132271610	9,374.81	0.00
CRYSTAL FLASH ENERGY	6176	DIESEL FUEL	575.11	0.00
CHAD DOUD	400104	REFUND UTILITY DEPOSIT	91.96	0.00
CHARLES GREEN	400102	REFUND UTILITY OVERPAYMENT	4.42	0.00
STEVEN HARRISON	3957	REFUND UTILITY DEPOSIT	38.52	0.00
KENNETH KILBOURN SR	400103	REFUND UTILITY OVERPAYMENT	57.95	0.00
DESSIE KOEHLER	400101	TRAVEL ADVANCE	71.91	0.00
DIANE LARKIN	9373	REISSUE CK #84778	193.72	0.00
JIM LIPPINCOTT	21297	EXPENSE REIMBURSEMENT	35.00	0.00
MARSHALL PUBLIC SCHOOLS	7574	FY-11 Data Processing-Professi	1,000.00	0.00
MEDLER ELECTRIC COMPANY	7604	70 W HPS LAMPS	188.81	0.00
THOMAS & JAYMAN MONTAGUE	400106	REFUND UTILITY DEPOSIT	68.07	0.00
NAPA OF MARSHALL	2939	AIR FILTER	420.10	0.00
OAKLAWN HOSPITAL	1006	2011 PARKING STRUCTURE LEASE	13,875.00	0.00
PITNEY BOWES	6899	ACCT #17848649	3,000.00	0.00
JOHN RODGERS	400100	TRAVEL ADVANCE	150.00	0.00
STEVEN RODGERS	400105	REFUND TAX OVERPAYMENT	2.00	0.00
SPRINT	9628	ACCT #224843832	375.25	0.00
STATE OF MICHIGAN	4872	38-6004708, DEC 2010, SLS TAX	31,584.67	0.00
ROBERT STRANG	400108	REFUND UTILITY DEPOSIT	17.09	0.00
SUZANNE J WIRTZ	21785	REFUND TAX OVERPAYMENT	1,255.44	0.00
Grand Total:			79,297.56	0.00

PRESCRIPTION REIMBURSEMENTS 244,78

TOTAL CASH DISBURSEMENTS \$79,542.34

# 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 18, 2011 – City Council Meeting

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

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

**SUBJECT:** Adoption of the Six Year Capital Improvement Program  
July 1, 2011 – June 30, 2017

**BACKGROUND:** For several years Council has been presented with a Capital Improvement Program (CIP) which is the *guide* for future capital needs for the City of Marshall. Through the CIP process the ground work has been laid to ensure that capital improvements are identified and prioritized. The resources to provide those needs are also analyzed.

The 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 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 conducted 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:** Approve the July 1, 2011 through June 30, 2017 Capital Improvement Program as presented.

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

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

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

Sandra Bird  
Clerk-Treasurer

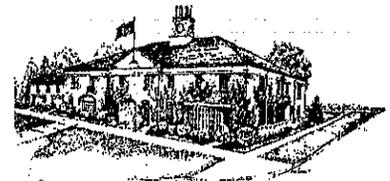
A handwritten signature in cursive script that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

# 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 18, 2011 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Firekeeper's Casino Local Revenue Sharing Board  
Appointments

**BACKGROUND:** At the January 3<sup>rd</sup> meeting, the Council reappointed Mayor Dyer to the Firekeeper's Casino Local Revenue Sharing Board. Attached to the report was a resolution which included the appointment of a first and second alternate. The previous alternates were the City Attorney and the City Manager, respectively. Since the motion did not include the alternates, it is recommended that the attached resolution be adopted.

**RECOMMENDATION:** It is recommended that the Council reaffirm the appointment of Mayor James L. Dyer to the Firekeeper's Casino Local Revenue Sharing Board and the appointment of a first and second alternate by adoption of the attached resolution.

**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, appearing to read "Tom Tarkiewicz". The signature is written in a cursive style and is positioned above the printed name.

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 18, 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.

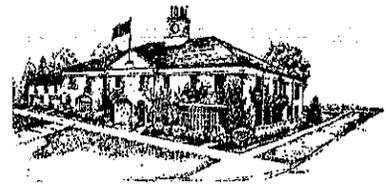
City of Marshall

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

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

# City of Marshall

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



Marshall Town Hall ca: 1857

## ADMINISTRATIVE REPORT January 18, 2011 - City Council Meeting

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

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

**SUBJECT:** Approval of new ordinance 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.

At the January 3, 2011 City Council meeting, there was a concern regarding the location of Temporary Businesses and if they were allowed to locate in any "non-residential zone" they may, in fact, end up bordering residential properties. The matter was referred to Planning Commission for review. At the January 12, 2011 Planning Commission meeting, staff presented the proposed Chapter 120 to commissioners for their opinion. The following suggestions were made:

- §120.08 Expiration of License. Add language: "All evidence of Temporary Business shall be removed at the end of permitted time period."
- §120.08 120.11 Location. Change language: (A) Temporary stands or businesses are allowed, with owner permission and license approval on all non-residential, taxable



HISTORIC  
LANDMARK  
DISTRICT

parcels for a period of up to 90 days per calendar year. The Temporary Business must be a permitted use in the district in which it is locating.

Additionally, discussion was held on the time period of 90 days in the proposed ordinance. Two commissioners felt that the 90 day limit may be too strict. The same two commissioners also felt that the proposed ordinance may be overly regulating this type of use in the community. The Planning Commission recommended approval of the ordinance but did not reach a unanimous decision on those points of discussion. Staff explained that the purpose behind the ordinance was to allow Temporary Businesses in the community for a short amount of time or an "incubation period" and to encourage businesses to become permanent.

**RECOMMENDATION:** It is recommended that the proposed new ordinance Chapter 120: Temporary Businesses be approved and enacted by City Council.

**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 and entities which qualify or could qualify as tax-exempt organizations by the United States Internal Revenue Service.. 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. All evidence of Temporary Business shall be removed at the end of permitted time 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. The Temporary Business must be a permitted use in the district in which it is locating.

(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.

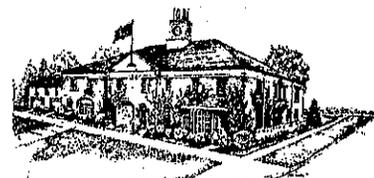
\_\_\_\_\_  
James L. Dyer, MAYOR

\_\_\_\_\_  
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 18, 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 18, 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:** Approve Special Land Use #SLU10.03 for Estilo Activity Center at 143 W. Michigan Avenue

**BACKGROUND:** Marissa Burghdorf, current occupant of 143 W. Michigan Avenue, has applied and followed through with the process for a Special Land Use Permit for Estilo Activity Center. The kind of activities being held at Estilo Activity Center qualify for an indoor recreation use under ordinance §156.122 in the B-3 District.

The Estilo Activity Center hosts many different types of programs including morning play groups, afterschool activities, dance classes, themed parties, a middle school dance club on Saturday nights and various other activities, some of which are in conjunction with the City's recreation department. The Fire Department has inspected and cleared the center for any potential safety concerns.

The Planning Commission received Mrs. Burghdorf's request at their November 10, 2010 meeting and held a public hearing on December 7, 2010. There was no public comment at the public hearing and Planning Commission felt that the business met all the applicable standards for special land use as stated in §156.349. In their review, Commissioners noted that the proposed use is in accordance with the master plan, it fulfills a need within the community, and the use is compatible with adjacent uses. Seeing no need to add conditions to the application, the Planning Commission passed the following motion:

**Motion** by Oates, supported by Burke Smith, to recommend for approval of Estilo Activity Center, 143 W. Michigan Avenue, for indoor recreational use to City Council. On a voice vote; **MOTION CARRIED.**

**RECOMMENDATION:** Planning Commission recommends that City Council approve the Special Land Use Permit #SLU10.03 to allow an indoor recreational use at 143 W. Michigan Avenue.

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

  
Natalie Huestis  
Director of Community Services

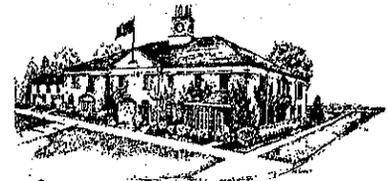
  
Tom Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

# 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 18, 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:** Approve Special Land Use #SLU10.04 for Quality Excavating at 817 Industrial Road

**BACKGROUND:** Daniel LaPoint, current owner of Quality Excavating at 817 Industrial Road has applied for a special land use permit. This parcel has been used to store extra material for the Tenneco renovations which began in 2007 and has grown over time into a stockyard for building materials.

The current hours of operation for the business are Monday-Saturday from 7:00 a.m. – 7:00 p.m. The stock currently being held in the yard consists of asphalt, fill dirt, fill sand, top soil, and concrete. All material on-site is owned, stored, and processed by Quality Excavators.

As the business has been developing, the company has brought in a Portable Crushing Plant. They are just beginning to experiment with crushing the material on-site for re-use in parking lots, driveways, and road work. The crusher is only run during business hours. Also, Mr. LaPoint leases a small portion of his land (approximately 100' x 100') to a trailer company for trailer storage. The maximum amount of trailers that could fit within the set area is 8-10 trailers. This is an on-going, month-to-month contract which does not expire.

Primarily the site serves as an outdoor storage use in an industrial area which required the owner to apply for a Special Land Use Permit. The Planning Commission received Mr. LaPoint's request at their November 10, 2010 meeting and held a public hearing for the matter on December 7, 2010. Mark Wallace, representative for Tenneco Automotive, spoke to the Planning Commission in favor of the special land use request. He stated that Quality Excavating is a very valuable entity in Marshall and also a good neighbor.

Planning Commission felt that the stockyard met all the applicable standards for Special Land Use as stated in §156.349. They also felt that all of the requirements in §156.201, Outdoor Storage, had been met with Mr. LaPoint's improvements to screening and the driveway. As a result, the following motion was passed by commissioners:

**Motion** by Collins, supported by Fleming, to recommend for approval of Quality Excavating, 817 Industrial Road, for outdoor storage use, to City Council. On a voice vote; **MOTION CARRIED.**

**RECOMMENDATION:** Planning Commission recommends that City Council approve the Special Land Use Permit #SLU10.04 to allow outdoor storage (stockyard) at 817 Industrial Avenue.

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

*Natalie Huestis*

Natalie Huestis  
Director of Community Services

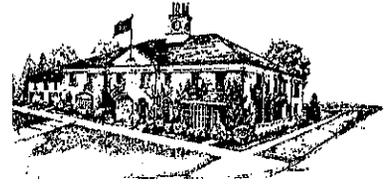
*Tom Tarkiewicz*  
Tom Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

# City of Marshall

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Marshall Town Hall ca: 1857

## **ADMINISTRATIVE REPORT** **January 18, 2011 - City Council Meeting**

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

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

**SUBJECT:** Set Public Hearing for February 7, 2011 to hear public comments on the proposed changes to Chapter 152: Sign Ordinance

**BACKGROUND:** In March of 2010, the Planning Commission began discussing changes to the Sign Ordinance. Research and discussions were completed in December and a public hearing was held on the proposed changes on January 12, 2010.

The proposed changes to the Sign Ordinance include:

- The addition of the definition "Animated Sign"
- The re-write of "Changeable Copy Sign"
- The deletion of "Electronic Message Sign"
- The deletion of "Interchange Approach Area or IAA"
- The deletion of "Moving Sign"
- The addition of current districts to the table in §152.04
- The transformation of Appendix A to text

The Planning Commission approved the following table for the rate of display change on Animated Signage:

Speed Limit	Rate of Display Change
25 mph	12 seconds
30 mph	12 seconds
35 mph	12 seconds
45 mph	10 seconds

While reviewing the documents for Council, staff noticed that speeds of 40 and 55 mph have not been included. Therefore, following the intent of the Planning Commission's recommendation, the following table under Animated Signs is being recommended in its place:

Speed Limit	Rate of Display Change
Less than 45 mph	12 seconds
45 mph or greater	10 seconds

At the public hearing, no public was present to speak. Planning Commissioner's discussed the fact that the Sign ordinance has been in place without major change for 9 years. They commented that the changes being proposed reflect the current needs and condition of the community as a whole. Commissioner's felt that by acknowledging and adding regulation of animated signage, businesses could incorporate this type of sign into areas that are appropriate in the community. One Planning Commissioner felt as though this type of sign should be allowed in all districts and not restricted to B-2, B-4, and FS zones; however, other Planning Commissioners disagreed. In addition, commissioner's also remarked that taking Appendix A out of table format and transforming it into text made this section of the ordinance less intimidating and much more user friendly.

**MOTION** by Fleming, supported by Burke Smith to recommend changes to Chapter 152: Sign Ordinance to City Council for public hearing and approval. On a voice vote; **MOTION CARRIED.**

**RECOMMENDATION:** The Planning Commission recommends that City Council schedule a public hearing for February 7, 2011 to hear comments on proposed changes to Chapter 152: Sign 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 AMEND CITY OF MARSHALL CODE, CHAPTER 152: SIGN ORDINANCE.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That section **§152.02 Definitions and Regulations** of the Marshall City Code, is hereby amended to add the following:

**ANIMATED SIGN.** A sign, other than a changeable copy sign, whereby the sign itself or the information conveyed incorporates or involves action, motion, or the appearance of action or motion, such as flashing lights, color changes, moving parts, reflective materials, and overall has video-like features. Animated signs must meet all industry standards for brightness and illumination. The illumination average shall be limited to 2,000 nits during daylight hours, and shall be reduced to 500 nits from a half hour before sunset to a half hour after sunrise. Animated signs are permitted to change copy at not less than the following intervals:

Speed Limit	Rate of Display Change
Less than 45 mph	12 seconds
45 mph or greater	10 seconds

- (1) The animated area of a sign shall not exceed 25% of the maximum sign area permitted.
- (2) The animated area of a sign shall be counted as part of the total sign area allowed.
- (3) Animated signs shall be turned off from midnight-5 a.m.; excluding businesses open during this time period.

**Section 1a.** That section **§152.02 Definitions and Regulations** of the Marshall City Code, is hereby amended to read as follows:

**CHANGEABLE COPY SIGN.** A temporary sign or permanent sign, electrical or non-electrical, on which the copy changes automatically or is designed to allow the copy to be changed manually while the surface of the sign remains unchanged, such as electronic time and temperature units or reader boards with changeable letters. A sign on which the copy changes more than four(4) times an hour shall be considered an animated sign. Time and temperature displays and fuel price displays shall be considered changeable copy signs rather than animated signs regardless of the number of changes per day. A **CHANGEABLE COPY SIGN** is subject to the following regulations:

- (1) The changeable copy sign area of a sign shall not exceed 25% of the maximum sign area permitted; and
- (2) The changeable copy sign area shall be counted as part of the total sign area allowed.

**WALL SIGN.** A permanent sign painted on, incorporated in, or attached directly to a building wall, window, or projecting architectural feature with the exposed face of the sign in a plane parallel to the building wall, window, or projecting architectural feature. A mural shall not be considered a **WALL SIGN**. A **WALL SIGN** is subject to the following regulations:

- (1) Shall not project outward more than 12 inches;
- (2) Shall not extend above the top of the building's wall or beyond the edge of the building;
- (3) Each property is permitted one or more wall signs and/or marquee signs with the total sign area of:
  - (a) Not greater than the maximum sign area permitted for the property;
  - (b) Not more than 5% of the first floor wall area of the wall to which it is attached to for buildings in the RM-1, RM-2 and OS-1 districts.
  - (c) Not more than 25% of the first floor wall areas of the wall to which it is attached to for buildings in the B-1, B-2, B-3, B-4, I-1, I-2, and FS districts. (The total sign area of all wall signs and/or marquee signs in a business center may exceed the maximum sign area permitted for a single property, but is governed by the percentage limits above and the maximum sign area permitted applied to each establishment's building frontage.)

**Section 1b.** That section **§152.02 Definitions and Regulations** of the Marshall City Code, is hereby amended to delete the following:

**ELECTRONIC MESSAGE SIGN.** A type of changeable copy sign on which the copy changes automatically. An **ELECTRONIC MESSAGE SIGN** is subject to the regulation of a changeable copy sign.

**INTERCHANGE APPROACH AREA or IAA.** The part of West Michigan Avenue (BL-94) within the city corporate limits east of I-69 and west of the intersection of Michigan Avenue and Fountain Street as it existed on the date of adoption of this chapter: approximately 3,000 feet east of I-69.

**MOVING SIGN.** A temporary sign or permanent sign or portions of a sign which moves by any means or a sign that gives the appearance of movement in any manner except for changeable copy signs, barber pole signs, banner signs, pennant signs, flag signs, national flag of the United State of America, State of Michigan flags, or City of Marshall municipal flags.

**Section 2.** That section **§152.04 General Sign Provisions (J)** of the Marshall City Code, is hereby amended to read as follows:

(J) No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light, except as otherwise provided for in this ordinance.

**Section 2a.** That section **§152.04 General Sign Provisions (R)** of the Marshall City Code, is hereby amended to read as follows:

(R) (1) The maximum sign area permitted on premises, not including permitted ground signs, temporary signs, freestanding signs, business center signs and off-premise signs, barber pole signs, pennant signs and window signs of less than 25% of the window area as shown in the chart below.

(2) In the B-3 zoning district, a public side entrance(s) shall be entitled to an additional 50% of sign area on that side of the building.

(3) A public rear entrance(s) in the B-3 zoning district shall be entitled to an additional 100% of sign area on the rear of the building unless the premises also has a public side entrance(s) in which event the rear shall be limited to an additional 75% of sign area.

	R-1, R-2, R-3	MFRD, MHPD	POSD	B-3	B-2, B-4, FS	I-1, I-2
Maximum sign area	NA	100 sq. ft.	100 sq. ft.	200 sq. ft.	200 sq. ft.	200 sq. ft.

**Section 3.** That section **§152.07 Signs Prohibited (J)** for the Marshall City Code, is hereby amended to read as follows:

(J) Temporary signage is prohibited on any parcel where a permit for an Animated Sign has been issued and the Animated Sign has been constructed.

**Section 3a.** That section **§152.07 Signs Prohibited (K)** for the Marshall City Code, is hereby added to read as follows:

(K) Any signs not permitted under this chapter.

**Section 4.** That section **§152.31 Appendix A: Type and Location of signs: Prohibited Signs** of the Marshall City Code, is hereby amended to read as follows:

**§152.31 Permitted according to district.**

The following types of signs shall be permitted in the following districts and in limited number, as defined and in accordance with all sign regulations as stated in chapter 152:

**1. Signs permitted in all districts:**

- a. *No Permit Required*
  - i. Auction Sale
  - ii. Banner
  - iii. Construction

1. Less than 6 square feet in area and less than 6 feet in height
- iv. Directional
  1. On premises, up to 4 square feet in area
  2. Off premises, temporary signs
- v. Estate Sale
- vi. Flag
- vii. Garage/Yard Sale
- viii. Nameplate
- ix. Political
- x. Real Estate
- xi. Special Event
- xii. Warning
- b. *Permit Required*
  - i. Construction
    1. More than 6 square feet in area or more than 6 feet in height
  - ii. Externally Illuminated

**2. Signs prohibited in all districts:**

- a. Abandoned
- b. Balloon
- c. Moving
- d. Portable
- e. Roof
- f. Vehicle

**3. One and Two-Family Residential Districts (R-1, R-2, R-3):**

- a. *Permit Required*
  - i. Institutional

- ii. Special Land Use

**4. Multiple Family and Manufactured Housing Park Districts (MFRD and MHPD):**

*a. Permit Required*

- i. Ground
- ii. Institutional
- iii. Marquee
- iv. Special Land Use
- v. Wall

**5. Professional Office Service District (POSD):**

*a. Permit Required*

- i. Awning
- ii. Barber Pole
- iii. Changeable Copy
- iv. Directional
  - 1. On premises, larger than 4 square feet in area
  - 2. Off premises, permanent
- v. Ground
- vi. Illuminated Internally
- vii. Marquee
- viii. Wall

*b. No Permit Required*

- i. Incidental
- ii. Mural
- iii. Water Tower
- iv. Window

**6. Central Business District (B-3):**

*a. Permit Required*

- i. Awning

- ii. Barber Pole
- iii. Changeable Copy
- iv. Directional
  - 1. On premises, larger than 4 square feet in area
  - 2. Off premises, permanent
- v. Illuminated Internally
- vi. Marquee
- vii. Perpendicular
- viii. Projecting Business Signs
- ix. Wall

*b. No Permit Required*

- i. Fuel Price
- ii. Incidental
- iii. Mural
- iv. Vending
- v. Water Tower
- vi. Window

**7. Business Districts (B-2, B-4, and FS):**

*a. Permit Required*

- i. Animated
- ii. Awning
- iii. Barber Pole
- iv. Business Center
- v. Changeable Copy
- vi. Directional
  - 1. On premises, larger than 4 square feet in area
  - 2. Off premises, permanent
- vii. Ground

- iv. Vending
- v. Water Tower
- vi. Window

**Section 5.** 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 6.** This Ordinance is declared to be effective immediately upon publication.

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

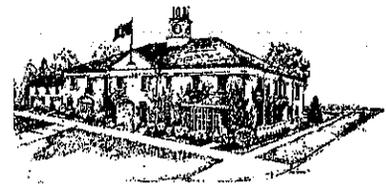
\_\_\_\_\_  
James L Dyer, MAYOR

\_\_\_\_\_  
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 February 7, 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



Marshall Town Hall ca: 1857

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

## ADMINISTRATIVE REPORT January 18, 2011 – City Council Meeting

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

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

**SUBJECT:** Tax Collection Fee – Authorization to Bill Units of Government for Reimbursement of Tax Collection Costs

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

On December 22, 2010 staff provided notification to Marshall Public Schools, Calhoun ISD and Kellogg Community College with the City's intent to bill for tax collection services to allow them the opportunity to respond, if desired, prior to the request for Council action in January. Refer to the copies of letters attached. No response was received by the schools.

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

**RECOMMENDATION:** Authorize staff to bill the schools according to rates in the Tax Collection Fee Schedule attached, beginning FY 2012.

**FISCAL EFFECTS:** There is a potential for increase in FY 2012 General Fund Tax Collection Fee revenues line item 101-000-405.00, up to \$66,549.45 annually (\$22,183.15 x 3 school entities).

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Sandra Bird  
Clerk-Treasurer



Tom Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

NATIONAL HISTORIC LANDMARK DISTRICT

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

<u>Units of Government:</u>		<u># Parcels:</u>	<u>Summer</u>	<u>Winter</u>	<u>Total</u>	<u>Cost Share</u>
City	Exempt	3762	\$ 2.72		\$ 2.72	\$ 10,238.38
County	Exempt	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
State of Michigan (SET)	Exempt	3762	\$ 2.72		\$ 2.72	\$ 10,238.38
Library	MCL N/A	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Marshall Public Schools	Bill Tax Col. Fee	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Calhoun ISD	Bill Tax Col. Fee	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Kellogg Community College	Bill Tax Col. Fee	3762	\$ 2.72	\$ 3.18	\$ 5.90	\$ 22,183.15
Marshall Ambulance Authority	MCL N/A	3762		\$ 3.18	\$ 3.18	\$ 11,944.77
			<u>\$ 19.05</u>	<u>\$ 19.05</u>	<u>\$ 38.10</u>	<u>\$ 149,337.28</u>

**Note:**  
 Est. 1%  
 Admin. Fee  
\$ 127,203.07

<u>Per Billing Cycle Costs (2 cycles - summer &amp; winter):</u>	<u>Hours</u>	<u>Cost/ Tax Season</u>
<b>Tax Roll Preparation</b>		
Millage Entry/Tax Calculation	3	\$ 84.60
Balance Tax Roll/Warrant with Assessor	5	\$ 141.00
Bill Preparation (electronically)/BSA Checklist	5	\$ 141.00
Revising Bills (Wkly roll chgs, July/Dec BOR, MMT, STC)	32	\$ 902.40
<b>Sub-total</b>		<b>\$ 1,269.00</b>
<b>Tax Bill Forms</b>		
Printing (.05 cents per parcel statement)		\$ 188.10
Perforated paper for statements		\$ 168.81
Sorting, Folding, Stuffing, Filing	15	\$ 281.25
<b>Sub-total</b>		<b>\$ 638.16</b>
<b>Envelopes</b>		
Envelopes		\$ 720.00
Lg envelopes (box) for mortgage holders		\$ 25.00
<b>Sub-total</b>		<b>\$ 745.00</b>
<b>Bill Preparation</b>		
Re-do for name changes D. Treasurer.	3	\$ 84.60
Re-do for Mortgage changes D. Treasurer.	5	\$ 141.00
Resend to corrected addresses D. Treasurer	12	\$ 338.40
Legal Ads to paper		\$ 120.00
<b>Sub-total</b>		<b>\$ 684.00</b>
<b>Postage</b>		
First Mailing @ \$.382 each		\$ 1,437.08
Second mailing 25% of original		\$ 359.27
<b>Sub-Total</b>		<b>\$ 1,796.36</b>
<b>Preparation for Post Office</b>		
Running postage machine	3	\$ 56.25
Delivery to P. O.	1	\$ 18.75
<b>Sub-total</b>		<b>\$ 75.00</b>
<b>Tax Receipting</b>		
Cashier/D. Treasurer (10min/parcel)	450	\$ 10,563.75
D. Treasurer Tax Distribution 2x/month	30	\$ 846.00
<b>Sub-total</b>		<b>\$ 11,409.75</b>
<b>Phone Calls Regarding Taxes</b>		
Handled by all office staff; 50 calls per day (20days/mo.) for 3 months/tax season @ 10min./call.	500	\$ 9,375.00
<b>Sub-total</b>		<b>\$ 9,375.00</b>

**Annual Costs:**

<b>Software BSA</b>		
Annual Software Maintenance Agreement		\$ 6,540.00
<b>Sub-total</b>		<b>\$ 6,540.00</b>
Per Billing Cycle (2)		\$ 3,270.00
<b>Collection Delinquent Personal Property Tax</b>		
D. Treasury quarterly billing, collection, distribution, customer service, court appearance, etc.	100	\$ 2,820.00

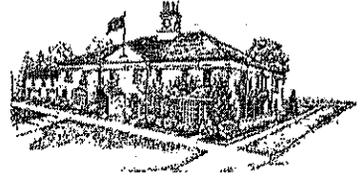
City of Marshall  
**Tax Collection Fee**  
 FY 2011-12 (Updated December, 2010)

	<b>Sub-total</b>		\$ 2,820.00
	Per Billing Cycle (2)		\$ 1,410.00
<b>Assessor</b>			
Assesor Contract			\$ 39,200.00
Board of Review Panel			\$ 300.00
Admin. Asst. to the Assessor			\$ 41,701.25
	<b>Sub-total</b>		\$ 81,201.25
	Per Billing Cycle (2)		\$ 40,600.63
<b>Auditing Tax Fund Bank Statements</b>			
Auditor review of statements/tax fund @\$100/hr	4	\$	400.00
Clerk-Treasurer review, auditor prep, meet with Auditor	10	\$	391.50
			\$ 791.50
	<b>Sub-total</b>		\$ 791.50
	Per Billing Cycle (2)		\$ 395.75
<b>ESTIMATED TOTAL COST FOR TAX COLLECTION PER BILLING CYCLE</b>			<b>\$ 71,668.64</b>
<b>ESTIMATED TOTAL COST FOR TAX COLLECTION PER YEAR (x) 2</b>			<b>\$ 143,337.28</b>
3762 Parcels	Per parcel cost per billing cycle		<b>\$ 19.05</b>

COMPARISONS:	Charged/parcel
Groveland Twp 2008 Brandon, Holly, Goodrich	\$2.75
Milford Twp. 2010 (\$11.71/parcel actual)	\$5.34
Springfield 2008 Brandon, Holly	\$2.55
Highland Twp 2008	\$5.13
Brandon Twp.	\$2.00
Oxford	\$1.50
Holly Twp flat rate	\$ 15,000.00

# City of Marshall

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



Marshall Town Hall ca: 1857

December 22, 2010

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

Mr. Blankinship,

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

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

Regards,

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

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



NATIONAL HISTORIC LANDMARK DISTRICT

# City of Marshall

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



Marshall Town Hall ca: 1857

December 22, 2010

Mr. Thomas J. Bean, Assistant Superintendent of Finance  
Calhoun Intermediate School District  
17111 G. Drive North  
Marshall, MI 49068

Mr. Bean,

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

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

Regards,

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

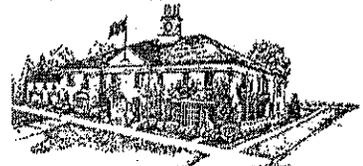
Sandra Bird, Clerk-Treasurer  
City of Marshall  
323 W. Michigan Ave.  
Marshall, MI. 49068  
[sbird@cityofmarshall.com](mailto:sbird@cityofmarshall.com)



NATIONAL HISTORIC LANDMARK DISTRICT

# City of Marshall

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



Marshall Town Hall ca: 1857

December 22, 2010

Mr. Rick Scott, Chief Financial Officer  
Kellogg Community College  
450 North Avenue  
Battle Creek, MI 49017

Mr. Scott,

This is to provide notification of the City's intent to bill Kellogg Community College for reimbursement of the City's FY 2011 tax collection services, beginning in FY 2012. The City has not billed the schools in the past; however, the City along with many other local municipalities in Michigan feel this cost is a direct benefit to all of the taxing units and can no longer be absorbed 100% by the City's General Fund.

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

Regards,

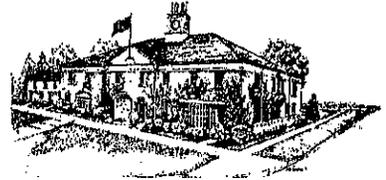
Sandra Bird, Clerk-Treasurer  
City of Marshall  
323 W. Michigan Ave.  
Marshall, MI. 49068  
[sbird@cityofmarshall.com](mailto:sbird@cityofmarshall.com)



NATIONAL HISTORIC LANDMARK DISTRICT

# City of Marshall

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



## ADMINISTRATIVE REPORT January 18, 2011 - City Council Meeting

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

**FROM:** Carl Fedders, Director of Public Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Set Public Hearing for February 7, 2011 to hear public comments on text change to the Flood Prevention and Protection ordinance Chapter §154 to remain compliant with the requirements of the National Flood Insurance Program.

**BACKGROUND:** The Federal Emergency Management Agency (FEMA) has completed a Flood Insurance Survey (FIS) and Flood Insurance Rate Map (FIRM) for all of Calhoun County. Preliminary copies of the FIRM can be viewed at the Public Services Building. In order for the City of Marshall to continue to participate in the National Flood Insurance Program (NFIP), FEMA requires that certain floodplain management measures be approved and legally enforced.

The City of Marshall has been included in the NFIP since 1982 and the ordinance requires only minor modification to remain compliant. This is a volunteer program but a number of benefits could be experienced if participation is continued:

- Property owners will continue to be able to purchase NFIP flood insurance.
- Federal grants could be available for development in flood hazard areas.
- Federal disaster assistance for flood damage could be provided to repair insurable buildings located in identified flood hazard areas.
- Federal mortgage insurance or loan guarantees, such as those written by FHA and the VA can be provided in flood hazard areas.
- Helps to insure proper building techniques.

Staff has been working with FEMA, the City Attorney, and the NFIP State Coordinator to ensure that the modification included in this revision allows the City of Marshall to continue its participation in the program.

**RECOMMENDATION:** Staff recommends that City Council schedule a public hearing for February 7, 2011 regarding the recommended text changes to §154 Flood Prevention and Protection.

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

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

  
Carl Fedders  
Director of Public Services

  
Tom Tarkiewicz  
City Manager

General Provisions

- 154.01 Definitions
- 154.02 Agency designation
- 154.03 Code appendix enforced

Permit Requirements

- 154.15 Required
- 154.16 Application; fee
- 154.17 Review of application
- 154.18 Approvals

Standards

- 154.30 Flood-safe building sites
- 154.31 Subdivision proposals
- 154.32 Water supply systems
- 154.33 Sewer systems
- 154.34 Flood elevation data
- 154.35 Level of structures
- 154.36 Flood insurance rates
- 154.37 Alteration of watercourse
- 154.38 Flood carrying capacity
- 154.39 Mobile homes
- 154.40 Flood hazard boundary map Designation of regulated flood prone hazard areas

**GENERAL PROVISIONS**

**§ 154.01 DEFINITIONS.**

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

**BASE FLOOD.** The flood leaving a 1% chance of being equaled or exceeded in any given year.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD PLAIN or FLOOD-PRONE AREA.** Any land area susceptible to being inundated by water from any source.

**FLOODPROOFING.** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**HABITABLE FLOOR.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a **HABITABLE FLOOR**.

**MOBILE HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but it is not limited to the definition of **MOBILE HOME**, as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 C.F.R. § 3282.7(a)).

**RIVERINE.** Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

**STRUCTURE.** For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**VARIANCE.** A grant of relief by a community from the terms of a flood plain management regulation.

(Prior Code, § 11-1)

#### § 154.01 AGENCY DESIGNATION.

Pursuant to the provisions of the state construction code, in accordance with section 8b (6) of Act 230, of the public Acts of 1972, as amended, the office of the Building Inspector of the City of Marshall is hereby designated as the enforcing agency to discharge the responsibility of the City of Marshall under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Marshall assumes the responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance § 154.02 CODE APPENDIX ENFORCED.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of Public Acts of 1972, as amended, Michigan Building code, and appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Marshall.

## **PERMIT REQUIREMENTS**

### **§ 154.15 REQUIRED.**

(A) No person shall erect, construct, enlarge, alter, repair, improve, move or, demolish any building or structure without first obtaining a separate permit for each building or structure from the building inspector.

(B) No man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the building inspector for each change.

(C) No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the Building Inspector.

(Prior Code, § 11-16)

### **§ 154.16 APPLICATION; FEE.**

To obtain a permit under this chapter, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the Building Inspector with a fee as presently established or as hereafter adopted by resolution before the issuance of a permit will be considered.

(Prior Code, § 11-17)

### **§ 154.17 REVIEW OF APPLICATION.**

The Building Inspector is appointed as the person responsible for receiving applications and examining the plans and specifications for the proposed construction or development. After reviewing the application, the Building Inspector shall require any additional measures which are necessary to meet the minimum requirements of this chapter.

(Prior Code, § 11-18)

### **§ 154.18 APPROVALS.**

The Building Inspector shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 464 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

(Prior Code, § 11-19)

## **STANDARDS**

### **§ 154.30 FLOOD-SAFE BUILDING SITES.**

(A) The Applicant shall provide a survey from a licensed professional showing the flood plain limits with the location of the all proposed structure(s) (i.e house, sheds, garages etc.) for review by the Building Inspector shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(B) If a proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

- (1) Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Be constructed with materials and utility equipment resistant to flood damage; and
- (3) Be constructed by methods and practices that minimize flood damage.

(Prior Code, § 11-31)

#### **§ 154.31 SUBDIVISION PROPOSALS.**

(A) The Building Inspector shall review subdivision proposals and other proposed new development to determine whether the proposals will be reasonably safe from flooding.

(B) If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage within the flood-prone area;
- (2) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards.

(Prior Code, § 11-32)

#### **§ 154.32 WATER SUPPLY SYSTEMS.**

The Building Inspector shall require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

(Prior Code, § 11-33)

#### **§ 154.33 SEWER SYSTEMS.**

The Building Inspector shall require within flood-prone areas:

(A) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

(B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(Prior Code, § 11-34)

#### **§ 154.34 FLOOD ELEVATION DATA.**

The Building Inspector shall require that all subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is the lesser, include within the proposals base flood elevation data.

(Prior Code, § 11-35)

#### **§ 154.35 LEVEL OF STRUCTURES.**

The Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, until the other data has been provided by the Administrator, as criteria for requiring that:

(A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level; and

(B) All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.

(Prior Code, § 11-36)

#### **§ 154.36 FLOOD INSURANCE RATES.**

For the purpose of the determination of applicable flood insurance risk premium rates within zone A on a community's FFBM, the Building Inspector shall:

(A) Obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;

(B) Obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and

(C) Maintain a record of all such information.

(Prior Code, § 11-37)

#### **§ 154.37 ALTERATION OF WATERCOURSE.**

The Building Inspector shall notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of the notifications to the federal insurance administration.

(Prior Code, § 11-38)

#### **§ 154.38 FLOOD CARRYING CAPACITY.**

The Building Inspector shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(Prior Code, § 11-39)

#### **§ 154.39 MOBILE HOMES.**

(A) The Building Inspector shall require that all mobile homes to be placed within zone A on the community's flood hazard boundary map shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors.

(B) Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) Any additions to the mobile home be similarly anchored.

(Prior Code, § 11-40)

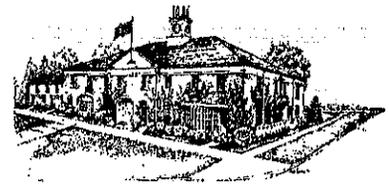
**§ 154.40 FLOOD HAZARD BOUNDARY MAP DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Calhoun County, Michigan and dated 4/4/2011 and the Flood Insurance Rate Maps (FIRM) panel numbers 26025C; 0236C; 0238C; 0239C; 0241C; 0243C; 0380C and 0385C dated 4/4/2011 are adopted by reference for the purposes of administration of the Michigan Building Code, and declared to be part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

—The flood hazard boundary map issued by the federal insurance administration for the city, dated with Panel Numbers Hz, and any officially published revisions to this map, is adopted as the official map for the enforcement of this chapter. Zone A on this map delineates the area within which the requirements of this chapter will be enforced.

(Prior Code, § 11-41)

# 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 18, 2011 - CITY COUNCIL MEETING

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** Police Vehicle Replacement Purchase

**BACKGROUND:** Each year the Marshall Police Department looks at the vehicles currently used in the fleet. Based on the vehicles mileage, vehicle condition, depreciation and current repairs, it becomes necessary to replace the vehicle rather than complete costly repairs. Vehicle M2, a 2006 Ford Crown Victoria with over 86,000 miles needs to be replaced.

The Police Department is looking at ways to incorporate different services or make those services currently provided more efficient. Several new services include the enactment of commercial vehicle enforcement efforts, improved community service programs and static displays and further patrols of our parks and recreation areas. The Department desires to replace the current patrol car with a two wheel drive SUV.

The City has participated in the State of Michigan Extended Purchasing Program to purchase vehicles. The State bids vehicles in large volumes which lowers the cost to the City. The low bid for a two wheel SUV is from Shaheen Chevrolet for a Chevrolet Tahoe for \$25,400. This vehicle is the only SUV that is currently approved as a pursuit rated vehicle on the State of Michigan bid. This is a 2 wheel drive vehicle with space and cargo area to handle the necessary equipment to provide the additional services stated. This vehicle also allows for ground clearance to allow officers to patrol the parks easier and without the concerns of causing damage to the underside of the vehicle.

**RECOMMENDATION:** It is recommended that the Council approve the purchase of a Chevrolet Tahoe from Shaheen Chevrolet of Lansing for \$25,400.

**FISCAL EFFECTS:** To appropriate \$25,400 and amend the Motor Pool Fund Capital Outlay expenditure budget line item 661-898-970.00 by \$400 to provide increased funding for the purchase of the Chevrolet Tahoe.

The current budgeted amount for the replacement police vehicle purchase is \$25,000.00. The current state bid price for the Chevrolet Tahoe is approximately \$25,400.00. Although the additional \$400.00 is over the original budgeted amount, the gains will be the ability to utilize the vehicle for more police operations and possible savings in vehicle durability and safety standards for which the vehicle will be utilized.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

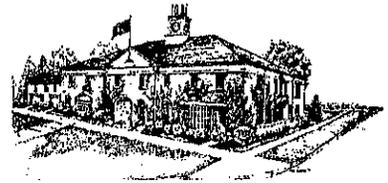


James M. Schwartz  
Police Chief

NATIONAL HISTORIC LANDMARK DISTRICT

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 18, 2011 - City Council Meeting

**REPORT TO:** Honorable Mayor 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:

- |                                 |          |
|---------------------------------|----------|
| ○ 1-10 consecutive days         | \$50.00  |
| ○ Less than 30 consecutive days | \$120.00 |
| ○ Less than 60 consecutive days | \$150.00 |
| ○ 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,

  
Natalie Huestis  
Director of Community Services

  
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

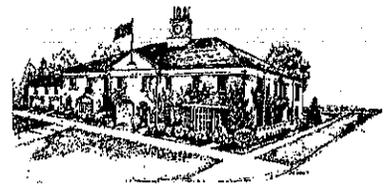
Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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 18, 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.

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Sandra Bird, Clerk-Treasurer

# City of Marshall



Marshall Town Hall ca: 1857

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

## ADMINISTRATIVE REPORT January 18, 2011 – City Council Meeting

**REPORT TO:** Honorable Mayor and Council Members  
**FROM:** Tom Tarkiewicz, City Manager  
**SUBJECT:** Downtown Development Authority Appointments

**BACKGROUND:** The Downtown Development Authority (DDA) was established under Public Act 197 of 1975. By this Act, the Board consists of 9 to 13 members, 8 to 12 of which are appointed by the City Manager subject to the approval of City Council. The ninth or thirteenth member is the City Manager. The Board Bylaws state that they are a 13 member Board.

The terms of Brian Mason (unexpired term of Ryan Hodges), Janet Ostrum, and Debbie Shubert expired on December 31<sup>st</sup>. Ms. Shubert and Mr. Mason desire to not be reappointed to the Board. Ms. Ostrum has requested to be reappointed.

Eldon Vincent has shown an interest to be appointed. Mr. Vincent has previously served on the Board. Mr. Vincent's and Ms. Ostrum's applications and resumes are attached.

**RECOMMENDATION:** It is recommended that Eldon Vincent and Janet Ostrum be appointed to the DDA Board for a term expiring on December 31, 2014.

**FISCAL EFFECTS:** None  
**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz  
City Manager



HISTORIC  
LANDMARK  
DISTRICT

NATIONAL HISTORIC LANDMARK DISTRICT

**CITY OF MARSHALL  
BOARDS & COMMISSIONS  
APPLICATION**

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

Date December 8, 2010

*Please type or print –*

Name Eldon J. Vincent

Address 119 North Grand St., Marshall, MI 49068

Home Phone \_\_\_\_\_ Work Phone 269-789-0730

Fax Number 269-789-0731 E-Mail Address Eldon@vincentlegal.com

How long have you lived in the City of Marshall? 8 years

Education BS in Accounting, Ferris State University -- JD, Georgia State University

Primary Personal Interest A busy and successful downtown

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

\*\*\*\*\*

*Please indicate your choice(s) –*

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

- |  |   |
|--|---|
| <input type="checkbox"/> Airport Board (3 yrs)                               | <input type="checkbox"/> Parks & Rec Advisory Board (3 yrs) |
| <input type="checkbox"/> Board of Review (2 yrs)                             | <input type="checkbox"/> Planning Commission (4 yrs)        |
| <input type="checkbox"/> District Library Board (3 yrs)                      | <input type="checkbox"/> Sister City Committee (3 yrs)      |
| <input checked="" type="checkbox"/> 1 Downtown Development Authority (4 yrs) | <input type="checkbox"/> Zoning Board of Appeals (3 yrs)    |
| <input type="checkbox"/> Local Development Finance Authority (3 yrs)         |   |

**Tom Tarkiewicz**

---

**From:** Eldon Vincent [evincent@vincentlegal.com]  
**Sent:** Sunday, January 09, 2011 4:41 PM  
**To:** Tom Tarkiewicz  
**Subject:** Eldon Vincent

Dear Tom,

Please allow this email to serve as my response regarding appointment to the Marshall DDA.

I believe that it is once again time for me to join forces with other members of our community who believe in Marshall and in supporting a thriving business community. Now that I have three businesses in Marshall (CPA firm, Law firm and Yippie Tax) I believe that I am in a unique position to truly be able to see all sides of the arguments when change is proposed. The Marshall downtown is the heart and soul of this area and we need to ensure that it is thriving and vibrant. There appears to be strong "shop & buy local" movement here, however, we need to keep the downtown appealing to transient shoppers as well.

Let me know if you like to discuss my potential appointment further. Take care.

**Eldon J. Vincent JD, CPA**

**Eldon J. Vincent Attorney at Law PLC**  
**Eldon J. Vincent Certified Public Accountant PLC**

119 N. Grand Street  
Marshall, MI 49068  
Phone 269-789-0730  
Fax 269-789-0731

Grand Rapids Office:  
125 Ottawa N.W., Suite 165  
Grand Rapids, MI 49503  
616-249-9466  
Fax 269-789-0731

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**CITY OF MARSHALL  
BOARDS & COMMISSIONS  
APPLICATION**

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

Date 12.20.10

*Please type or print -*

Name Janet E Ostrum

Address 306 N. Marshall Ave

Home Phone 269 781-7777 Work Phone 269 781-5

Fax Number 269-781-7752 E-Mail Address Janet@bayberryhouseinteriors

How long have you lived in the City of Marshall? May 1985

Education see enclosed Primary Personal Interest see enclosed

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

\*\*\*\*\*

*Please indicate your choice(s) -*

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

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



Bayberry House  
*Interiors*

Residential & Commercial Design  
108 N. Park Avenue, Marshall, Michigan 49068  
Phone 269.781.7777 • Fax 269.781.7752

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

Dear Mr. Tarkiewicz,

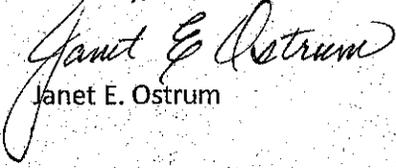
Enclosed is my completed boards & commissions application for your consideration. I am requesting your recommendation to city council for my re-appointment to the Downtown Development Authority/Marshall Main Street board. Let me take this opportunity to list some of my relevant qualifications and experiences.

DDA/MMS board member 2002-2010  
DDA past secretary  
City of Marshall grant application co-author (to MEDC)  
Awarded Marshall Minute Man-Marshall Area Chamber of Commerce 2004  
Marshall Main Street Design Chair  
Marshall Main Street Improvement Strategy Co-chair  
Marshall Main Street Promotions committee  
Marshall Main Street Executive Committee  
Marshall Main Street Finance Committee  
Marshall Main Street Parking Needs Committee  
Marshall Main Street volunteer 2003-present  
Marshall Area Chamber of Commerce 1988-2010  
Marshall Area Chamber of Commerce Retail Committee member  
Marshall Area Chamber of Commerce Focus 2007 participant  
Marshall Business Association past member  
Business owner in district 1988-present  
Property owner in district 1988-present  
WMU Interior Design Dept. Curriculum Advisory board member  
Marshall Historical Society board member (newly appointed)  
Marshall Historical Society member 1985-present  
Marshall Area Garden Club member 1990-present  
Marshall Association of University Women  
BS Psychology CMU 1984  
BAA Home economics/interior design CMU 1985  
American Society of Interior Designers member 1985-present

It has been my honor to serve the City of Marshall for several years. I hope to continue

participating in the effort to keep Marshall economically vital, and positioned as a regional attraction for families looking to live, work and play in small town America.

Sincerely,

A handwritten signature in cursive script that reads "Janet E. Ostrum". The signature is fluid and elegant, with a large initial 'J' and 'O'.

Janet E. Ostrum