

MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 p.m.

APRIL 4, 2011



HISTORIC MARSHALL

MAYOR: James Dyer

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

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Richard Gerten, Family Bible Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) 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.
- 7) CONSENT AGENDA

A. Set Public Hearing – Utility Rates

City Council will consider a recommendation to schedule a public hearing for Monday, April 18, 2011 to hear public comment regarding amending the Electric, Water and Sewer Rate Ordinances

B. AMP Tree Trimming

City Council will consider the recommendation to approve retaining AMP Ohio to perform tree trimming and authorize the Clerk-Treasurer to sign the agreement.

C. 2011 Recreation Passport Grant Application

City Council will consider the recommendation to approve the resolution and authorize the Clerk-Treasurer to sign the completed Recreation Passport Grant Application.

D. MSHDA Rental Rehab Grant Application

City Council will consider the request to approve the DDA Director to submit a Rental Rehab Grant Application to MSHDA for the Cronin Project.

E. Art in the Eye 3

City Council will consider the recommendation of the Main Street Design Committee to place four sculptures chosen to be the "Art in the Eye 3" exhibit at Carver Park.

F. City Council Minutes

Regular Session.....Monday, March 21, 2011

Work Session.....Monday, March 21, 2011

G. City Bills

Regular Purchases.....\$72,727.59

Weekly Purchases – 3/18/11.....\$ 156,728.91

Weekly Purchases – 3/25/11.....\$25,446.15

Total.....\$ 254,902.65

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

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

A. Event Report - Outback Concert Series - Loves Vintage Guitars

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. City Assessing Services

City Council will consider the recommendation to approve the agreement with Calhoun County to provide City Assessing services pending approval by the Calhoun County Board of Commissioners and enter into an Employee Leasing Agreement for the current Assessing Clerk.

B. Brooks Field – Apartment Renovation

City Council will consider the recommendation to proceed with the improvements to the airport apartment and to authorize the Clerk-Treasurer to sign the rental agreement.

C. Schedule Work Session- FY 2012 Proposed Budget

City Council will discuss the scheduling of a work session to review and discuss the FY 2012 Proposed Budget.

13) APPOINTMENTS / ELECTIONS

A. Local Advisory Council

City Council will consider the recommendation to reappoint Marian Johnson to the Local Advisory Council with a term expiring on February 1, 2013.

B. Airport Board Vacancy

City Council will announce how to apply for a vacant seat on the Airport Board.

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

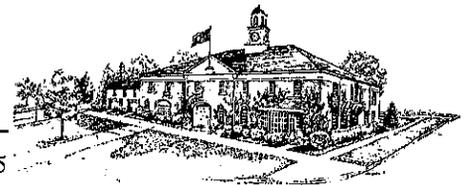
Respectfully submitted,



Tom Tarkiewicz
City Manager

City of Marshall

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



Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT **April 4, 2011 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Sandra Bird, Clerk-Treasurer
Tom Tarkiewicz, City Manager

SUBJECT: Electric, Water, and Sewer Rate Ordinance Amendment -
Establishment of a Public Hearing

BACKGROUND: The City of Marshall has recently contracted with Courtney & Associates and Utility Financial Solutions and they have completed an analysis on the electric, water and sewer rates. As a result of that analysis and meeting with a subcommittee of the council, the following changes to the rates are being suggested to be implemented in three separate stages with effective dates of May 1, 2011, January 1, 2012, and January 1, 2013.

Copies of these reports will be distributed to Council as soon as final versions are available.

The proposed rate ordinances and revised Power Supply Cost Adder are attached. It is requested that City Council schedule a public hearing for April 18, 2011 to hear public comments on the proposed amendments.

The average residential, commercial, and industrial customer will receive the following change:

May 2011

Electric (reduction)

Residential (545 kWh per month)	-\$6.97
Commercial (16 kW & 4,752 kWh per month)	-\$111.84
Industrial (3 kW & 260,000 kWh per month)	-\$1,508.00

Water (increase)

Residential (350 cf per month)	\$0.71
Commercial (1,900 cf per month)	\$2.15
Industrial (38,659 cf per month)	\$51.89

Sewer (increase)

Residential (350 cf per month)	\$2.18
Commercial (1,900 cf per month)	\$7.14
Industrial (38,659 cf per month)	\$123.71



January 2012

Water (increase)

Residential (350 cf per month)	\$0.96
Commercial (1,900 cf per month)	\$2.06
Industrial (38,659 cf per month)	\$33.21

Sewer (increase)

Residential (350 cf per month)	\$2.48
Commercial (1,900 cf per month)	\$7.04
Industrial (38,659 cf per month)	\$140.97

January 2013

Water (increase)

Residential (350 cf per month)	\$0.91
Commercial (1,900 cf per month)	\$2.06
Industrial (38,659 cf per month)	\$34.21

Sewer (increase)

Residential (350 cf per month)	\$1.57
Commercial (1,900 cf per month)	\$5.29
Industrial (38,659 cf per month)	\$91.83

RECOMMENDATION: It is recommended that the City Council establish a public hearing for April 18, 2011 to amend the Electric, Water and Sewer Rate Ordinances.

FISCAL EFFECTS: The proposed FY 2012 electric rate decreases will save the customers an estimated \$730,000. The proposed FY 2011, FY 2012 and FY 2013 Wastewater rates will increase the customer's annual charges by \$38,143, \$109,811 and \$69,239, respectively. The proposed FY 2011, FY 2012 and FY 2013 Water rates will increase the customers' annual charges by \$48,590, \$270,810 and \$104,107, respectively. The combined overall 3-year impact will be a savings for the customers of approximately \$90,000.

ALTERNATIVES: As suggested by the Council.

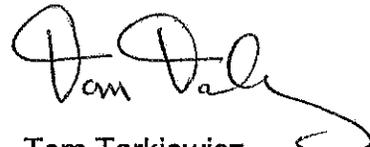
Respectfully submitted,



Carl Fedders
Director of Public Services



Sandra Bird
Clerk-Treasurer



Tom Tarkiewicz
City Manager

CITY OF MARSHALL, MICHIGAN
ORDINANCE _____

THE CITY OF MARSHALL ORDAINS

An Ordinance to amend Section 9 of Electric Ordinance 4.5(a) and
Section 5 of Electric Ordinance 4.6

Residential Service Rate "A"

Service Charge: \$7.00 per customer per month, plus,
Energy Charge: \$0.106 per kWh plus Power Supply Cost Adjustment

Residential Rate "A-1"

Service Charge \$7.00 per customer per month, plus
Energy Charge:
 Winter: \$0.106 per kWh plus Power Supply Cost Adjustment for the first
 600 kWh (October through May)
 \$0.066 per kWh plus Power Supply Cost Adjustment for all over
 600 kWh per month (October through May)
 Summer: \$0.106 per kWh plus Power Supply Cost Adjustment for all kWh
 (June through September)

Residential Rate-Life Support "LS"

Service Charge: \$4.00 per customer per month, plus,
Energy Charge: \$0.096 per kWh plus Power Supply Cost Adjustment

Commercial/Industrial Secondary Service "B"

Service Charge: \$ 15.00 per customer per month, plus
Energy Charge: \$ 0.107 per kWh plus Power Supply Cost Adjustment for all kWh
used per month

Commercial/Industrial Secondary Service "B1"

Service Charge: \$ 15.00 per customer per month, plus
Energy Charge:
 Winter \$ 0.067 per kWh plus Power Supply Cost Adjustment
 Summer \$ 0.107 per kWh plus Power Supply Cost Adjustment

Commercial/Industrial Secondary Service "C"

Service Charge: \$ 15.00 per customer per month, plus
Capacity Charge: \$10.35 per kW for all billing demand per month, plus
Energy Charge: \$0.064 per kWh plus Power Supply Cost Adjustment

Industrial Primary Service "D"

Service Charge: \$ 100.00 per customer per month, plus
Capacity Charge: \$9.15 per kW for all billing demand per month (Minimum 25 kW), plus
Energy Charge: \$0.076 per kWh plus Power Supply Cost Adjustment

Industrial Primary Service Rate "D-2"

Service Charge: \$ 100.00 per customer per month, plus
Capacity Charge: \$ 9.15 per kW for all billing demand per month (Minimum 1000 kW), plus
Energy Charge: \$0.076 per kWh plus Power Supply Cost Adjustment

Economic Development Rate "E"

Capacity Charge: To be determined under special contract.
Energy Charge: To be determined under special contract.

Monthly Security Light Rental Rate

7000 Lumen (175W) Mercury Vapor Lamp	\$9.00 per month per fixture
Suburbanair Fixture	
19100 Lumen (400W) Mercury Vapor Lamp	\$15.00 per month per fixture
47200 Lumen (1000W) Mercury Vapor Lamp	\$18.00 per month per fixture

Temporary Electric Service:

Service connection charge will be a minimum \$35.00

Minimum monthly charge for KWh consumed, as determined by General Secondary Rate B, and no case less than \$9.00, as determined by Watt-hour meter installed on the job. For single phase temporary service connection of more than 100 amps, there will be a charge of \$1.50 per amp. Michigan Sales Tax will be added to all bills when applicable. The rules, regulations and billing procedures shall be those in effect in the City on the effective day of this Ordinance. In addition to other remedies provided and authorized by law, the City shall have the right to shut off and discontinue the supply of electric power to any premises, for the non-payment of the rates when due. If such rates and charges are not paid within ten business days after the due date thereof, then electric power service to such premises may be discontinued. Electric power service discontinued shall not be restored until all sums then due and owing shall be paid or satisfactory arrangements have been made to pay, plus an additional charge of Twenty (\$20.00) dollars for the restoration of service during business hours or Seventy Five (\$75.00) dollars after business hours.

This Ordinance is adopted under the provisions of Public Acts of Michigan, 1933 as amended.

This Ordinance amendment shall be published in full in the Ad-visor & Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices,

within ten days after its adoption. This ordinance shall be recorded in the ordinance book and such recording shall be authenticated by the signature of the Mayor and City Clerk.

This ordinance is declared to take effect on May 1, 2011.

Adopted and Passed by the Marshall City Council this 18th day of April, 2011.

James Dyer
MAYOR

Sandra Bird
CLERK-TREASURER

CERTIFICATE

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 April 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

Power Supply Cost Adjustment Applicable to City Electric Rate Schedules

Applicability

The Power Supply Cost Adjustment set forth herein shall apply to all of City's Electric Rate Schedules, except for the Monthly Security Light Rental Rate. The applicable adjustment shall be applied to the total kWh billed to customers for the meter reading period that City determines as most nearly corresponding to the meter reading period(s) set forth in City's purchased power billings from its supplier(s).

Base Power Supply Cost

The rates and charges set forth in City's Electric Rate Schedules are based on the cost of City's power supply requirements as furnished by Michigan South Central Power Agency (MSCPA). The Base Power Supply Cost included as City's Electric Rate Schedules is \$0.055 per kWh.

Monthly Determination of Power Supply Cost Adjustment

Each month City's Power Supply Cost Adjustment shall be determined as follows:

- A. The City's Running 6-Month Power Supply Cost per kWh shall be determined to 4 decimal places by dividing (1) the sum of the past 6 months power supply cost, including the most recent months billing, by (2) the sum of the past 6 months net energy delivered to the City, including the most recent months billing.
- B. The Base Power Supply Cost of \$0.065 per kWh shall then be subtracted from the Running 6-Month Power Supply Cost per kWh determined in (a) above.
- C. The Monthly Power Supply Cost Adjustment per kWh shall be determined by multiplying the positive differential derived in (b) by 1.08 to compensate for City's Distribution System Losses. If the differential derived in (b) is negative, the monthly power supply cost adjustment shall be \$0.000 per kWh.

Effective Date: May 1, 2011.

CITY OF MARSHALL, MICHIGAN
ORDINANCE _____

THE CITY OF MARSHALL ORDAINS

An Ordinance to amend Section 10 of Ordinance No. 4.4(c)

WHEREAS, it is the intention of the City of Marshall that up to five (5%) percent of surplus generated annually be allocated specifically for the purpose of equipment replacement or as otherwise deemed necessary by the Marshall City Council.

THE CITY OF MARSHALL ORDAINS:

I. Based on the recommendation of the City Manager, Section 10 of Ordinance 4.4(c) is hereby amended to read as set forth below. These rates comply with the provisions of the ordinances authorizing outstanding bonds secured by revenues of the System, which are Ordinance 4.4(c), 4.4(e), 4.4(f) and 4.4(g).

1. METERED WATER

All metered water shall be charged to a two-part rate consisting of a readiness to serve charge plus a commodity charge.

2. WATER READINESS TO SERVE CHARGE

(a) Readiness to Serve Charge shall be billed by meter size.

Effective for bills mailed after May 4, 2011	January 1, 2012	January 1, 2013
<u>Size of Meter</u>	<u>Monthly Charge</u>	<u>Monthly Charge</u>
5/8"	\$13.38	\$14.50
3/4"	\$13.38	\$14.50
1"	\$13.38	\$14.50
1½"	\$47.00	\$48.00
2"	\$86.50	\$86.50
3"	\$194.00	\$195.00
4"	\$355.00	\$365.00
6"	\$775.00	\$785.00

(b) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

3. When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

4. The "Readiness to Serve Charge" covers the cost necessary to keep the Water Works in good operating condition, and other fixed costs as designated by Council and is the amount of the minimum bill.

5. WATER COMMODITY CHARGE

(a) Water Commodity Charges inside the corporate limits of the City of Marshall:

Effective for bills mailed after May 4, 2011	January 1, 2012	January 1, 2013
Usage per 100 cft	per 100 cft	per 100 cft
0 to 1000 cft	\$1.79	\$1.87
1001 to 3000 cft	\$1.51	\$1.64
3001 to 15,000 cft	\$1.18	\$1.36
15,001 to 400,000 cft	\$0.94	\$0.96
400,001 cft and over	\$0.84	\$0.96

(b) Commodity Charge outside the corporate limits of the City of Marshall shall be: 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

6. FIRE PROTECTION RATES

Automatic sprinkler services or hose connections for fire protection services only:

6" or smaller connection	\$120 per annum
8" connection	\$220 per annum
10" connection	\$340 per annum
12" connection	\$500 per annum

7. RATES FOR CIRCUSES, TENT SHOWS, CARNIVALS, EXHIBITIONS AND CONSTRUCTION

The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and charges shall be established by resolution. The Meter Security Deposit will be returned when the hydrant meter is returned without damage. Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

8. RATES COVERING WATER MAIN TAPPING

All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. The charge for the water main tapping shall be paid by the customer and shall include all materials, equipment, and contracted costs incurred by the City.

9. METER TESTING

The City may provide meter testing. The meter testing fees shall be established by resolution. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

10. TURN-ON CHARGE

A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.

11. WATER CONNECTION FEE

(a) Water Connection Fee

Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(b) Computation of Water Connection Fee

The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 1.5 times the in-city rate.

12. SEWER RATES

(a) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be:

Effective for bills mailed after May 4 2011	January 1, 2012	January 1, 2013
Service Charge	Service Charge	Service Charge
1" Water Meter	\$12.50	\$13.60
1½" Water Meter	\$15.50	\$17.75
2" Water Meter	\$18.00	\$21.50
3" Water Meter	\$25.00	\$28.00
4" Water Meter	\$42.00	\$48.00
6" Water Meter	\$60.00	\$70.00
Commodity Charge	\$2.54 per 100 cft	\$2.90 per 100 cft

(b) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be:

Effective for bills mailed after May 4, 2011	January 1, 2012	January 1, 2013
Service Charge	Service Charge	Service Charge
1" Water Meter	\$13.70	\$15.10
1½" Water Meter	\$16.70	\$19.25
2" Water Meter	\$19.20	\$23.00
3" Water Meter	\$26.20	\$29.50
Commodity Charge	\$3.81 per 100 cft	\$4.35 per 100 cft
Flat Rate Customers	\$31.19	\$37.50

13. SUMMER SEWER DISCOUNT FOR LAWN SPRINKLING

The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

14. SANITARY SEWER CONNECTION FEE

(a) Sanitary Sewer Connection Fee

Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(b) Computation of Sanitary Sewer Connection Fee

The Sanitary Sewer Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Sewer Connection Fee shall be established by resolution. The fee for premises

connected from outside the corporate limits of the City of Marshall shall be 1.5 times the in-city rate.

15. WATER AND WASTE WATER SERVICE AS LIEN ON PREMISES

The Charges for water and waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

This Ordinance amendment shall be published in full in the Ad-visor & Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten days after its adoption. This ordinance shall be recorded in the ordinance book and such recording shall be authenticated by the signatures of the Mayor and City Clerk.

This Ordinance is declared effective May 1, 2011.

James Dyer, MAYOR

Sandra Bird, CLERK-TREASURER

CERTIFICATE

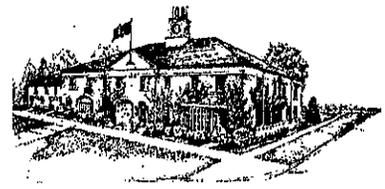
I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on April 18, 2011, and that said 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.

Date: April 18, 2011

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 April 4, 2011 - City Council Meeting

REPORT TO: Honorable Mayor and Council Members
FROM: Dennis Dixon, Electric Superintendent
Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: Tree Trimming and Removal for Electric Line Clearance

BACKGROUND: Electric line clearance tree trimming allows for less power outages through the removal of tree limbs which make contact with the lines. Trees and limbs are trimmed at least 10' from the wires to avoid sagging during ice storms and strong winds. The continual trimming process reduces personnel overtime and increases reliability. The benefits of a proactive tree trimming program were realized in our recent winter storms where areas around us experienced many outages. The weather affected us very little because of our tree trimming maintenance.

The Electric Department has performed some tree trimming as time allows. In the past, the City has contracted with a professional tree trimming service which allows our crews to continue maintenance and improvements to our electrical system.

City Staff desires to contract with AMP Ohio to perform line clearance tree trimming. AMP Ohio has performed tree trimming work in a timely and efficient manner for us in previous years. The current electric department budget has \$50,000 allocated for contracted tree trimming. With approval, we would like to move forward with this budgeted item.

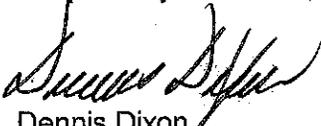
Line clearance tree trimming will occur in and around the Marshall area. We are currently surveying and prioritizing the areas that need attention.

RECOMMENDATION: It is recommended the City Council approve retaining AMP Ohio to perform tree trimming and authorize the Clerk-Treasurer to sign the Agreement.

FISCAL EFFECTS: To appropriate up to \$50,000 from the Electric Fund Contracted Services expenditure budget line item 582-544-820.00 for the proposed tree trimming/removal services.

ALTERNATIVES: As suggested by Council

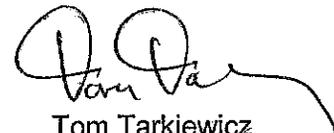
Respectfully submitted,



Dennis Dixon
Electric Superintendent



Carl Fedders
Director of Public Services



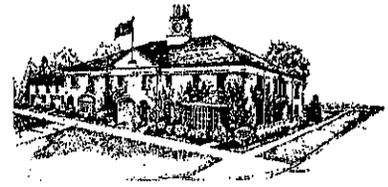
Tom Tarkiewicz
City Manager



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 April 4, 2011 City Council Meeting

REPORT TO: Honorable Mayor and City Council
FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: 2011 Recreation Passport Grant Application

BACKGROUND: PA 32 of 2010 created the Local Public Recreation Facilities Fund to be used for the development of public recreation facilities for local units of government. Money for this fund is derived from the sale of the Recreation Passport which replaces the resident Motor Vehicle Permit (MVP) — or window sticker — for state park entrance. The passport will be required for entry to state parks, recreation areas and boating access sites. The first \$12,730,000.00 will be distributed to replace lost revenue from the elimination of the motor vehicle permit and boating access site permits, as well as to pay for administration by the Secretary of State. Ten percent of the remaining revenue will be used to fund the Recreation Passport local grant program which is administered through the Michigan Department of Natural Resources.

The City of Marshall is eligible for this grant opportunity with a maximum award of \$30,000. Some of the requirements of the program include:

- Projects must be included in the grantee's capital improvement plan.
- A sign being posted recognizing the grant funding.
- An entrance sign identifying the park.
- Complete the project within 3 years.
- Grantee must fund at least 25 percent of the project cost

Staff would like to submit an application for improvements to N. Ketchum Park due to the increased interest in the skate park. The capital improvement plan includes paving the parking lot and new doors and time locks on the restrooms. As part of the grant, the city will also need to install a park identification sign. The total cost of the project will be \$40,000.

The application is due May 1, 2011 and projects will be awarded in mid October with final approval coming in November.

RECOMMENDATION: Staff recommends that City Council adopt the attached resolution and authorize the Clerk-Treasurer to sign the completed grant application.

FISCAL EFFECTS: None at this time. \$10,000 will be included in the FY 2013 Proposed Budget to include an appropriation request in the General Fund Capital Outlay expenditure budget line item 101-900-970.00 for the proposed improvements to N. Ketchum Park.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Carl Fedders
Director of Public Services



Tom Tarkiewicz
City Manager

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2011-_____**

**RESOLUTION STATING INTENT TO
SUBMIT FOR THE 2011 RECREATION PASSPORT GRANT PROGRAM**

A RESOLUTION TO PROVIDE FOR:

The commitment of the necessary local match to participate in the 2011 Recreation Passport Grant program.

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the "City") is eligible through PA 32 of 2010 to use the Local Public Recreation Facilities Fund (the "LPRFF") to construct eligible park projects included in the current capital improvement plan.

WHEREAS, the city desires to use the LPRFF to fund improvements to N. Ketchum Park, including parking lot paving, new restroom doors with time locks, and a new park entrance sign.

WHEREAS, Ketchum Park is open to the public.

WHEREAS, The project will be started within two years of award of the grant and completed within three years.

WHEREAS, The project will cost an estimate of forty thousand dollars.

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Marshall commits to fund 25 percent of the total project cost through the use of the general fund.

Sandra Bird, Clerk-Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on April 4, 2011 at 7:00 o'clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

Sandra Bird, Clerk-Treasurer

City of Marshall

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



Marshall Town Hall ca. 1857

ADMINISTRATIVE REPORT April 4, 2011 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Diane Larkin, Director of Downtown Development Authority

SUBJECT: MSHDA Rental Rehab Grant Application

BACKGROUND: The City of Marshall purchased the Cronin Building in May, 2007, with the intent of rehabilitation and redevelopment of the building including first floor retail/restaurant space and the creation of residential apartments on the second and third floors.

The Michigan State Housing Development Authority awards grant funds, on a competitive application basis, for rental rehabilitation projects. The Cronin Building is an ideal candidate for submitting an application for these grant funds. Cronin Project, LLC, the development company working on the Cronin Building, is requesting the City of Marshall apply for grant funds for a minimum of six and a maximum of eight residential units to be located in the Cronin. If awarded, the grant brings up to \$280,000 of funding to the project.

The Grant will be submitted using a Third Party Administrator (TPA). The division of grant administration funds will be negotiated; based on required staff responsibilities. Generally, MSHDA allows 18% admin costs – with most contracts assigning 14% to the TPA and 4% to the local municipality. The City Attorney is drafting a TPA contract, but this document is not required before applying for the grant.

RECOMMENDATION: Request City Council approve DDA Director to submit a Rental Rehab Grant Application to MSHDA for the Cronin Project.

FISCAL EFFECTS: Possible revenue generated from grant administration funds, up to \$10,000 over two years.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager

A handwritten signature in black ink, appearing to read "Diane Larkin".

Diane Larkin
Director, Downtown Development Authority

Diane Larkin
Director, Downtown Development Authority



City of Marshall

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Marshall Town Hall ca: 1857

ADMINISTRATIVE REPORT April 4, 2011 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager
Diane Larkin, Main Street Manager

SUBJECT: Art in the Eye 3

BACKGROUND: The Art in the Eye Sculpture Exhibit was originally organized by a group of area artists and interested citizens in the Marshall area in 2007-2008. Working with the DDA Main Street program, Art in the Eye successfully raised funds and sponsored two annual exhibits of sculptures within downtown.

After two exhibits, the original Art in the Eye committee retired the project, with encouragement to local arts organizations to consider organizing future events.

In 2010 the Marshall Business Association, under the leadership of Jay Larson, offered to oversee a sculpture project, accepting responsibility for sculpture placement, maintenance of exhibits, and restoration of city property (green space) upon removal of sculptures. Each sculpture will be insured by its individual creator/artist, and repaired or removed, if damaged. MBA is working with DDA Main Street to oversee selection of sculptures and placement recommendations.

RECOMMENDATION: Requesting City Council accept the recommendation of the Main Street Design Committee to place four sculptures chosen to be the "Art in the Eye 3" exhibit at Carver Park. The Downtown Development Authority voted to support this recommendation at the March 24, 2011 board meeting.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Handwritten signature of Tom Tarkiewicz in black ink.

Tom Tarkiewicz
City Manager

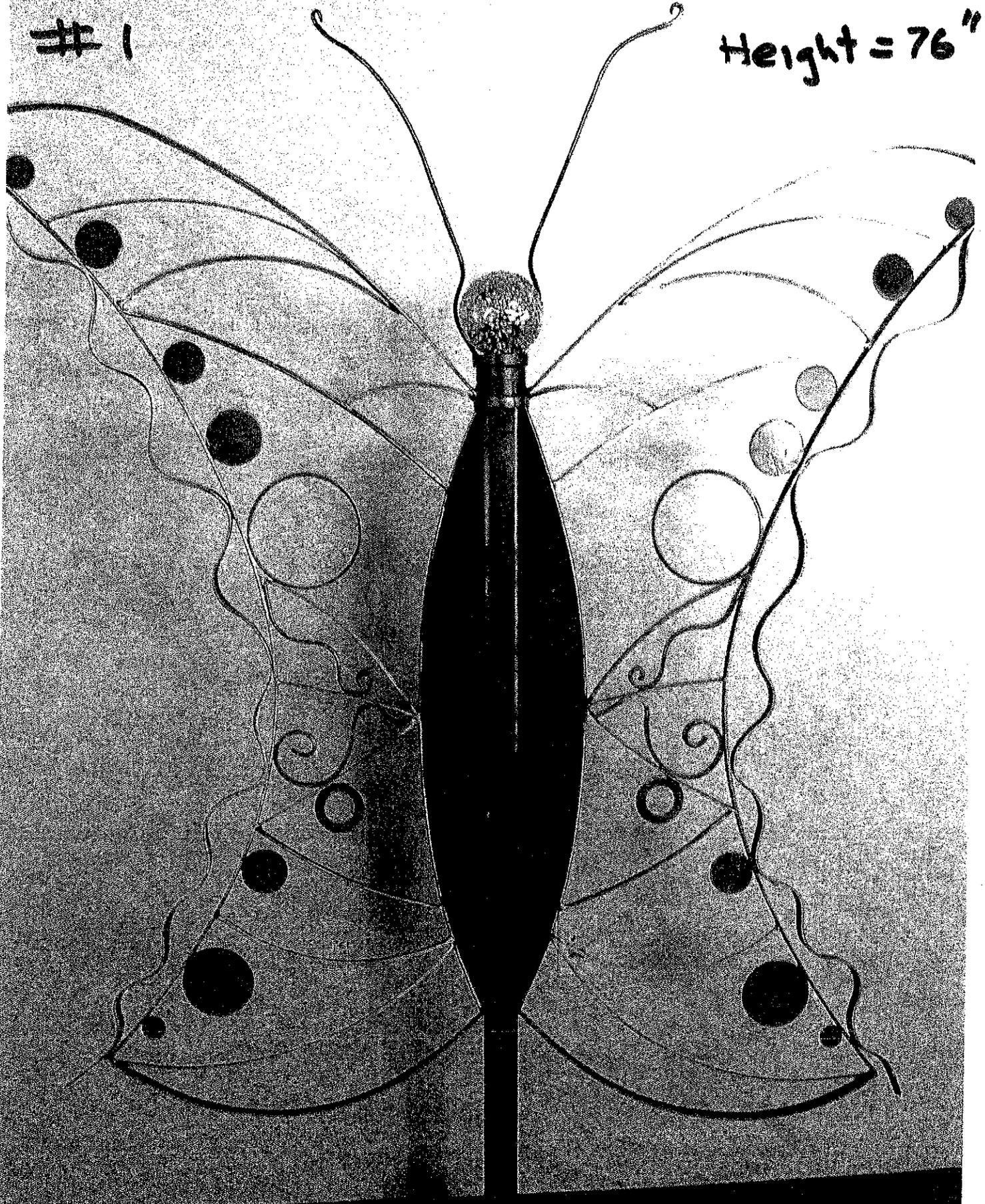
Handwritten signature of Diane Larkin in black ink.

Diane Larkin
Director, Downtown Development Authority



1

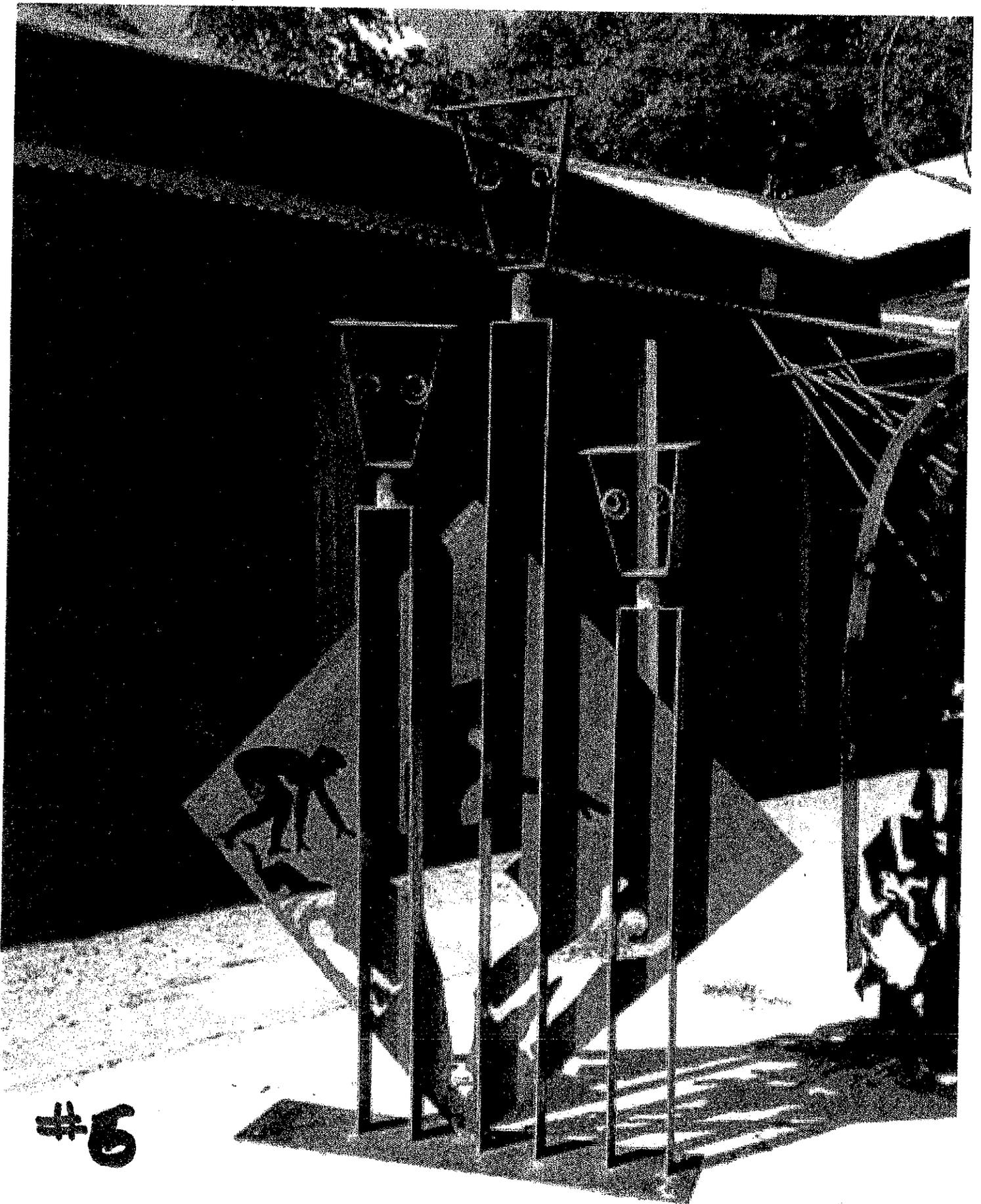
Height = 76"





Height =
84"

4



#6



height = 8'



Height

Height

#7

Height-80"

IN A WORK SESSION Monday, March 21, 2011 at 6:00 P.M. in the Council Chambers 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, Metzger, Miller, and Williams

Also Present: City Manager Tarkiewicz, Director of Public Services Fedders, and Deputy Clerk Nelson

Absent: Council Member Mankerian and Traver.

A. Discussion took place regarding the concept of a Consolidated Solid Waste Collection. Director of Public Services Fedders gave a presentation regarding his fact finding on municipalities who have consolidated waste collection.

B. Representatives from the local waste haulers were present to ask questions and express their concerns.

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

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

CALL TO ORDER

IN REGULAR SESSION Monday, March 21, 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, Metzger, Miller, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members: Mankerian and Traver.

Moved Miller, supported Metzger, to excuse the absence of Council Members Mankerian and Traver. On a voice vote: **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

Ron Goodwin of 330 S. Mulberry Street commented about the Spring Trash Pick Up.

CONSENT AGENDA

Moved Williams, supported Miller, to approve the consent agenda:

- A. Approve a proclamation to recognize April as Alcohol Awareness Month;
- B. Approve a request from the Marshall Lions Club to hold their Annual White Cane Sales on Friday, April 29, 2011 and Saturday, April 30, 2011;
- C. Approve minutes of the City Council Regular Session held on Monday, March 7, 2011;
- D. Approve city bills in the amount of \$804,626.45.

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

PRESENTATIONS AND RECOGNITIONS

Eagle Scout Candidate, Mihai Radulescu, gave a presentation of his plan for his Eagle Scout project.

Moved Miller, supported Booton, to approve the proposed Eagle Scout project of Mihai Radulescu for the Peace Park restoration. On a voice vote – **MOTION CARRIED.**

INFORMATIONAL ITEMS

A. Broadstripe Cable Franchise Fees Compliance Audit Report:

Council received for information only a report on the Broadstripe Cable Franchise Fees Audit.

B. Events

City Manager Tarkiewicz provided a list of events that will be taking place in Marshall in the upcoming year:

1. Marshall Music Faire – April 30, 2011 (rain date May 1, 2011)
2. Marshall Area Farm Market – Saturdays May 14, 2011 – October 29, 2011
3. Hospitality Classic – May 21, 2011
4. Memorial Day Parade – May 30, 2011
5. Cruise to the Fountain – July 2, 2011
6. Independence Day Chicken BBQ – July 4, 2011
7. Blues Fest – July 16, 2011
8. Veteran's Day Ceremony – November 11, 2011
9. 47th Annual Marshall Christmas Parade – November 28, 2011

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

A. Proposed Changes to Chapter 152: Sign Ordinance:

Moved Williams, supported Miller, to approve the proposed revisions to the Chapter 152: Sign Ordinance, with a friendly amendment to add HCHS district to section 152.31, subsection 5 and to change the wording of Animated signs to read “shall be reduced to 250 nits from a half hour before sunset to a half hour after sunrise. On a roll call vote – ayes: Mayor Dyer, Metzger, Miller, Williams, and Booton; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2011-07**

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 250 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.
- (4) No animated sign will be allowed in the same yard that directly abuts or is across the street from a residential property.

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.

INCIDENTAL SIGN. A temporary sign, emblem or decal informing the public of goods, facilities, services or employment opportunities available on the premises. An **INCIDENTAL SIGN** is subject to the following regulations:

- (1) One incidental sign per property;
- (2) Not permitted if there is an Animated Sign on the property;
- (3) Maximum sign height of six feet; and
- (4) Sign area of six square feet or less per side for a single or double faced sign.

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 MFRD, MHPD, and POSD 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:

(I) No sign shall employ animated or moving parts, except for animated signs, banner signs, barber pole signs, changeable copy signs, flag signs and pennant signs.

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

(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	HCHSD
Maximum sign area	NA	100 sq. ft.	100 sq. ft.	200 sq. ft.	200 sq. ft.	200 sq. ft.	100 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. If a particular sign is not named as permitted (with or without a permit) in a district, it shall not be allowed in that district:

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. Portable
- d. Roof
- e. 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 and Health Care and Human Services District (POSD and HCHS):

a. Permit Required

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

- vii. Illuminated Internally
- viii. Marquee
- ix. 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
- viii. Illuminated Internally
- ix. Marquee
- x. Pennant

xi. Wall

b. No Permit Required

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

8. Industrial (I-1 and I-2):

a. Permit Required

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

b. No Permit Required

- i. Fuel Price
- ii. Incidental
- iii. Mural
- 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 March 21, 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. Sale of High Street Vacant Lot:

Moved Metzger, supported Miller, to accept the bid from Oaklawn for \$63,000 for the High Street lot and direct the City Attorney to prepare pertinent sales documents. On a roll call vote – ayes: Metzger, Miller, Williams, and Mayor Dyer; nays: Booton. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2011-08
City of Marshall Resolution**

To Sell High Street Real Property

WHEREAS, the City of Marshall's Charter Section 2.20 requires that City Council shall sell real property by resolution following two public readings; and

WHEREAS, the City has published a notice of intent to sell land bearing parcel number 003-528-00, vacant real property east of High Street, between Prospect Street and Forest Street; and

WHEREAS, the City has invited bids and received bids from three parties interested in purchasing said real property; and

WHEREAS, the bid received from Oaklawn Hospital in the amount of \$63,000.00 is the high bid and otherwise meets the qualifications required by the City related to the bidding process;

THEREFORE, BE IT RESOLVED, that the City of Marshall shall convey parcel number 003-528-00 to Oaklawn Hospital by warranty deed, in its "as is" condition, upon receipt of \$63,000.00, consideration, plus the cost of land survey, warranty deed and title search, subject to the terms and conditions contained within the notice of intent to sell real property.

Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on March 21, 2011 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

Sandra Bird, Clerk-Treasurer

REPORTS AND RECOMMENDATIONS

A. Spring Trash Pick Up:

Moved Miller, supported Williams, to approve the use of general fund reserves for the 2011 Spring Trash Pick Up. On a roll call vote – ayes: Miller, Williams, Booton, Mayor Dyer, and Metzger; nays: none. **MOTION CARRIED.**

B. AMP Power Supply Agreement: 2015 – 2020:

Moved Williams, supported Booton to adopt the resolution to authorize the Clerk Treasurer to sign the Rescinding 2010-A Long Term AMGS Replacement Energy Purchase Power Schedule and Supplement with AMP for 2,500 kW of energy. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Metzger, and Miller; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

A. Liaison to the Planning Commission:

Mayor Dyer appointed Council Member Jody Mankerian to serve as the Council Liaison to the Planning Commission.

B. Zoning Board of Appeals:

Moved Metzger, supported Williams, to approve the appointment of David Ryan to the Zoning Board of Appeals with a term expiring March 10, 2014. On a voice vote – **MOTION CARRIED.**

Moved Williams, supported Metzger, to approve the appointment of Dave DeGraw to the Zoning Board of Appeals with a term expiring March 10, 2014. On a voice vote – **MOTION CARRIED.**

C. Local Advisory Council:

Moved Miller, supported Metzger, to approve the appointment Mary Lu Cartey to the Local Advisory Council with a term expiring February 1, 2012 and Carl Gibson to the Local Advisory Council with a term expiring February 1, 2014. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Creighton Burrows of 19254 B Drive South commented regarding the consolidated solid waste collection and the condition of some the streets.

Ron Duchaney of the Marshall Area Farmers Market commented regarding some of the market rules.

Ron Goodwin of 330 S. Mulberry Street commented regarding the discussion of consolidated waste collection, fire station plans, and city financial issues.

Diane Larkin, Marshall Main Street Manager, provided a reminder for the Marshall Quilt show "Stitches in Time".

Council Member Miller read a letter from Kathy Hamaker regarding the consolidated solid waste collection.

COUNCIL AND MANAGER COMMUNICATIONS

None.

Marshall City Council, Regular Session
Monday, March 21, 2011
Unofficial

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 03/31/2011
 Time: 8:55am
 Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
360 SERVICES INTERNATIONAL	6631	2011 ASSESSMENT CHG NOTICES	485.15	0.00
AIRGAS GREAT LAKES	4982	OXYGEN	122.83	0.00
ALL-TRONICS INC	9157	DAYLIGHT SAVINGS TIME CHANGE	284.00	0.00
ARROW UNIFORM	6839	CUST #010198-05	572.66	0.00
MORRIS ARVOY	400157	MARKETING CONSULTANT-MARCH	3,000.00	0.00
AUTO VALUE MARSHALL	21340	#326 FAN BELT	1,304.37	0.00
BATTERIES PLUS	6532	BATTERY, CORE	52.50	0.00
BETTER WORLD BUILDERS	400184	ENERGY AUDITS-MUSEUM GRANT	1,320.00	0.00
BIO-CARE, INC.	4002	BALANCE DUE FOR TESTING	50.00	0.00
BLU FISH CONSULTING, LLC	4473	2011 BROOKS PARK GOOGLE ADWORD	10,512.50	0.00
BOSHEARS FORD SALES INC	7117	1998 FORD TAURUS	526.17	0.00
CARL COMMUNICATIONS	4393	POLICE DEPT CHGS	189.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CB HALL ELECTRIC COMPANY	3387	CRONIN BLDG LIGHTS	95.00	0.00
CHAMPION CHARTER SALES & SVC	7211	400 W MH COBRA HEAD	8,509.20	0.00
CLASSIC DRY CLEANING&TAILORING	5975	CLEANING & LAUNDRY	316.80	0.00
CMP DISTRIBUTORS, INC.	21379	HOLSTER	174.95	0.00
COGITATE INC	8443	Monthly Support	140.00	0.00
CRT, INC	6541	MONITOR 22IN WS LCD	174.00	0.00
D & D MAINTENANCE SUPPLY	7271	JANITORIAL SUPPLIES	433.70	0.00
D-K FENCE CO, INC	7275	GATE, POST CAPS	239.80	0.00
DADOW POWER EQUIPMENT	7277	CLUTCH	305.00	0.00
DARLING ACE HARDWARE	7281	BULBS	201.05	0.00
DORNBOS SIGN & SAFETY	6378	SIGNS & DELINEATORS	181.00	0.00
DURO-LAST ROOFING, INC	6911	RPR PUNCTURES IN PD ROOF	433.00	0.00
ENVIRONMENTAL RESOURCE ASSOC	7342	DMR-QA 31	495.90	0.00
ERIC DALE HEATING & AIR COND	21467	REFRIGERATION LABOR	200.00	0.00
FASTENAL COMPANY	5789	HARD HAT - DENNIS	411.97	0.00
FIRE EXTINGUISHER SERVICE	7360	AIR TANK HYDROSTATIC TEST	1,304.20	0.00
FIRST DUE FIRE SUPPLY	400183	UNIFORMS	3,915.64	0.00
FREIGHTLINER OF GRAND RAPIDS	21342	#320 PARKING BRAKE VALVE	145.97	0.00
GOODWIN PLUMBING, LLC	7394	ADMIN BUILDING	83.83	0.00
DARWIN GWIN	9716	BRUSH-HOG BROOKS NATURE AREA	100.00	0.00
HERMANS MARSHALL HARDWARE	7446	HITCH PIN CLIPS	37.28	0.00
HI-LINE	4019	GRIPS	1,108.71	0.00
HYDRO METER SYSTEMS	2181	2" METER TEST-RAINBOW TRAILER	155.00	0.00
J & K PLUMBING SUPPLY	3351	DIV SPOUT	102.28	0.00
JS BUXTON	8962	CHEMICALS	1,134.63	0.00
KAR LABORATORIES INC	8817	CYANIDE ANALYSIS	100.00	0.00
LAKELAND ASPHALT CORPORATION	7526	COLD PATCH	1,045.96	0.00
LEWEY'S SHOE REPAIR	7538	POLICE DEPT	13.98	0.00
MARSHALL LUMBERTOWN	7569	SUPPLIES FOR TV TRUCK	225.62	0.00
MARSHALL TIRE	3771	MOWER TIRES	335.16	0.00
MEDLER ELECTRIC COMPANY	7604	FLUORESCENT LAMP, 150W HPS LMP	620.34	0.00
MILES PETROLEUM INC	300243	90 Oct Aviation Fuel	7,855.80	0.00
MILL SUPPLY, INC.	400153	GLASS FOR ROLL-UP WINDOW	35.44	0.00
NYE UNIFORM COMPANY	7733	FLIGHT SUIT	52.89	0.00
OERTHERS	21127	MULCH	11.78	0.00
POWER LINE SUPPLY	7821	MB-5 BRACKET	16,138.40	0.00
PUBLIC SAFETY CENTER	2759	BATTERIES	270.39	0.00
SCHINDLER ELEVATOR CORP	3030	NEW JAMB BRAILLE	126.07	0.00
SEELYE GROUP LTD	300371	VINYL INSTALLTION	1,836.00	0.00
SHERWIN-WILLIAMS	2073	FLOORING	3,912.45	0.00
SIGN WORLD	8199	COMPOST CENTER SIGN	197.00	0.00
TEMPEST TECHNOLOGY	9603	CUTTER ASSY, TIBSTRAPS, SHRPNG	105.44	0.00
UPS	4327	SHIPPER #0670YR	26.78	0.00
JENNIFER WOOD	400156	PRESERVATION OF HISTORIC RECOR	1,000.00	0.00
		Grand Total:	72,727.59	0.00

CHECK NUMBER SERIES AS OF FRIDAY, 04/01/11

Beginning # Ending # Dated

PAYROLL-ACH	71175	71182	03/19/11--04/01/11
A/P & P/R-OTHER	87070	87224	03/19/11--04/01/11

VENDOR APPROVAL SUMMARY REPORT

Date: 03/18/2011

Time: 10:18am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 789-4671 266 9	1,549.16	0.00
KEVIN BARTLETT	4061	BOARD OF REVIEW 2009,2010,2011	300.00	0.00
BLUE CROSS AND BLUE SHIELD	7946	BCBS GROUP #17902-001	3,142.98	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	BCBS GROUP #17902-003	1,960.31	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	PPO GROUP #17902-012	80,280.21	0.00
BLUE CROSS BLUE SHIELD OF MI	9681	BCBS GROUP #17902-902	44,066.90	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	LABELS, PAPER, ENV, BNDRS	521.15	0.00
LISA DAMRON	3159	BOARD OF REVIEW 2009,2010,2011	300.00	0.00
CODY DRUMM	25123	SCHOOL LUNCH	9.99	0.00
TIM EGGLESTON	3734	EXPENSE REIMBURSEMENT	41.75	0.00
GRIFFIN PEST SOLUTIONS	6272	323 W MICHIGAN	31.00	0.00
HUNGRY HOWIES	3372	DDDN & MOM/SON VOLUNTEERS	66.00	0.00
GERALD LEHMANN	6275	BOARD OF REVIEW 2009,2010,2011	300.00	0.00
MARSHALL COMMUNITY CU	7558	4562 - HUESTIS	2,590.46	0.00
SCOTT MCDONALD	6080	OPTICAL REIMBURSEMENT	141.00	0.00
MICHIGAN CHAPTER IAAI	9275	POLICE TRAINING	175.00	0.00
NAPA OF MARSHALL	2939	LUBRICANT	5.77	0.00
OAKLAWN HOSPITAL	1006	PARKING STRUCTURE - 2010 LEASE	18,945.00	0.00
ONE COMMUNICATIONS	2729	ACCT #7018274	2,215.16	0.00
LUCAS TICE	300431	SCHOOL LUNCH	9.99	0.00
UNION ELECTRIC INC	7981	PERMIT FEE REFUND	5.00	0.00
VERIZON WIRELESS	217862	ACCT #683169426-0001	57.08	0.00

Grand Total: 156,713.91 0.00

Prescription reimbursements 15.00

Total Cash Disbursements \$156,728.91

VENDOR APPROVAL SUMMARY REPORT

Date: 03/25/2011

Time: 10:47am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALLSTATE WORKPLACE DIVISION	3431	POLICY #ALLMI550	768.77	0.00
AMERICAN MESSAGING	6657	ACCT #Z1-406436	313.70	0.00
BROADSTRIPE	3293	ACCT #198-040293	140.26	0.00
CALHOUN COUNTY TREASURER	7177	MTT#0369710 ADJ 2009	3,841.16	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	TONER, STAPLER, FOLDERS, ETC	482.06	0.00
CONSUMERS ENERGY	8191	1000 5436 9002	5,182.90	0.00
DONALD DAMON	8338	PRESCRIPTION REIMBURSEMENT	10.00	0.00
DUSTIN DAMON	300511	REFUND UTILITY OVERPAYMENT	72.75	0.00
DELTA DENTAL PLAN OF MICHIGAN	7294	CLIENT #MI022820001	4,628.03	0.00
TIM EGGLESTON	3734	PRESCRIPTION REIMBURSEMENT	13.10	0.00
ALEC EGNATUK	9593	EXPENSE REIMBURSEMENT	47.94	0.00
CHARLIE FISHER	2823	PRESCRIPTION REIMBURSEMENT	5.00	0.00
GREG CRULL CONSTRUCTION	3687	POLICE DEPT REPAIRS	750.00	0.00
GRIFFIN PEST SOLUTIONS	6272	619 HOMER RD	31.00	0.00
TRACY HALL	6028	PRESCRIPTION REIMBURSEMENT	5.00	0.00
CASSANDRA HEITFELD	6040	PRESCRIPTION REIMBURSEMENT	5.00	0.00
NATALIE HUESTIS	5627	PRESCRIPTION REIMBURSEMENT	13.40	0.00
JAY RAHN & AMBER RAPP	400182	REFUND UTILITY DEPOSIT	74.73	0.00
LAWSON-FISHER ASSOCIATES PC	2291	HPMP INV & MAINTENANCE PLAN	2,802.67	0.00
MARSHALL COMMUNITY CU	7558	3960 - SCHWARTZ	949.36	0.00
MARSHALL TOWN & COUNTRY	400181	REFUND UTILITY OVERPAYMENT	439.79	0.00
MILLER CANFIELD	400179	HER SPRING TRAINING SEMINAR	85.00	0.00
PITNEY BOWES	300405	ACCT #8446065	789.00	0.00
PITNEY BOWES	6899	ACCT #17848649	3,000.00	0.00
SIMS ELECTRIC	11145	PERMIT FEE REFUND	10.00	0.00
SPRINT	9628	ACCT #224843832	375.53	0.00
STATE OF MICHIGAN	400180	L. ALTA BROOKS INDUSTRIAL PARK	500.00	0.00
KIP SUNDBERG	21402	PRESCRIPTION REIMBURSEMENT	5.00	0.00
WATER ENVIRONMENT FEDERATION	8013	CHERYL VOSBURG MEMBERSHIP	105.00	0.00
Grand Total:			25,446.15	0.00

EVENT REPORT

EVENT: Outback Concert Series

EVENT LOCATION: North Alley between Eagle Street and Jefferson Street

SPONSOR: Love Vintage Guitars

EVENT DATE: Every Wednesday from July 6th to Sept 28th

EVENT TIMEFRAME: 7-9pm

MDOT PERMIT REQUIRED: YES NO

MDOT PERMIT GRANTED: YES NO **DATE:**

ROAD CLOSURE TIMEFRAME: 6:30pm to 9:30pm

ROAD CLOSURE DETAIL: N. Alley between Hemmingsen's Rexall Drug Store and Dr. Erich Heidenreich building.

EVENT CLOSURE DETAIL: Same as above

DETOUR DETAIL: None

EVENT DETAIL: Musicians will perform behind the back door of Love Vintage Guitars retail store either on the elevated platform (where the cooler presently resides) or on the top portion of the cement steps leading to the store's back door. Both acoustic and electric instruments will be played. Sound equipment will be provided either by the performing artists or by Love Vintage Guitars. Concerts will not be held when inclement weather exists.

PARKING PROHIBITION: None

COUNCIL NOTIFICATION DATE: April 4, 2011



To: Carl Fedders, City of Marshall
Cc: Tom Tarkiewicz, Diane Larkin
Date: March 25, 2011
What: Love Vintage Guitars Outback Concert Series
When: Every Wednesday, 7-9pm (starting July 6 – ending September 28)
Where: Behind Love Vintage Guitars, 130 West Michigan Avenue, Marshall
Why: To generate downtown interest and foot traffic and to showcase local musical talent

The **Outback Concert Series** will once again be sponsored by Love Vintage Guitars and will primarily feature musicians from Southwest Michigan. Artists will perform on the patio area behind Love Vintage Guitars retail store (see attached photos from the 2010 concert series). Both acoustic and electric instruments will be played and occasionally drums when full bands perform. Sound equipment will be provided by Frost Audio, Jim Carbarby Owner. Concerts will not be held when inclement weather exists. We have changed the day from Thursday to Wednesday this year as to not compete with local musical entertainment at the Dark Horse and the Riverside on Thursday nights. We will have a minimal overlap with the Community Band concert season, and we believe our audience demographics do not overlap much at all.

Audience members bring their own lawn chairs and set up in the parking lot behind the store – adjacent to the Bank of America parking lot. We may consider partnering with a local dining establishment to provide food at the concerts. We will work with Natalie Huestis on all necessary permits prior to making any decision to do that. Food merchants would be responsible for delivering the food and collecting money.

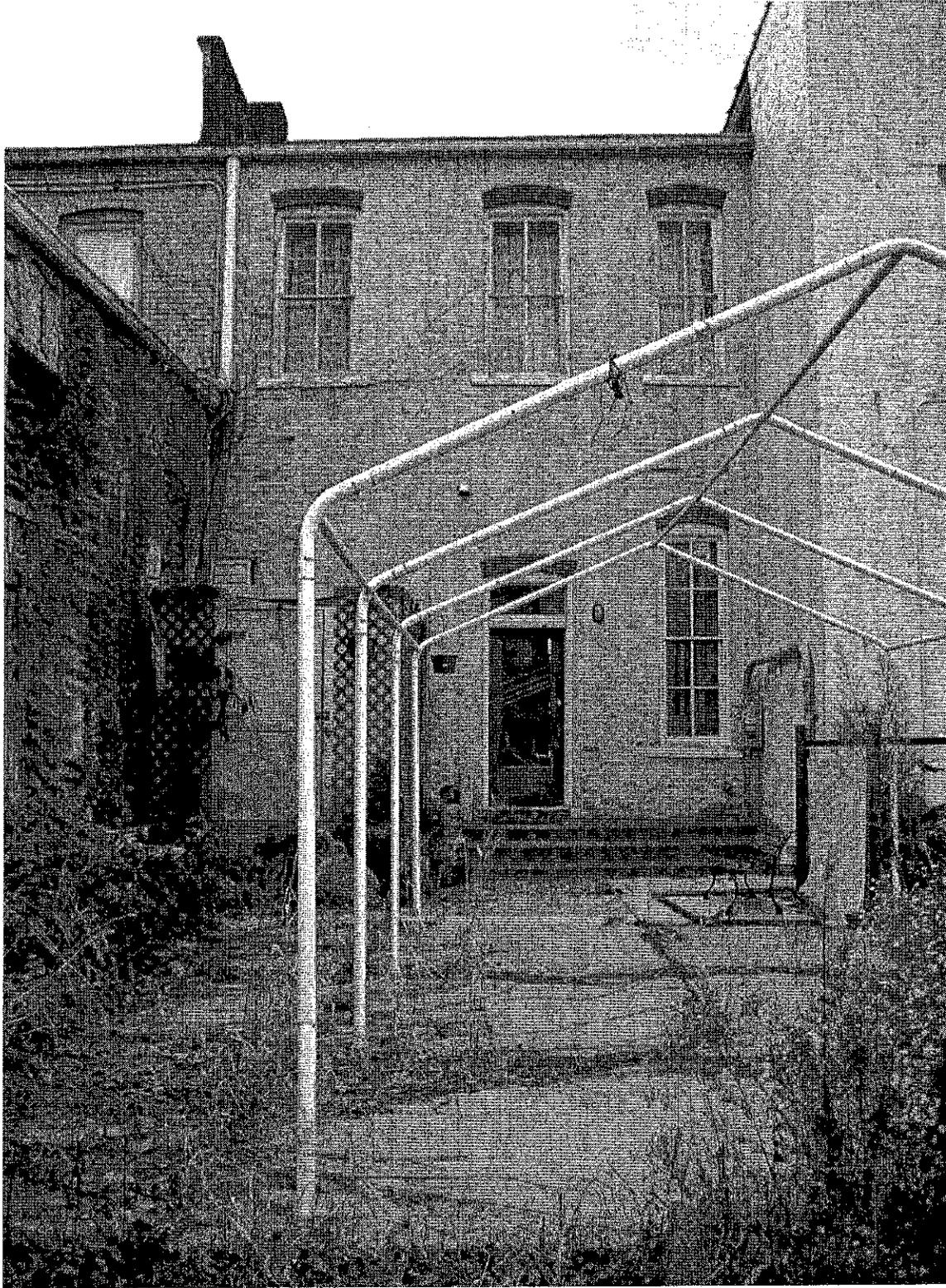
Love Vintage Guitars will vet and schedule the performers and promote the concert series through their website, Facebook site, Battle Creek Enquirer online, Marshall Chamber of Commerce and local advertising. Artists are paid via a collection that occurs during the performance period.

Love Vintage Guitars will provide additional trash cans and ensure the alley and parking lot is picked up each week.

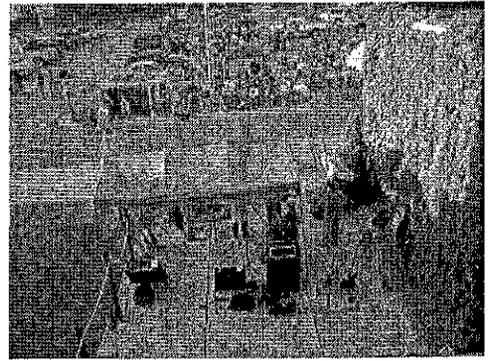
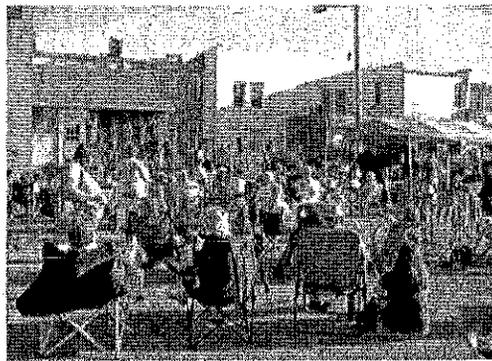
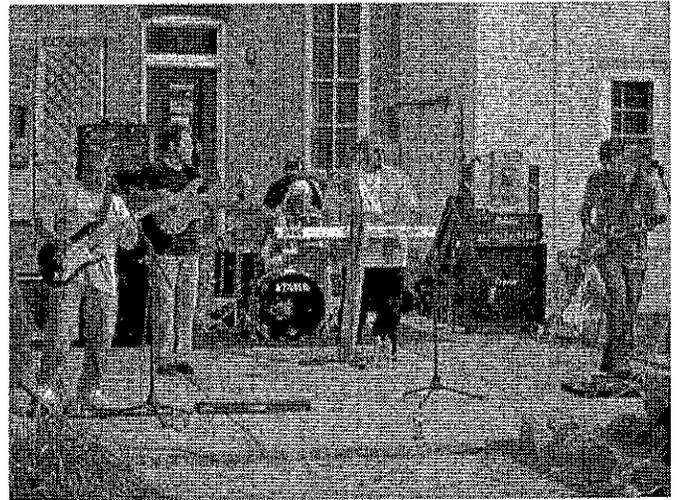
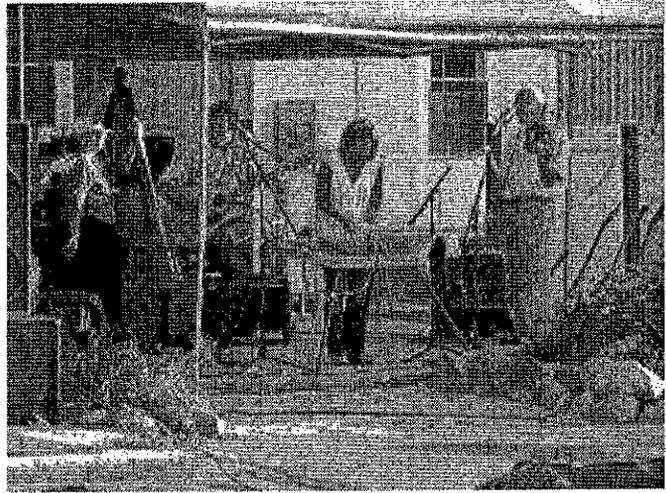
City of Marshall Request:

In addition to looking for city approval to hold the concerts, we need the ability to block off part of the alley directly behind our property at 130 W. Michigan for safety reasons. We do block the entrance from Mansion Street to the back parking lot with employee and concert worker vehicles. We are requesting safety barricades (4) to be delivered behind Love Vintage Guitars the last week of June. We will keep them on our location throughout the concert season.

Note: Hemmingsen's Rexall Drug Store is open until 8pm, so we will ensure barricades are put up to keep people from placing chairs in their parking spaces.



130 West Michigan – Love Vintage Guitars Outback Concerts – 2010



City of Marshall

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



ADMINISTRATIVE REPORT April 4, 2011 - CITY COUNCIL MEETING

REPORT TO: City Council
FROM: Mayor James L. Dyer
SUBJECT: City Assessing Services

BACKGROUND: The City Charter Section 2.10 states:

Section 2.10, Appointment of City Officials.

The clerk-treasurer, assessor, and city attorney shall hold office by virtue of appointment by the mayor and subject to confirmation of two-thirds (2/3) of the council, which body shall also set their compensation. These appointees may be removed for cause by a two-thirds (2/3) vote of the council. All such appointments shall be made at the first regular meeting of the Council in May following each regular city election, and the persons so appointed shall hold office for terms of two (2) years from the first day of June following their appointment.

Since 1992, the City has employed seven Assessors:

Deb Corey	1991-1994
Gail Bradstreet	1994 -2001
Michelle Coates	2001- 2004
Nicole Wilson	2004 - 2007
Roger Smith	2007 -2008
Val Lippencott	2008 -2010
Jim Lippencott	2010-present

The staff has also included a full time assessing clerk.

City staff has discussed a cooperative agreement with the Calhoun County Equalization Department to provide assessing services. Initially the cost for the services would be \$6,000 higher than the current budget. The City of Albion is discussing the potential of joining the County-City collaboration. If the City of Albion joins the cooperative effort, the City of Marshall will see an estimated \$34,000 savings. The benefits of this arrangement are:

- Long term consistency with staffing.
- The contract will provide for 40 hours of service weekly by both the assessor and clerk, compared to our current staffing plan, which provides for only 32 hours of assessor staffing. However, 3-4 additional County employees are available to assist with customer service and time off coverage.
- The City will retain the Council appointed Board of Review.



- The City Attorney will continue to be the City's legal counsel for Michigan Tax Tribunal cases.
- Potential cost savings.
- The City's full time assessing clerk will be able to be contracted to the County staff, until she retires.
- This is another cooperative venture with the City and County.
- Based on Governor Snyder's cooperative directives, this agreement would assist the City in reaching this directive.

At the May 2nd meeting, I will be recommending for Council approval, the appointment of John Hippensteel (Calhoun County Equalization Director) as the City Assessor. Calhoun County Corporate Counsel Richard Lindsey has prepared the attached agreement to provide assessing services to the City. The agreement is written if the City of Albion joins the effort. If they do not, the City of Marshall's annual cost is estimated to be \$115,140. The County is charging a 5% administrative fee to cover any other County costs such as Corporate Counsel, County Administrator, etc. The County will be assuming all costs for doing the Assessing function. The highlights of the agreement are as follows:

- The current assessing clerk that will be working for the County will remain a City employee to protect her 15 year City tenure, wage and benefits until she retires or the employee leasing agreement with the County ends.
- A certified assessor will be available 40 hours a week.
- The County will conduct the 20% re-inspections as required by the State.
- The initial term is to April 30, 2013.

RECOMMENDATION: It is recommended that the City Council approve the attached agreement with Calhoun County to provide City assessing services pending approval by the Calhoun County Board of Commissioners. It is further recommended that the City enter into an Employee Leasing agreement for the current Assessing Clerk.

FISCAL EFFECTS: The FY 2011 General Fund Assessor departmental budget does not require a budget amendment request at this time. The impact (projected to be minimal) for this year's remaining three months can be absorbed by other budget line item offsets and handled in the formal year-end budget amendment process.

Refer to the attached schedules for proposed assessor services fees prepared by the County; the first schedule is the fee for Marshall only and the second schedule is the fee for Marshall if Albion also joins in the collaborative effort.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,



James L. Dyer
Mayor

MARSHALL ONLY

Marshall

1 APP - 1 Clerk

	Budget			
Assessor Pay w/Benefits	39,000	1 Contractual 32 Hr/Wk	64,856	1 Full time 40 Hr/Wk
Clerk Pay w/Benefits	48,836	1 Full Time 40 Hr /Wk	48,836	1 Full time 40 Hr/Wk
Less EQ work			(19,534)	40%
Personal Property Statements	500		500	
Assessment Change Notice	1,400		1,400	
Assess Change CD Back-up	300		300	
Board of Review Publications	-		1,200	
Office Supplies	800		1,000	
Operating Supplies	200		-	
3 BOR Members	300		300	
MTT Attorney	3,200		4,000	
Assessor Certification			200	
MAA Dues	150		150	
MMAAO Dues	15		-	
Apex Annual Maintenance	500		-	
Apex Purchase	-		1,090	
BS&A Support				
BS&A 2nd .net Payment				
Internet Public Record Data	1,500		1,500	
Vehicle Gas	-		250	
Equipment Rentals	5,692		-	
Insurance and Bonds				
Data Processing	5,768		1,000	
Copies			1,000	
Education and Training	200		1,250	
Telephone				
Internet and E-mail	-		360	
	108,361		109,658	
5% Admin Fee			5,483	
County Total			115,140	

Employee Hours	64	72
Price Per Hour	1,693	1,599

BOTH

1 Appraiser
1 Clerk

Assessor Pay w/Benefits	64,856	
Clerk Pay w/Benefits	48,836	
Less EQ Work	(9,767)	20%
Personal Property Statements	1,000	
Assessment Change Notice	2,800	
Assess Change CD Back-up	600	
Board of Review Publications	2,400	
Office Supplies	2,000	
Operating Supplies	-	
3 BOR Members	2,050	
MTT Attorney	8,000	
Assessor Certification	300	
MAA Dues	150	
MMAAO Dues	-	
Apex Annual Maintenance	-	
Apex Purchase	1,090	
BS&A Support		
BS&A 2nd .net Payment		
Internet Public Record Data	3,200	
Vehicle Gas	1,000	
Equipment Rentals	-	
Insurance and Bonds		
Data Processing	2,000	
Copies	2,000	
Education and Training	1,250	
Telephone		
Internet and E-mail	360	
	134,125	
5% Admin Fee	6,706	
County Total	140,831	

	Parcel County	% of Parcels	% of Cost
Marshall	3874	0.52736	74,269
Albion	3472	0.47264	66,562
Total Parcel Count	7346		140,831

ASSESSMENT SERVICES AGREEMENT

This Agreement is entered into pursuant to the Urban Cooperation Act (hereinafter "UCA"), MCL 124.501 et. Seq., this ____ day of ____, 2011, by and between Calhoun County, a body corporate, with offices at 315 West Green Street, Marshall, Michigan 49068 (hereinafter "County") and the City of Marshall, a Michigan municipal corporation, with offices at 323 West Michigan Avenue, Marshall, Michigan 49068 (hereinafter "City").

WHEREAS the County and the City are public agencies as defined in the UCA;

WHEREAS the City and the County wish to, pursuant to Section 4 of the UCA, share certain powers which each might exercise separately;

WHEREAS the City and the County, as allowed by the UCA, wish to collaborate in the provision of assessing services thereby resulting in better delivery of services for a lower cost to the mutual benefit of both parties;

WHEREAS, the County, through its Equalization Department, can provide a Michigan Advanced Assessing Officer (hereinafter "MAAO") with appropriate expertise and experience in equalization and assessing to be the Assessor of Record for the City and provide the assessment services as set forth herein; and

WHEREAS, the City wishes to contract with the County for the assessment services as set forth herein;

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the parties hereby agree as follows:

1. Duties - County.

County shall provide all necessary and/or required MAAO assessing services to the City during the term of the Agreement, including the following:

- a. Maintain all current and future assessment records, including records of property splits, new construction, exempt properties, homestead exemptions, and all records required by applicable state statute and regulation.
- b. Review all parcels and determine the appropriate classification and conduct physical inspections when necessary to verify the accuracy of a property's classification.
- c. Review all parcels and associated records to determine the accuracy of data for calculation of value for the purpose of assessment and taxation.
- d. Conduct as required an annual basis a personal property canvas and print, and send all personal property notices in accordance with state statute and applicable authority.

- e. Conduct re-inspections of twenty percent of each class of property each year as required by State Tax Commission 14 point review and maintain for each property appraised a digital photo, sketch of the property, and assessment record card.
- f. Send assessment change notices annually as required by statute.
- g. Prepare Economic Condition Factors (“ECF”) and land value grids in accordance with State Tax Commission guidelines each year.
- h. Meet with members of the City’s Board of Review on or before the Tuesday following the first Monday in March, being the first meeting of the Board of Review and at the organizational meeting of the Board, will turn the assessment roll over to the Board of Review, explain the changes in the roll from the prior year, and allow the Board of Review to review the assessment roll as needed.
- i. Attend the meeting of the Board of Review during the Board of Review’s process of hearing appeals for property owners.
- j. Perform whatever other services have been provided in the past by the City’s assessor.
- k. Maintain a MAAO throughout the entire term of this contract.
- l. Assist the City in other areas which require MAAO Certification.
- m. Assist the City to ensure that the City is in full compliance with all rules, regulations, and policies currently in place or if promulgated in the future by the Treasury Department and/or the State Tax Commission.
- n. Provide such other coverage through County personnel as may be necessary to carry out the duties set forth above and to carry out such other duties as the parties may agree upon from time to time in writing.

2. Obligations of City.

The City of Marshall agrees to provide the following for the use of the County in performing the duties set forth in paragraph 1:

- a. Twenty four (24) hour access to the City’s assessment records.
- b. Access to such other records (maps, building permits, building plans, and other applicable documents) as may be necessary for the County from time to time to properly execute the duties of assessor.
- c. Such other documents and assistance as shall be necessary from time to time to perform the duties set forth in paragraph 1.

3. Term.

This agreement shall be effective for an initial term commencing on May 1, 2011, and shall remain in full force and effect until April 30, 2013, or until the City obtains a certificated MAAO and terminates this contract as set forth in Paragraph 5 herein, whichever comes first.

4. Payment For Services.

It is expressly understood and agreed that the compensation for the performance of the services set forth in paragraph 1 by the County for the City shall be in an annual amount of not to exceed Seventy Four Thousand Two Hundred Three and 00/100 Dollars (\$74,203.00), to be paid in monthly installments of Six Thousand One Hundred Eight Three and 58/100 Dollars (\$6,183.58) per month. Upon the presentation of a properly submitted invoice, payments will be made by the City the County within 30 days of the invoice receipt following the last day of each monthly term completed. In the event that the contract is terminated by the City prior to the completion of any monthly term, the City will pay the County the full monthly sum then due. Modification in the amounts charged by the County for services shall be reviewed on at least an annual basis by the City Manager of the City and the Administrator/Controller of the County and changes therein agreed to in writing by them.

5. Termination of Agreement.

If the County fails to fulfill in a timely and proper manner its obligation under this agreement, or shall violate any of the covenants, agreements and stipulations herein, the City shall give the County written notice of such breach, and in the event that the County has not remedied such breach within thirty (30) days, the City, within its sole discretion, shall have the right to terminate this Agreement. Such termination, in the event that the breach has not been remedied, shall take immediate effect upon the expiration of the thirty (30) day notice period.

Either party may terminate this Agreement at any time, with or without cause, if it is their decision that termination is in the party's best interests. The terminating party will provide no less than thirty (30) days written notice to the other party.

Payment will be made for all services provided under this agreement up to and including the effective date of the termination of services.

6. General Terms and Conditions.

6.1 This Agreement constitutes the complete expression of the agreement between the County and City on the subjects contained herein and there are no other oral or written agreements or understandings between the entities concerning these subjects. Any prior agreements or understandings on the matters addressed in this Agreement are hereby rescinded, revoked or terminated. This Agreement may be modified or amended only by subsequent written agreement approved by the County Board of Commissioners and the City Council.

6.2 This Agreement shall be interpreted in a manner consistent with Michigan law. If any portion is held to be illegal, invalid, or unenforceable, the remainder of the Agreement shall be deemed severable and shall remain in full force and effect.

6.3 Any notices pursuant to this Agreement shall be sent to the parties and shall be directed to the persons and addresses stated below:

Kelli Scott
County Administrator/Controller
315 W. Green Street
Marshall, MI 49068

Tom Tarkiewicz
City Manager
323 West Michigan Avenue
Marshall, MI 49068

6.4 In providing services under this Agreement, the parties recognize that County personnel will, from time to time, be doing work for the City. The County and the City agree that the point of contact for all communication and direction regarding work to be performed by County personnel under this Agreement shall be the City Manager of the City. The County reserves the right to control and direct all of its employees and when they may perform services under this Agreement.

6.5 County warrants and represents that its personnel who will perform the services under this Agreement are fully qualified and have all required licenses and/or certifications to perform the services described herein. County further represents and agrees that its relationship to the City and its performance under this contract is that of an independent contractor. It is clearly understood that each party shall act in its individual capacity and not as an agent, employee, partner, joint venture, or associate of the other. An employee or agent of the County shall not be deemed or construed to be the employee or agent of the City for any purpose whatsoever. County's employee(s) providing services to the City hereunder shall not be entitled to compensation in the form of salaries, or any type of fringe benefits by the City. At all times, the personnel provided by County will be covered by County's workers compensation coverage.

6.6 The County and City agree, to the extent allowed by law, to mutually indemnify the other for any costs, including attorney fees, incurred as a result of their actions or inactions or those of their elected and appointed officials, employees, officers and agents.

By the signatures executed below, the parties agree to the terms of this Agreement and the signatories represent that they have the authority to execute this Agreement on behalf of the party for which they have signed.

City of Marshall,

By: _____

April __, 2011

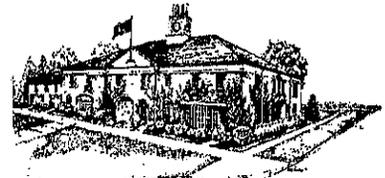
Calhoun County

By: _____

Art Kale
Its: Board Chair
April __, 2011

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 **April 4, 2011 - City Council Meeting**

REPORT TO: Honorable Mayor and City Council

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

SUBJECT: Brooks Field – Apartment Renovation

BACKGROUND: In September of 2010, the Airport Manager stepped down from his position and the Director of Public Services took over his duties. In January of 2011, the part time employee, who acted as a handy man assigned to the airport, resigned and was not replaced. Since that time, staff has worked closely with the Airport Board to determine the proper organizational structure for managing an airport of this size.

Staff solicited applications for employing a part-time airport manager as well as proposals for a Fixed Base Operator (FBO) with the idea of merging the two functions if the right candidate emerged. The Airport Board appointed a selection committee to assist staff in the interview process. Three proposals for a FBO/Manager were received and two were selected for an interview by the selection committee.

An individual was selected and an offer has been extended contingent on a drug test. Because of a prior commitment, his start date will be in the middle of May. The candidate will begin as the Airport Manager as a part time salaried employee immediately and also serve as the handyman providing duties like bathroom cleaning and runway light replacement.

Over time, the candidate will enter into an agreement with the City to serve as the FBO offering flight instruction. At the last Airport Board meeting, an invitation was extend by the Economic Development Manager to help with the creation of a detailed business plan. An FBO agreement will be presented to the Council at a later date.

Because of the economic climate and the history of challenges to an FBO at Brooks Field the airport manager's arrangement was structured to aid the growth of the FBO which should aid in the revitalization of the airport. Part of this aid includes the use of the apartment at the airport rent free. The rental agreement is attached to this report.

In order to make the apartment livable, certain unbudgeted repairs must be completed. The list of improvements includes:

- Window replacements
- Door replacement
- Painting
- Carpet replacement
- Vinyl floor replacement
- Security upgrades
- Installation of a deck

The projects will be completed by utilizing the new Airport Manager and the current Code Enforcement Officer who is also a licensed builder. It is anticipated that the improvements will cost an estimated \$13,500, which includes labor and material.

The current forecasted FY11 budget projects that the airport fund will see an excess of \$1,150. If Council were to authorize the improvements to the apartment, the fund would run a projected deficit of \$12,350. This would force an adjustment in the contribution from the general fund from \$78,443 to \$90,793.

RECOMMENDATION: It is recommended that the City Council authorize staff to proceed with the improvements to the airport apartment and to authorize the Clerk-Treasurer to sign the attached rental agreement.

FISCAL EFFECTS: To increase the funding and amend the Airport Fund various expenditure budget line items by \$12,350 for the improvements to the airport apartment. The source of funding will be an increase in the contribution from the General Fund Non-Departmental Transfers to Other Funds expenditure budget line item 101-294-999.00.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Carl Fedders
Director of Public Services



Tom Tarkiewicz
City Manager

LEASE AGREEMENT

1243 ½ S. Kalamazoo Avenue
Marshall, MI 49068

1ST day of May, 2011

LESSOR: City of Marshall
 323 W. Michigan Avenue
 Marshall, MI 49068

LESSEE: _____

LESSOR AND LESSEE AGREE AS FOLLOWS:

PROPERTY:

1243 ½ S. Kalamazoo Avenue
Marshall, MI 49068

TERM OF LEASE:

This Lease shall be terminable by either party upon the giving of 30 days advance notice.

RENEWAL/EXTENSION:

This lease may be renewed or extended by written agreement of the parties.

RENT:

Lessee shall pay rent in the amount of ZERO Dollars (\$0.00) per month on the 1st of May and 1st day of each month thereafter during the term of this Lease.

DAMAGE:

Lessee has paid to Lessor FIVE HUNDRED Dollars (\$500.00) for the damage deposit on the above premises.

RESIDENTS:

Lessee shall allow no more than two persons to reside at the premises (including the Lessee).

ASSIGNMENT:

Lessee shall not assign any interest in this Lease to any other person or entity and Lessee shall not sublease the premises to any other party without prior written consent of Lessor.

UTILITIES:

Lessee shall be responsible to pay his own utility bills including, but not limited to, electric service, telephone service, natural gas service, water service, sewer service, and garbage service.

INDEMNIFICATION:

Lessee hereby agrees to indemnify Lessor for any liability resulting from Lessee's use and/or maintenance of the rented premises.

INSURANCE:

Lessee hereby agrees to insure his own property in or on the leased premises during the terms of this Lease.

IMPROVEMENTS:

Lessee shall not make any modification to the structure of the leased premises without prior written consent of the Lessor. Any modifications and/or improvements made by Lessee during the term of this Lease shall become the property of the Lessor upon the termination of this Lease Agreement.

REPAIRS:

Lessee shall inform Lessor of any problems or repairs that need to be made on the premises. Lessor agrees to make repairs reasonably promptly. Lessor, or its representative, shall have the right to enter the premises to make repairs upon twenty-four (24) hours notice, except in emergencies, when no notice need be given.

USE:

Lessee may use the leased premises for lawful residential purposes only.

OUTSIDE STORAGE:

Lessee shall not store any property outdoors.

RIGHT TO INSPECT:

Lessor shall be allowed to inspect the property at any time with twenty-four (24) hours notice to Lessee, except in emergencies.

DEFAULT:

Lessor may immediately take possession of the leased premises and evict the Lessee should rent not be paid on time, or if Lessee breaches any other provision of this agreement.

AMENDMENTS:

Amendments of this Agreement are not effective unless they are in writing and signed by all parties.

PETS:

Lessee shall maintain no pets in or on the premises.

RETURN OF PREMISES:

Lessee agrees to return the leased premises at the end of this Lease in as good a condition as they were in when the lease began, normal wear and tear excepted. Lessee shall return keys immediately upon the termination of this Lease.

Lessee agrees to vacate the premises within two (2) weeks of the termination of his employment with the City of Marshall.

SAVINGS CLAUSE:

If any portion of this Lease Agreement is found to be unenforceable, the remainder of the Lease shall remain effective.

CONTINUITY OF AGREEMENT:

This Agreement is binding on the heirs, successors, and assigns of the parties.

FULL AGREEMENT:

This Lease Agreement represents the full Agreement of the parties.

CHOICE OF LAW:

The Laws of the State of Michigan shall govern all matters relating to this Lease Agreement.

NOTICES:

The name and address at which notice required under the Truth In Renting Act may be given to the parties are:

City of Marshall, Lessor
323 W. Michigan Avenue
Marshall, MI 49068

John Riske, III, Lessee

NOTICE: MICHIGAN LAW ESTABLISHES RIGHTS AND OBLIGATIONS FOR PARTIES TO RENTAL AGREEMENTS. THIS AGREEMENT IS REQUIRED TO COMPLY WITH THE TRUTH IN RENTING ACT. IF YOU HAVE A QUESTION ABOUT THE INTERPRETATION OR LEGALITY OF A PROVISION OF THIS AGREEMENT, YOU MAY WANT TO SEEK ASSISTANCE FROM A LAWYER OR OTHER QUALIFIED PERSON.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first above set forth.

City of Marshall

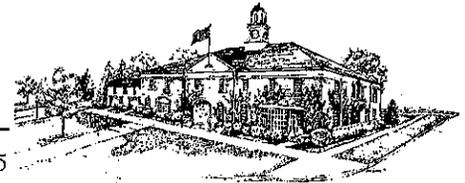
By: Sandra Bird
Its: Clerk-Treasurer

Lessee

Prepared by:
Paul K. Beardslee (P42177)
Marshall City Attorney
206 S. Kalamazoo Avenue
Marshall, MI 49068
(269) 781-5193

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 April 4, 2011 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: FY 2012 Proposed Budget - Schedule a Council Work Session

BACKGROUND: At the April 4, 2011 Regular Council meeting, the FY 2012 Proposed Budget is to be distributed to the Mayor and Council Members. On April 5th, the Proposed Budget will be available for public view on the City website home page. Council will be asked to bring their calendars and schedule a Council work session. If you have any questions prior to the work session, please feel free to contact the City Manager or Clerk-Treasurer.

RECOMMENDATION: Schedule a Council work session for review and discussion of the FY 2012 Proposed Budget Book.

FISCAL EFFECT: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,


Sandra Bird
Clerk-Treasurer


Tom Tarkiewicz
City Manager



City of Marshall

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ADMINISTRATIVE REPORT April 4, 2011 - CITY COUNCIL MEETING

TO: City Council Members

FROM: Mayor James L. Dyer

SUBJECT: Local Advisory Council

BACKGROUND: At the March 21, 2011 City Council Meeting, Mary Lu Cartey and Carl Gibson were reappointed to serve on the Local Advisory Council.

RECOMMENDATION: It is recommended that Marian Johnson be reappointed to serve on the Local Advisory Council with a term expiring on February 1, 2013.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

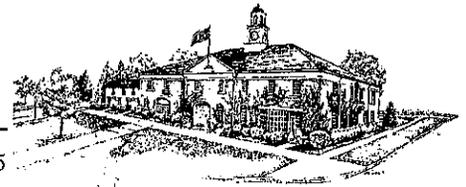
A handwritten signature in black ink, appearing to read "James L. Dyer", with a long horizontal flourish extending to the right.

James L. Dyer
Mayor



City of Marshall

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Marshall Town Hall ca. 1857

ADMINISTRATIVE REPORT April 4, 2011 - CITY COUNCIL MEETING

TO: City Council Members
FROM: James L. Dyer, Mayor
SUBJECT: Airport Board Vacancy

BACKGROUND: There will be an upcoming vacancy on the Airport Board . Interested candidates should fill out a Boards/Commissions application and submit it to the Clerk's office by Wednesday, April 20, 2011. Applications are available on the City's website, www.cityofmarshall.com, or in the Clerk's office.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James L. Dyer', with a long horizontal line extending to the right.

James L. Dyer
Mayor

