

WORK SESSION AGENDA
MAY 2, 2011
6:00 PM - 6:45 PM
CITY HALL CONFERENCE ROOM

1. Medical Marihuana
2. Other items
3. Future work sessions
 - May 16 – Police, Fire, and Streets Annual Report
 - June 6 – Reciprocating Internal Combustion Engines

Memo

To: Mayor Jim Dyer and City Council; City Manager Tarkiewicz
From: Paul Beardslee, Marshall City Attorney
Date: 4/27/2011
Re: Medical Marijuana Ordinance

Proposal and Alternatives

Since Michigan voters approved the Medical Marihuana¹ Referendum in 2008² many cities have sought appropriate measures to carry out the will of the voters while protecting the rights of the public. In Marshall we have adopted a moratorium on the opening of any medical marihuana dispensary and then extended that moratorium. Recognizing that a more long-term solution is necessary, and following conversations with the Mayor, City Manager and staff I am providing two draft ordinances for your review.

The first proposed ordinance would prohibit the distribution of marihuana through “dispensaries”. The second proposed ordinance would allow for the growing and distribution of medical marihuana as a “home occupation”.

No Dispensaries: The Michigan Medical Marihuana Act (MMMA) makes no mention of dispensaries. The first proposed ordinance defines a “dispensary” as any location providing Medical Marihuana to qualified patients, or to caregivers, or to both. The proposed ordinance then prohibits the dispensing of medical marihuana through any type of retail, commercial or industrial facility.

Home Occupation: The current Marshall City Code §156.195 allows for Home occupations, subject to certain limitations. To undertake a home occupation a person must apply for and receive a special use permit. This process involves action by City Staff, the Planning Commission and the City Council. (See Marshall City Code §156.341 and following.)

¹ Recognizing that there are alternate spellings, the referendum and statute refer to “Marihuana”.

² The referendum was also approved by voters in the City of Marshall 2,041 – 1550, (57% to 43%)

One alternative would be to simply include the growing and dispensing of medical marijuana to qualified patients within the category of specially permitted uses.

Another option would be to create a separate category of home occupations for the growing and dispensing of medical marijuana to qualified patients as an *allowed use*, meaning that no special use permit would be required. Each alternative has its own unique advantages and disadvantages which we can discuss at your work session at 6:00 on Monday May 2.

Please note: I am **not** proposing to re-design the entire home occupation ordinance. I will make necessary modifications to the rough-draft language after I have received additional direction from Council.

Step One: Prohibit Sales of Marijuana through “dispensaries”

**AN ORDINANCE REGULATING THE USE AND POSSESSION OF
MEDICAL MARIHUANA AND THE OPERATION OF A MEDICAL
MARIHUANA DESPENSARY IN THE CITY OF MARSHALL, MICHIGAN.**

THE CITY OF MARSHALL ORDAINS:

Section 1: Findings.

The City of Marshall adopts this Ordinance based on the following findings of fact:

- A. In November, 2008 voters in the State of Michigan and the City of Marshall approved the referendum authorizing the use of marihuana for certain medical conditions.
- B. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use and distribute marihuana and to assist registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
- C. Despite the specifics of Michigan’s Medical Marihuana Act (MCL 333.26241 *et. seq.*) and the activities permitted by it, marihuana continues to be a controlled substance under Michigan law and federal law and the of obtaining, possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored.
- D. If not closely monitored, the presence of marihuana even for the purposes permitted by the statute may create or encourage an increase in illegal conduct and this threat affects the health, safety and welfare of the residents of the City of Marshall.
- E. It is the intent of the City of Marshall that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow activity relating to cultivation/growing, distribution or consumption of marihuana that is otherwise illegal.

Section 2: Definitions.

The definition of words and terms used in this Ordinance shall be the definitions contained in the Michigan Medical Marihuana Act, (MCL 333.26421 *et. seq.*).

A "Dispensary" is defined as any location providing Medical Marihuana to qualified patients, or to caregivers, or to both.

Section 3: Possession and Use of Medical Marihuana.

Medical Marihuana may be possessed and used in the City of Marshall only in accordance with and pursuant to the Michigan Medical Marihuana Act and the rules of the Michigan Department of Community Health promulgated thereunder, both as modified from time to time.

Section 4: Dispensaries of Medical Marihuana.

It shall be unlawful for any "primary caregiver," as defined by the Michigan Medical Marihuana Act, or any other person, to dispense medical marihuana through any retail store, storefront, office building, manufacturing building, processing facility, or any other type of commercial or industrial building located within the City of Marshall.

Section 4: Civil Forfeiture.

Any medical marihuana sold or possessed with intent to sell in violation of this Ordinance may be seized, forfeited and disposed of by the police agencies serving the City of Marshall.

Section 5: Severability.

Sections of this ordinance shall be deemed severable. If any portion of this ordinance shall be deemed to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 6: Penalty.

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed responsible of violating a municipal civil infraction and shall, upon finding thereof, be subject to a fine of

not more than One Hundred and 00/100 (\$100) Dollars, plus Court cost and cost of prosecution not to exceed Five Hundred and 00/100 (\$500) Dollars, both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The City of Marshall may, in addition, seek injunctive relief.

Section 7: Effective Date.

This Ordinance shall become effective twenty (20) days after said date of adoption.

Step Two: Allow Caregivers to grow and distribute medical marijuana as a home occupation.

(current ordinance makes Home Occupation "special use", subject to permitting procedure)

§ 156.195 HOME OCCUPATIONS.

Home occupations shall be subject to the following:

(A) Home occupations shall be conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving more than one employee other than members of the immediate family residing on the premises.

(B) Home occupations shall be incidental and secondary to the use of the dwelling for dwelling purposes.

(C) Home occupations shall not change the residential character of the principal dwelling or zoning lot, and shall not endanger the health, safety and welfare of any other person residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, heat or other hazards or conditions created or exacerbated by the home occupation.

(D) No article or service shall be sold or offered for sale on the premises, except such as is produced by such occupation.

(E) Home occupations shall not require internal or external alterations or construction features, equipment, machinery, commercial vehicles or other vehicles not customarily used by members of the immediate family.

(F) The following activities shall be prohibited: Outdoor storage of materials, equipment, machinery, and vehicles; signs not otherwise permitted for the principal residential use; and delivery of materials except by common ground carrier.

(G) The Planning Commission may regulate the hours of operation.

(Ord. 06-09, passed 9-18-2006)

Proposed new Home Occupation Language. Home Occupations are “special uses” under our ordinance, requiring property owners to file application for Special Use Permit, and hearing process. If Council desires to avoid application/hearing process, then we would need to either bifurcate the Home Occupation section to allow for some home occupations (marijuana growers) to avoid the application/hearing while others would follow the former procedure.

Alternatively, we could make medical marijuana growing operations a “permitted use” within residential zoning districts.

40-314 HOME OCCUPATIONS

It is the policy of the City of Marshall to encourage entrepreneurship and a reasonable degree of activity within residential areas during normal business hours. Such activity contributes to the vitality of the community and increases safety within neighborhoods. However, excessive commercial activity, such as traffic, odors, deliveries and signage, within a neighborhood may undermine its residential character. The intent of this section is to establish reasonable standards to regulate home occupation activities that are compatible with the residential character of a neighborhood.

A. A home occupation as defined herein, which would normally not be apparent to neighbors living in the vicinity, such as providing piano lessons to one student at a time. A home occupation shall be permitted in any residential district, subject to the following conditions:

B. Home occupations:

1. Must be registered with the Zoning Administrator. Registration shall be provided on forms developed by the City and may require a fee as determined by the City Council. Such registration shall document that the minor home occupation shall be conducted in accordance with the terms of this section.
2. Must be conducted entirely within a residential building or within an accessory structure, and must not be evident in any way from the street or from any neighboring premises.
3. Must not change the character of the building in which it is conducted and must not constitute, create or increase a nuisance.
4. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his/her primary residence, where the operator regularly sleeps, eats, entertains and

conducts other functions and activities normally associated with home life. Not more than one non-resident may be employed by the home occupation.

5. Must not employ mechanical equipment which is substantially greater in power and type as is commonly used for household purposes and hobbies.

6. Must not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the home business shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.

7. Must provide sufficient solid waste receptacles sufficiently screened and maintain the property free of debris.

8. Must not devote more than twenty-five (25) percent of the principal building and accessory buildings to such home occupation.

9. Must not require parking spaces in excess two (2) spaces, located in the driveway or on the street directly adjacent to the property.

10. Must not generate vehicle trips in excess of ten (10) trips per day.

11. On-site sale of merchandise shall be limited to:

a. Items commonly traded or collected or occasionally bought and sold by hobbyists (i.e. antiques, stamps, coins, comics, etc.), but not including automobiles or firearms.

b. Crafts and artistic products produced on-site

12. No more than two (2) customers, clients, students or patients shall be on the premises in which a home occupation is located at any one time.

13. Visits by customers, clients, students or patients to a premises in which a home occupation is located shall be limited to the hours of 7am to 8pm.

14. All Building, Housing, Fire and other local or State codes and ordinances shall be adhered to for home occupations.

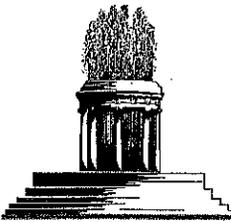
15. A home occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 *et seq* (the "Act") and the requirements of this Chapter. Nothing in this Chapter, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act

or the General Rules, nothing in this Chapter, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or owners of the properties on which the medical use of marihuana is occurring under the Federal

Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. Compliance with section 40-314.B.1-14
- b. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- c. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended MCL 333.7410, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- d. Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.
- e. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
- f. All medical marihuana shall be grown and contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devises that permit access only by the registered primary caregiver or qualifying patient.
- g. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm to 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

MARSHALL CITY COUNCIL AGENDA
MONDAY – 7:00 p.m.
MAY 2, 2011



HISTORIC MARSHALL

MAYOR: James Dyer

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

- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION** – Scott Loughrige, Crossroads Church & Ministries
- 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. **FY 2012 Budget – Schedule a Public Hearing**

City Council will consider the recommendation to schedule a public hearing for Monday, May 16, 2011 to receive public comment on the proposed FY 2012 General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Funds budgets.
 - B. **Investment Portfolio Report**

City Council will consider the recommendation to accept the 3rd Quarter Investment Portfolio Report as presented.
 - C. **City Council Minutes**

Regular Session..... Monday, April 18, 2011
 - D. **City Bills**

Regular Purchases.....	\$ 48,414.05
Weekly Purchases – 4/15/11.....	\$ 177,486.07
Weekly Purchases – 4/21/11.....	\$3,425.14
Total.....	\$ 229,325.26
- 8) **PRESENTATIONS AND RECOGNITIONS**
- 9) **INFORMATIONAL ITEMS**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
- 11) **OLD BUSINESS**
 - A. **City Assessing Services – Revised Agreement**

City Council will consider the recommendation to approve the revised Assessing Services Agreement and the Employee Leasing Agreement with Calhoun County to provide City Assessing services.
- 12) **REPORTS AND RECOMMENDATIONS**
 - A. **FY 2012 Proposed Budget – Budget Amendments**

City Council will consider the recommendation to adopt the resolution to amend the FY 2012 Proposed Budget.

MAYOR: James Dyer

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

13) APPOINTMENTS / ELECTIONS

A. Appointment of City Attorney

City Council will consider the confirmation of the Mayor's recommendation for City Attorney.

B. Appointment of City Assessor

City Council will consider the confirmation of the Mayor's recommendation of City Assessor.

C. Appointment of Clerk-Treasurer

City Council will consider the confirmation of the Mayor's recommendation for Clerk-Treasurer.

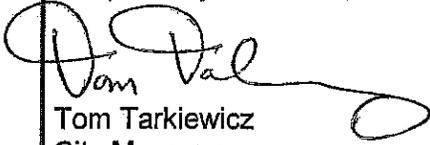
14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

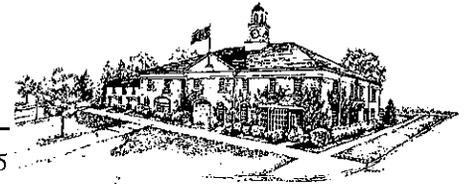
Respectfully submitted,



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 May 2, 2011 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: FY 2012 Budget - Schedule a Public Hearing

BACKGROUND: Act 2 of 1968 commonly known as the Uniform Budgeting and Accounting Act (the "Act"), requires the legislative body of government to pass a general appropriations act for the General Fund and Special Revenue Funds (MVH Major and Local, LDFA, DDA and Special Projects) and may pass a special appropriations act for the Enterprise Funds (Marshall House, Electric, Dial-A-Ride, Waste Water and Water) and Internal Service Funds (Data Processing, Motor Pool and Safety). The general appropriations act shall set for the total number of mills of ad valorem property taxes to be levied and the purposes for which that millage is to be levied. In accordance with Public Act 43 of 1963, a public hearing shall be held on the proposed budgets. The required notice shall be published in the newspaper not less than six days prior to the hearing.

Additionally, Section 9.05 *Adoption of Budget, Tax Limit* of the Marshall City Charter requires "not later than the first meeting of the council in June, the council shall, by resolution, adopt all budgets for the next year and shall, in such resolution, make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised upon real and personal property for municipal purposes..."

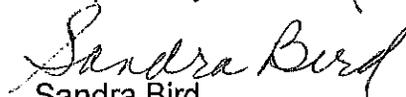
A budget work session of the City Council was held April 14. Based on the recommended changes made during this session, four budget amendments are being presented to Council tonight, under separate administrative reports.

RECOMMENDATION: Schedule a public hearing for Monday, May 16, 2011 to receive comment on the proposed FY 2012 General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Funds budgets.

FISCAL EFFECT: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

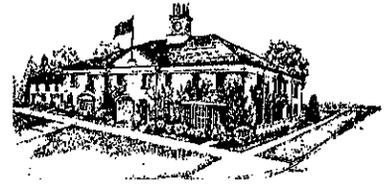

Sandra Bird
Clerk-Treasurer


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 May 2, 2011 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

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

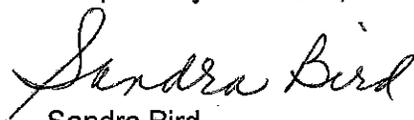
SUBJECT: Investment Portfolio Report

BACKGROUND: Public Act 213 of 2007 requires local governments to perform their investment reporting quarterly to the governing body. The investments in the portfolio conform to the Investment Policy, approved June 3, 2002. The City's comprehensive written policy has been given the Association of Public Treasurers of the United States and Canada Investment Policy Certification.

The weighted average earnings yield of the portfolio for investments held and/or maturing from July 1, 2010 through February 20, 2012 was 1.693%. The weighted average of pooled cash as of March 31, 2010 was 0.271%. The weighted average of all investments during the fiscal year, including pooled cash, was 0.888%. The City's portfolio consisted of certificate of deposits, money market funds and pooled cash. The duration of investments typically range from 60-day CD's to 3-year agency notes, which is consistent with the investment policy. The duration is dependent on the time of the year and cash flow needs. The past year purchases have been for less than 2-year duration terms due to low market rates. The portfolio represents diversification by institution as well as by investment type, to the extent possible.

RECOMMENDATION: It is recommended the report be accepted in the form presented.

Respectfully submitted,



Sandra Bird
Clerk-Treasurer



Tom Tarkiewicz
City Manager



**City of Marshall, Michigan
INVESTMENT PORTFOLIO
March, 2011**

Maturity Date	Investment	Purchase Date	Maturity Amount	Ref.	Current Value	Yield to Maturity	Average Interest Rate	Broker/ Bank	Investment Type	Rating
08/09/10	Flagstar Bank FSB Bloomfield	08/14/07	\$ 100,000.00		\$ 100,000.00	5.030%	0.134%	MBS	CD	
08/16/10	Merchants Bank	08/14/09	\$ 100,000.00		\$ 100,000.00	1.310%	0.035%	MB	CD	
10/17/10	Chemical Bank - CD	10/17/09	\$ 95,000.00		\$ 95,000.00	1.740%	0.044%	CB	CD	
10/17/10	Chemical Bank - CD	10/17/09	\$ 95,000.00		\$ 95,000.00	1.740%	0.044%	CB	CD	
10/17/10	Chemical Bank - CD	10/17/09	\$ 92,482.29		\$ 92,482.29	1.740%	0.043%	CB	CD	
12/02/10	National City - CD	11/02/09	\$ 117,735.02		\$ 117,735.02	1.650%	0.052%	NC	CD	
04/22/11	CDARS-Flagstar	04/22/10	\$ 407,471.50		\$ 407,471.50	1.100%	0.119%	FB	CD	
05/26/11	CDARS-Flagstar	05/27/10	\$ 300,000.00		\$ 300,000.00	1.350%	0.108%	FB	CD	
FY 2011	06/18/11	Monarch Community Bank	12/18/09	\$ 250,000.00	\$ 250,000.00	2.000%	0.133%	MB	CD	
	07/08/11	Southern Michigan Bank & Trust	12/18/09	\$ 100,000.00	\$ 100,000.00	1.754%	0.047%	SMBT	CD	
	07/26/11	CD-Flagstar	01/25/10	\$ 500,000.00	\$ 500,000.00	1.760%	0.234%	FB	CD	
	08/19/11	CDARS-Flagstar	08/19/10	\$ 250,000.00	\$ 250,000.00	1.400%	0.093%	FB	CD	
	10/17/11	Chemical Bank - CD	10/17/10	\$ 95,000.00	\$ 96,666.26	1.190%	0.030%	CB	CD	
	10/17/11	Chemical Bank - CD	10/17/10	\$ 95,000.00	\$ 96,666.26	1.190%	0.030%	CB	CD	
	10/17/11	Chemical Bank - CD	10/17/10	\$ 92,482.29	\$ 94,104.37	1.190%	0.029%	CB	CD	
	12/02/11	National City - CD	12/02/10	\$ 119,877.54	\$ 119,877.54	0.500%	0.016%	NC	CD	
	12/18/11	Marshall Community CU	12/18/11	\$ 150,000.00	\$ 150,000.00	1.900%	0.076%	MCCU	CD	
	02/16/12	Southern Michigan Bank & Trust	02/16/10	\$ 400,000.00	\$ 400,000.00	2.350%	0.239%	MCCU	CD	
FY 2012	02/20/12	CDARS-Flagstar	08/19/10	\$ 400,000.00	\$ 400,000.00	1.760%	0.187%	FB	CD	
				\$ 3,760,068.64	a) \$ 3,164,785.93		1.693%			

(Total Includes Maturity Investments since 7/1/10)

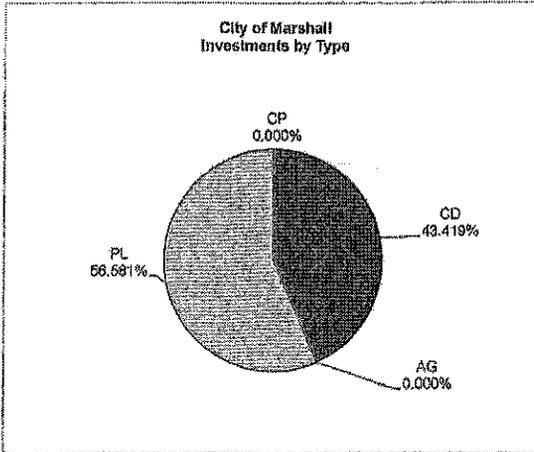
Pooled Cash:

N/A	Bank of America Cash	N/A	N/A	\$ -	0.000%	0.000%	BofA	PL	***
N/A	MBIA Class Account	N/A	N/A	\$ 575,991.56	0.475%	0.066%	MA	PL	
N/A	Flagstar Bank Gov't Banking Checking	N/A	N/A	\$ 294,687.06	0.550%	0.039%	FB	PL	
N/A	Flagstar Bank Liquid Asset Savings	N/A	N/A	\$ 1,055,099.71	0.650%	0.166%	FB	PL	
N/A	National City Cash	N/A	N/A	\$ 422.59	0.040%	0.000%	NC	PL	
				b) \$ 1,924,200.92					
				c) \$ 5,090,986.85					
N/A	BofA General Checking A/C	N/A	N/A	\$ 2,187,436.62	0.000%	0.000%	BofA	PL	***
N/A	BofA Taxes Checking A/C	N/A	N/A	\$ 10,523.63	0.000%	0.000%	BofA	PL	***
				d) \$ 2,197,960.25		0.271%			

*** Note: Transferred accounts from Fidelity to Checking-0% interest to reduce overall service charges on all Bank of America pooled cash accounts. Estimated annual service charges savings = \$31,000

Pooled Cash	b) + d)	\$ 4,124,161.17
Grand Total	c) + d)	\$ 7,288,947.10

0.88800%



Investment Key:

Commercial Paper	CP	\$ -
Certificate of Deposit	CD	\$ 3,164,785.93
Agency Notes	AG	\$ -
Pooled Cash	PL	\$ 4,124,161.17
		\$ 7,288,947.10

CALL TO ORDER

IN REGULAR SESSION Monday, April 18, 2011 at 7:00 P.M. in Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz.

Absent: Council Member Metzger.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Williams, supported Mankerian, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$616, 801.44. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Approve the issuance of Outdoor Café Licenses for Schuler's Inc. and Pastrami Joe's effective May 1, 2011 and expires April 30th of the following year;
- B. Approve the recommendation to authorize the Clerk-Treasurer to sign the completed terms and conditions of accepting terms for the US Department of Transportation Airport Improvement program grants;
- C. Approve minutes of the City Council Regular Session held on Monday, April 4, 2011;
- D. Approve city bills in the amount of \$749, 504.90.

On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Miller, Traver, and

Williams; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

Angela Semifero, Interim Director of the Marshall Public Library, provided information regarding the services provided at the library.

INFORMATIONAL ITEMS

Carl Fedders, Director of Public Services, provided an event update on the Remote Control Plane Swap Meet at Brooks Field.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Electric, Water, and Sewer Rate Ordinance Amendment:

Mayor Dyer opened the public hearing to hear public comment regarding the proposed changes to the Electric, Water, and Sewer Rate Ordinances.

Dawn Lund of Utility Financial Solutions provided rationale behind the rate changes for the utility funds.

John LaPietra of 386 Boyer Court inquired how the average user was calculated.

Hearing no further comment the hearing was closed.

Moved Williams, supported Miller, to approve the ordinance to amend Section 9 of Electric Ordinance 4.5 (a) and Section 5 of Electric Ordinance 4.6. On a roll call vote – ayes: Mayor Dyer, Mankerian, Miller, Traver, Williams, and Booton; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
ORDINANCE # 2011-08

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 \$0.065 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.

Moved Miller, supported Mankerian, to approve the ordinance to amend of Section 10 of Water and Wastewater Rates Ordinance 4.4(c). On a roll call vote – ayes: Mankerian, Miller, Traver, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
ORDINANCE #2011-09

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

Size of Meter	May 1, 2011 Monthly Charge	January 1, 2012 Monthly Charge	January 1, 2013 Monthly Charge
5/8"	\$13.38	\$14.00	\$14.50
3/4"	\$13.38	\$14.00	\$14.50
1"	\$13.38	\$14.00	\$14.50
1½"	\$47.00	\$48.00	\$48.00
2"	\$86.50	\$86.50	\$86.50
3"	\$194.00	\$195.00	\$195.00

4"	\$355.00	\$360.00	\$365.00
6"	\$775.00	\$780.00	\$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

Usage	May 1, 2011 per 100 cft	January 1, 2012 per 100 cft	January 1, 2013 per 100 cft
0 to 1000 cft	\$1.79	\$1.87	\$1.95
1001 to 3000 cft	\$1.51	\$1.64	\$1.78
3001 to 15,000 cft	\$1.18	\$1.36	\$1.53
15,001 to 400,000 cft	\$0.94	\$0.96	\$1.05
400,001 cft and over	\$0.84	\$0.96	\$1.05

(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 1, 2011 Service Charge	January 1, 2012 Service Charge	January 1, 2013 Service Charge
1" Water Meter	\$12.50	\$13.60	\$14.45
1½" Water Meter	\$15.50	\$17.75	\$20.00
2" Water Meter	\$18.00	\$21.50	\$25.00
3" Water Meter	\$25.00	\$28.00	\$35.00
4" Water Meter	\$42.00	\$48.00	\$55.00
6" Water Meter	\$60.00	\$70.00	\$80.00
Commodity Charge	\$2.54 /100 cft	\$2.90 /100 cft	\$3.10/100 cft

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

Effective for bills mailed after

	May 1, 2011 Service Charge	January 1, 2012 Service Charge	January 1 2013 Service Chg
1" Water Meter	\$13.70	\$15.10	\$15.95
1½" Water Meter	\$16.70	\$19.25	\$21.50
2" Water Meter	\$19.20	\$23.00	\$26.50
3" Water Meter	\$26.20	\$29.50	\$36.50
Commodity Charge	\$3.81 /100 cft	\$4.35 /100 cft	\$4.65 /100 cft
Flat Rate Customers	\$31.19	\$35.10	\$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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Bichler/Arroyo Proposal:

Moved Miller, supported Traver, to approve the retention of Birchler/Arroyo Planning Consulting Firm to assist the Hospital Neighborhood Committee with drafting language for the Hospital Overlay Growth District. On a roll call vote – ayes: Miller, Traver, Williams, Mayor Dyer, and Mankerian; nays: Booton.
MOTION CARRIED.

Mayor Dyer read a prepared statement from Dave Deppe, a member of the Hospital Neighborhood Committee:

Dear Council,

I believe you will be voting on a request from the Hospital/Neighborhood Committee tonight to bring in a consultant to help write the rules and regulations for the proposed Hospital Overlay District.

As a member of the Hospital/Neighborhood Committee, I wanted to express my full support for this proposal even though I cannot be at the Council meeting tonight. I feel that it is very, very important to bring in an outside person that can lend an unbiased approach to this important document.

I urge the Mayor and the Council to approve the cost of this consultant to help in the efforts of the committee. Thank you for your consideration of this request.

Sincerely,

Dave Deppe

B. Dial-A-Ride Transit Application for State Financial Assistance for 2011-2012 Fiscal Year:

Moved Traver, supported Mankerian, to adopt the Resolution of Intent to authorize the City of Marshall DART to seek financial assistance from the State of Michigan for its public transportation service as revised. On a roll call vote – ayes: Traver, Williams, Booton, Mayor Dyer, Mankerian, and Miller; nays: none. **MOTION CARRIED.**

C. Disposal of 1980 Snorkel Fire Truck:

Moved Williams, supported Mankerian, to approve the recommendation to use Public Surplus Inc. to dispose of the 1980 Snorkel Fire Truck using staff's guidelines and setting reserve price of \$10,000 with the understanding that if the reserve is not met, staff can rebid or accept a bid that is equal to or exceeds the scrap metal price. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Miller, and Traver; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Tracy Trudell of 1212 Comstock commented regarding the Pratt Park development.

Jerry Clifton of 15766 17 ½ Mile Road commented regarding the performance of the City Manager.

Heather Vote of the Substance Abuse Council announced the "Take Back Initiative" that will be held Saturday, April 30, 2011 at Town Hall for the return of any unused prescription medications.

John LaPietra of 386 Boyer Court commented regarding his stand for peace.

Katie Doud of 305 E Michigan Avenue provided an update on the Forever Young program.

Vince Trudell of 1212 Comstock commented regarding the Pratt Park development.

COUNCIL AND MANAGER COMMUNICATIONS

None.

CLOSED SESSION

Moved Booton, supported Williams, to enter into closed session under Section 8 (a) of the Michigan Open Meetings Act to discuss the evaluation of the City Manager. On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Miller, Traver, and Williams; nays: none. **MOTION CARRIED.**

At 8:18 p.m. moved to closed session.

At 9:55 p.m. moved to open session.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 04/28/2011

Time: 9:06am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AMERICAN LEGAL PUBLISHING CORP	4028	INTERNET RENEWAL	295.00	0.00
ARCHITECTURE + DESIGN	3924	HERITAGE RTE/BYWAYS PRJCT	419.00	0.00
ARROW UNIFORM	6839	CUST #010198-04	286.33	0.00
AUTO GLASS SOLUTIONS, LLC	6595	M-6 WINDSHIELD REPAIR	180.00	0.00
AUTO VALUE MARSHALL	21340	FORM A GASKET	313.57	0.00
B C REPROGRAPHICS	8125	BOND PAPER	79.50	0.00
BATTERIES PLUS	6532	#719 BATTERIES	797.99	0.00
BEARDSLEE LAW OFFICES	3471	SERVICES THRU 04/14/11	2,670.95	0.00
BELL EQUIPMENT COMPANY	8812	REPAIR ELGIN SWEEPER	6,303.92	0.00
BIO-CARE, INC.	4002	RESPIRATORY TESTING	200.00	0.00
BONNIE'S TAILORING	2257	CHANGE PATCHES	8.00	0.00
BOSHEARS FORD SALES INC	7117	#129 SWITCH ASSY	94.89	0.00
C.E.M. SUPPLY INC	7200	NUTS, BOLTS, WASHERS	124.11	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
CARR BROTHERS & SONS	7192	TOPSOIL	190.00	0.00
CB HALL ELECTRIC COMPANY	3387	GAR HALL BASEMENT	478.09	0.00
CBCS	3574	VANTREASE, JODY - COMMISSION	98.55	0.00
COGITATE INC	8443	MMS STATE TRUNKLINE SUPPORT	140.00	0.00
D & D MAINTENANCE SUPPLY	7271	MOP HANDLE	146.51	0.00
DADOW POWER EQUIPMENT	7277	BUSHING	94.35	0.00
DARLING & COMPANY	217958	NUT & BOLTS	0.81	0.00
DARLING ACE HARDWARE	7281	BARREL BOLT	172.31	0.00
DUECO INC	7317	ANNUAL INSPECTION	2,475.00	0.00
GRAINGER	3644	PUMP	142.43	0.00
HERMANS MARSHALL HARDWARE	7446	FOBS	148.14	0.00
HOLLAND BUS COMPANY	5874	DART #10 - ROLLSTOP KIT	216.02	0.00
INTERNATIONAL CODE COUNCIL	6787	MEMBERSHIP DUES	125.00	0.00
ITRON INC	3132	MAINTENANCE 05/01--07/31/11	804.77	0.00
J & K PLUMBING SUPPLY	3351	NEW WATER LINE-TREATMENT PLNT	119.31	0.00
JACKSON TRUCK SERVICE	7495	#302 MUFFLER	100.06	0.00
JS BUXTON	8962	LIME	1,125.49	0.00
KAR LABORATORIES INC	8817	BIO-SOLIDS ANALYSIS	405.00	0.00
KELLOGG'S REPAIR GARAGE	5869	BOLTS, NUTS, BUSHINGS	15.45	0.00
LAWSON PRODUCTS	6497	SCREWS, AUTO FUSE, BUTT CONN	104.71	0.00
LAWSON-FISHER ASSOCIATES PC	2291	2011 LICENSING ACTIVITIES	746.44	0.00
LESLIE O'DELL	9124	SERVICE CALL-ATHLETIC FIELD	60.00	0.00
MARSHALL LUMBERTOWN	7569	PLYWOOD, LUMBER	139.02	0.00
MARSHALL PUBLIC SCHOOLS	300133	GYM USE	4,026.75	0.00
MARSHALL PUBLIC SCHOOLS	400203	ALARM RESPONSE 01/16/11 MMS	75.00	0.00
MICHIGAN FIRE INSPECTORS	8658	ED COSTINE 2011 DUES	30.00	0.00
MICHIGAN METER TECHNOLOGY GRP	400140	METERS	4,750.00	0.00
MISSION CAR WASH	217915	FEBRUARY & MARCH CAR WASHES	163.00	0.00
MOSES FIRE EQUIPMENT INC	7699	SS ROLL PINS	11.23	0.00
MSC INDUSTRIAL SUPPLY CO	6831	TERI WIPERS, 2 DRUM PALLET EAG	1,080.99	0.00
MUNICIPAL SUPPLY CO.	7701	PINS, BLADES	99.90	0.00
MWEA	2006	BASIC WASTEWATER MATH II	110.00	0.00
NORTH CENTRAL LABORATORIES	7727	LAB SUPPLIES	1,405.81	0.00
NU-TWIST SCREEN PRINTING	7732	T's	425.05	0.00
OERTHERS	21127	GRASS SEED, MILORGAMITE	200.13	0.00
CINDY PORTER	9799	RECORD & PREPARE MINUTES	60.00	0.00
POWER LINE SUPPLY	7821	FLOOD SEAL	2,665.19	0.00
QUALITY ENGRAVING SERVICE	7800	SPONSOR PLAQUES	2,127.79	0.00
SPARTAN CHASSIS, INC.	9359	BATTERY JUMPER CABLE	72.37	0.00
STANTEC CONSULTING MICHIGAN	9713	SRF - Project Plan	3,075.53	0.00
STATE OF MICHIGAN-MDOT	300084	AIRPORT WEATHER OBSERVATION	706.00	0.00
SURVALENT TECHNOLOGY CORP	6205	SCADA Training for Bob Siegel	2,000.00	0.00
TRI-TURF	400202	PAINT	232.60	0.00
UTILITY FINANCIAL SOLUTIONS	3900	WATER & WASTEWATER COST OF SER	3,500.00	0.00
VERMEER OF MICHIGAN, INC	9676	#409 BELT-V-BAND	221.43	0.00
WALKER PARKING CONSULTANTS	8003	MARSHALL/OAKLAWN STUDY	1,554.56	0.00
Grand Total:			48,414.05	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 04/15/2011

Time: 8:58am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 789-4671 266 9	1,558.43	0.00
BLUE CROSS AND BLUE SHIELD	7946	GROUP #17902-001	3,142.98	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	GROUP #17902-003	1,971.21	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	GROUP #17902-012	80,280.21	0.00
BLUE CROSS BLUE SHIELD OF MI	9681	GROUP #17902-902	44,737.17	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
RAJESH CHAUDHARI	21538	REFUND UTILITY DEPOSIT	68.70	0.00
CITGO	3724	FLEET #132271610	11,415.80	0.00
CRYSTAL FARMS	9609	EQUESTRIAN DAY CAMP	640.00	0.00
CODY DRUMM	25123	SCHOOL LUNCH	187.73	0.00
CARL FEDDERS	6811	TUITION REIMBURSEMENT	278.50	0.00
HARRY FOX	400197	REFUND UTILITY OVERPAYMENT	230.31	0.00
GRIFFIN PEST SOLUTIONS	6272	900 S MARSHALL	42.00	0.00
JANICE HAYS	400198	REFUND SECURITY DEPOSIT	326.00	0.00
LOWES BUSINESS ACCOUNT	4837	ACCT #821 3023 105909 5	276.88	0.00
MARSHALL COMMUNITY CU	7558	7681 - TARKIEWICZ	2,099.27	0.00
MMEA	2222	TOM TARKIEWICZ-SPRING CONFERENCE	600.00	0.00
QLT	8069	LOUD EXTENSION BELLS	13.99	0.00
ERIC SHELDON	400199	PERMIT FEE REFUND	35.00	0.00
STATE OF MICHIGAN	4676	38-6004708, 12/2010	361.78	0.00
STATE OF MICHIGAN	4872	38-6004708, 1ST QTR, SALES TAX	28,730.34	0.00
LUCAS TICE	300431	ROLLS FOR MUTUAL AID	39.13	0.00
VERIZON WIRELESS	217862	ACCT #683169426-00001	57.41	0.00
Grand Total:			177,092.84	0.00

Prescription reimbursements 393.23

Total Cash Disbursements \$177,486.07

VENDOR APPROVAL SUMMARY REPORT

Date: 04/21/2011

Time: 9:02am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
APWA-SOUTHWEST BRANCH	3685	MEMBERSHIP DUES	60.00	0.00
CARLETON EQUIPMENT COMPANY	7189	CANCEL #1-16658 (POWERPLAN)	0.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	SUGAR, STAMP,PENS, CRTRG	190.31	0.00
GRIFFIN PEST SOLUTIONS	6272	619 HOMER RD	31.00	0.00
KYLIE GRUNER	400201	REFUND UTILITY DEPOSIT	27.70	0.00
LAKE MICHIGAN MAILERS	9559	POSTAGE	500.00	0.00
MARSHALL COMMUNITY CU	7558	2998 - DIXON	190.68	0.00
NAPA OF MARSHALL	2939	#110 BULLY ALUM STEP 10	52.79	0.00
ONE COMMUNICATIONS	2729	ACCT #7018274	2,212.12	0.00
DAVE PEMBERTON	8720	CDL REIMBURSEMENT	65.00	0.00
FORREST & DANIELLE POWERS	400200	UTILITY DEPOSIT REFUND	90.54	0.00
Grand Total:			3,420.14	0.00

Prescription reimbursement 5.00

Total cash disbursements \$3,425.14

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 May 2, 2011 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: City Assessing Services with the County – Employee Leasing Agreement and Revised Assessing Services Agreement

BACKGROUND: At the April 4th meeting, the Council approved the Agreement for Assessing Services with the County, prepared by Calhoun County Corporate Counsel Richard Lindsey:

The current assessing clerk will remain a City employee to protect her 15 year City tenure, wage and benefits until she retires. A newly created Employee Leasing Agreement (also prepared by Calhoun County Corporate Counsel Richard Lindsey) is being proposed for your approval to address the provisions of this assessing clerk arrangement between the City and the County.

The Assessing Services Agreement you approved at the April 4, 2011, City Council meeting includes two revisions that are redlined in the attached agreement. The first revision in Section 4 adds the identified language clarifying that Marshall is actually only going to pay the net amount of \$74,203.00 after the leasing is taken into account. Otherwise, the agreement is exactly as already approved by Marshall. The second revision in Section 6.3 excludes specific names and keeps the titles only for the parties who receive notifications.

RECOMMENDATION: It is recommended that the City Council approve the attached agreements with Calhoun County for 1) the assessing clerk leasing arrangement and 2) the updates to the City assessing services agreement, previously approved at the April 4, 2011, City Council meeting.

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.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager



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 One Hundred Fifteen Thousand One Hundred Forty and 00/100 Dollars (\$115,140.00). City and County are, at the same time as this Agreement, entering into an Employee Leasing Agreement whereby County is leasing from City at least one (1) employee to assist County in providing the services under this Agreement for the sum of Forty Thousand Nine Hundred Thirty Seven and 00/100 Dollars (\$40,937). During the term of this Agreement, City shall pay to County, pursuant to this Agreement and the above-mentioned Employee Leasing Agreement the net sum of 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

EMPLOYEE LEASING AGREEMENT

This Agreement is entered into this ___ day of May, 2011, with an effective date of May 1, 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 City and the County have entered into a certain Assessment Services Agreement on the same date as this Agreement whereby City is contracting with County to perform certain assessing services;

WHEREAS the County wishes to lease from City the services of one or more employees of the City to assist in providing said assessing services; and

WHEREAS the City and the County are entering into this agreement to facilitate their collaboration in the provision of assessing services thereby resulting in better delivery of services for a lower cost to the mutual benefit of both parties;

NOW THEREFORE, the parties agree as follows:

1. The City agrees to lease to County and County agrees to lease from City certain City personnel, as agreed upon from time to time in writing by the Administrator/Controller of the County and the City Manager of the City, ("Leased Employees") on the terms and conditions set forth herein. The City shall (a) compile, prepare and file all payroll and employee information and make all proper payroll deductions, including payments for income and Social Security tax requirements under local, State and Federal laws for the Leased Employees (b) assume responsibility for administrative matters and the provision of contracted fringe benefits relating to compensation of the Leased Employees on the same terms and conditions as other City employees and (c) secure and maintain all required insurance coverage for the Leased Employees on the same terms and conditions as other City employees, as specified from time to time by City policy.
2. In accordance with the payment procedures described in this agreement, County shall pay to the City all costs incurred by City in connection with the Leased Employees including, but not limited to, all: (a) payroll (inclusive of bonuses and special payments), applicable Federal, State and local taxes; (b) premiums and contributions in connection with employee benefits, including (but not limited to) health, accident and disability insurance; (c) workers' compensation, unemployment compensation charges; and (d) payments in connection with pension or retirement plans. The amount paid by County to City for one (1) leased employee will be Forty Thousand Nine Hundred Thirty Seven and 00/100 Dollars (\$40,937.00). As set forth in Paragraph 9, the Administrator/Controller of County and City Manager of City shall meet from time to time and may modify by a writing signed by both of them the amount to be charged by

City to County relative to this Employee Leasing Agreement as necessary to reasonably meet the relative needs of the parties pursuant to this and the Assessment Services Agreement entered into on the same date.

3. In the event of the termination of the Assessment Services Agreement, which causes County to no longer need the services of Leased Employees, City shall be responsible for all unemployment expenses and charges incurred by City with respect to such Leased Employees, in the event City is unable to find other employment for such Leased Employees and must terminate employment for lack of work or any other reason.

4. City and County agree that they each have the right to exercise direction and control relating to the management of safety, risk and labor matters at work site locations. Accordingly, City shall consult with County, and County shall have the responsibility to consult with City; however, City shall retain the final decision, after consultation with County, to: (a) hire, fire, discipline and direct and regulate and supervise all working conditions and labor policies; (b) establish all wages, benefits, salaries, bonuses or advancements; (c) facilitate collective bargaining relationships between Client and labor unions representing the Leased Employees, if any, and contract administration in connection therewith.

5. County agrees to cooperate fully when required to assist City in defending claims or litigation resulting from personnel decisions or job actions relating to Leased Employees. County's cooperation shall include, but not be limited to, the completion of reports and, if required, attendance at hearings as a witness, answering question or interrogatories under oath or otherwise and providing access to County's documents relating to the Leased Employees. This obligation shall survive the termination of this Agreement.

6. City and County 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 employees, officers and agents.

7. This Agreement, together with the Assessment Services Agreement, entered into on the same date, constitute the complete expression of the agreement between the City and County 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.

8. This Agreement shall be interpreted in a manner consistent with applicable 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.

9. The term of this Agreement shall be from May 1, 2011 to April 30, 2013. This Agreement may be terminated by resolution of either the County Board of Commissioners or the City Council, provided that the effective date of the termination shall be thirty (30) days after the date of such resolution, unless the other party agrees in writing to a shorter termination period. The financial obligations under this Agreement shall be reviewed on a periodic basis by the Administrator/Controller of the County and the City Manager of the City and modified, in writing by and between them, as necessary to meet the reasonably necessary needs of the parties.

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

Administrator/Controller
Calhoun County Board of Commissioners
315 W. Green Street
Marshall, MI 49068

City Manager
City of Marshall
323 West Michigan Avenue
Marshall, MI 49068

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: _____

Its:
May ____, 2011

Calhoun County

By: _____

Art Kale
Its: Board Chair
May ____, 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 May 2, 2011 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

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

SUBJECT: FY 2012 Proposed Budget – Budget Amendments

BACKGROUND: At the April 14, 2011 FY 2012 Budget Work Session, Council and Staff discussed four (4) recommended budget amendments. The purpose of the budget amendments is to adjust the FY 2012 Proposed Budget for the line items affected by the amendments.

RECOMMENDATION: To adopt the attached resolution to amend the FY 2012 Proposed Budget for the following:

- 1) Increase funding by \$3,000 in the General Fund, Non-Departmental budget for the Sister Cities Delegation.
- 2) Decrease funding by (\$50,000) in the Downtown Development Authority Fund, DDA Department budget for the Mansion Street/North Alley capital project.
- 3) Transfer \$41,752 within the General Fund, Streets Department budget overtime, part-time and social security expenditure line items to the motor pool equipment expenditure line item (net effect is zero).
- 4) Increase the revenues by \$41,752 in the Motor Pool Fund for the increase in rents received by the General Fund, Streets Department (related to budget amendment #3 above).

FISCAL EFFECTS:

- 1) To provide increased funding for the General Fund, Non-Departmental budget expenditure line item 101-294-755.00 Miscellaneous Supplies in the amount of \$3,000 to fund the Sister Cities Delegation.
- 2) To decrease funding for the Downtown Development Authority budget expenditure line item 298-000-970.00 Capital Outlay in the amount of (\$50,000) to remove the Mansion Street/North Alley capital project.



3) To decrease the General Fund, Streets Department budget expenditure line items 101-441-703.00 Part-time Salaries by (\$14,339), 101-441-704.00 Overtime Salaries 101-441-704.00 by (\$38,785) and 101-441-715.00 Social Security by (\$2,967), and to increase 101-441-941.00 Motor Pool Equipment Rental expenditure line item by \$41,752 to reclassify expenditures to their appropriate classifications. The net effect is a zero increase/decrease to the General Fund, Streets Department expenditure budget.

4) To increase the Motor Pool revenue line item 661-000-667.00 Rents by \$41,752 for the increase in rents received by the General Fund Streets Department due to budget amendment #3.

Respectfully Submitted,



Sandra Bird
Clerk-Treasurer



Tom Tarkiewicz
City Manager

CITY OF MARSHALL, MICHIGAN
RESOLUTION #11-

City of Marshall Authorizing Resolution
To Amend FY 2012 Proposed Budget

Budget Amendment 1

Increase the General Fund, Non-Departmental Budget by \$3,000 for the Funding of the Sister Cities Delegation.

Whereas, The proposed FY 2012 General Fund, Non-Departmental budget does not contain any funding for the Sister Cities Delegation;

Whereas, The City provided funding in prior years and a critical funding source for the Sister Cities Delegation is the City's funds;

Whereas, The City desires to support and provide funding for the Sister Cities Delegation for FY 2012 to be \$3,000;

Resolved, That the General Fund, Non-Departmental budget be increased by \$3,000 to fund the Sister Cities Delegation, with a revenue source of General Fund operations.

Budget Amendment 2

Decrease the Downtown Development Authority Budget by (\$50,000) to Remove the Funding for the Mansion Street/North Alley Capital Project.

Whereas, The Mansion Street/North Alley capital project is anticipated to cost \$100,000, and further analysis is needed to determine sources for the additional funding;

Resolved, The Downtown Development Authority expenditure budget be decreased by (\$50,000) to remove the funding in the FY 2012 Proposed Budget.

Budget Amendment 3

Decrease the General Fund, Streets Department Budget for Part-time, Overtime and Social Security Expenditures by (\$41,752) and Transfer the Funding to the Streets Department Budget, Motor Pool Equipment Rental Expenditure for Appropriate Classification of Expenditures. Net Effect is Zero.

Whereas, A budget transfer between lines items within the General Fund, Streets Department budget is required to appropriately classify expenditures;

Resolved, The General Fund, Streets Department expenditure budget will have a net effect of zero following the transfer of funds between line items within the department budget.

Budget Amendment 4

Increase the Motor Pool Revenues by \$41,752 for the Increase in Rents Received by the General Fund, Streets Department due to Budget Amendment #3.

Whereas, Budget Amendment #3 increased the General Fund Streets Department Motor Pool Equipment Rental expenditure budget by \$41,752, resulting in an increase in rents received to the Motor Pool Rents revenue;

Resolved, To increase the Motor Pool Rents revenue by \$41,752 for the increase in rents received by the General Fund, Streets Department.

As Amended, May 2, 2011

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 May 2, 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