

MARSHALL CITY COUNCIL AGENDA

MONDAY – 6:00 P.M.

June 4, 2012



- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Amber Fujita, Marshall Assembly of God
- 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. Schedule Public Hearing – Wood Burning Ordinance

City Council will consider the recommendation to schedule a public hearing for Monday, June 18, 2012 to hear public comment on the proposed addition of Free Standing Solid Fuel Burning Appliance, amendment to Chapter 92: Health and Sanitation: Nuisances of the Marshall City Code.

B. Schedule Public Hearing – Fireworks Ordinance

City Council will consider the recommendation to schedule a public hearing for Monday, June 18, 2012 to hear public comment on the revision to §134.30 Fireworks Ordinance of the Marshall City Code.

C. Chain of Command Appointments

City Council will receive for information the FY 2013 Administrative Chain of Command Appointments.

D. City Council Minutes

Regular Session.....Monday, May 21, 2012

E. City Bills

Regular Purchases.....\$65,079.01

Weekly Purchases –5/18/12.....\$ 17,831.92

Weekly Purchases –5/23/12.....\$12,908.83

Weekly Purchases –5/29/12.....\$146,895.37

Total\$ 242,715.13

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. Event Report – World Rueben Eating Contest

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Hospital Campus Overlay District

City Council will receive public comment on the proposed Hospital Campus Overlay District Ordinance.

Mayor:

James Dyer

Council Members:

Ward 1 - Wayne Booton

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Jack Reed

Ward 5 - Jody Mankerian

At-Large - Kathy Miller



11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Water, Wastewater, and DDA Parking Lot – Bond Sale Notice of Intent

City Council will consider the recommendation to adopt the resolution initiating the forty five day referendum period prior to the sale of the bonds for the Water, Wastewater, and DDA Parking Lot improvements.

B. Resolution Establishing Cost for OWI, OWVI, and OWPD Cost Recovery

City Council will consider the recommendation to approve the resolution establishing the fees for OWI, OWVI, and OWPD cost recovery.

C. Waste Pickup Options

City Council will consider the City Manager's recommendation to place a ballot proposal on the November 2012 ballot for the waste pickups.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) CLOSED SESSION

City Council will be requested to convene into Closed Session to accomplish the City Manager's Evaluation.

17) ADJOURNMENT

Respectfully submitted,

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

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
JUNE 4, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members
FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager
SUBJECT: Proposed Free Standing Solid Fuel Burning
Appliance, Amendment to Chapter 92: Health and
Sanitation: Nuisances

BACKGROUND: The original wood burning ordinance was to be included in the former Nuisance Chapter 17. City Council held a public hearing and approved the ordinance on January 12, 2004. The ordinance was published in the Marshall Chronicle shortly thereafter; however, it was never codified into the City's book of ordinances. This has caused some uncertainty regarding its validity. The language in the former ordinance was reviewed by staff and found to be confusing. As a result, the ordinance was rewritten.

The sole intent of the former ordinance was to disallow "wood burning equipment" in any district if the equipment was not located within the structure in which it was heating. For example, under this ordinance, it would be permissible to have a wood burner in a garage to *heat the garage only* but not to heat an unattached home.

In rethinking the intent behind the ordinance, the rationale for the prohibition of wood burners is two-part: 1) the smoke coming from the burner can be considered a nuisance to residential neighbors 2) there are safety considerations with fires in dense residential areas.

The proposed ordinance was rewritten to first clarify a solid definition of this type of appliance, then to allow the appliances in Industrial Districts only, and finally to add restrictions. By prohibiting wood burners in districts that typically affect residential areas; the city is preventing any ill effects, nuisance or otherwise, from the smoke produced by such equipment. Further restrictions in the proposed ordinance also require a permit for this type of heating equipment and allow for safety inspections by Fire Department staff.

RECOMMENDATION: Staff recommends that a public hearing be set for June 18, 2012 to hear comments on the proposed addition of Free Standing Solid Fuel Burning Appliance, amendment to Chapter 92: Health and Sanitation: Nuisances.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Huestis
Director of Community Services

Tom Tarkiewicz
City Manager

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**CITY OF MARSHALL
ORDINANCE #-12**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 92: HEALTH AND SANITATION: NUISANCES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§92.01 Definitions** of the Marshall City Code, is hereby amended to include the following:

FREE STANDING SOLID FUEL BURNING APPLIANCE: Any device which operates by the burning of wood or other solid fuel and is designed, intended, or used to provide heat and/or hot water to a structure in which the device is not located.

(A) Prohibition. It shall be unlawful to install or operate a free-standing solid fuel-burning appliance, and to cause or permit the installation or operation of a free-standing solid fuel-burning appliance, within the City, except within I-1 (Research & Technical and I-2 (Heavy Industrial) zoning districts.

(B) Permit; Inspection. No Free Standing Solid Fuel Burning Appliance erected in compliance with this ordinance shall be allowed unless a valid permit is issued through the City of Marshall. Any permitted Free Standing Solid Fuel Burning Appliance shall be subject to safety inspection by the City of Marshall Fire Department.

(C) Conflicts. This section shall not be construed as an exemption or exception to any other provision of these Codified Ordinances or any other code adopted by reference as an ordinance for which the City is an enforcing agency. In the event of a conflict between the provisions of this section and any other ordinance or other provision of law, the more restrictive provision shall apply.

(D) Existing Uses. This section shall not apply to any free-standing solid fuel-burning appliance that was installed, connected, and operating as of the effective date of this ordinance. However, this section shall not be deemed as an authorization for the use of any preexisting free-standing solid fuel-burning appliance and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a free-standing solid fuel-burning appliance.

(E) Violations; Declaration of Nuisance. Any free-standing solid fuel-burning appliance installed or operated in violation of this section is declared to be nuisance per se.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2012.

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 June 18, 2012, 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



ADMINISTRATIVE REPORT
June 4, 2012 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Proposed Revision for Fireworks Ordinance 134.30

BACKGROUND: The City of Marshall currently has an ordinance which prohibits and/or restricts the purchase, use or possession of certain fireworks. Recently, the State of Michigan adopted a new law pertaining to the selling, using and possessing certain fireworks. The current ordinance is in conflict with the new State of Michigan Law.

The current proposed Ordinance 134.30 Revision was researched and drafted by Attorney John Brundage and John Sullivan to bring the City of Marshall in compliance. These attorneys are tasked with the prosecution of the City of Marshall ordinances. It is their opinion that the proposed changes addresses and updates the current fireworks laws to allow the City of Marshall to enforce and/or prosecute any violations occurring within their jurisdiction.

Ordinance 134.30 does not intend to discriminate against any constitutional rights of persons and is solely to exist in accordance with State laws. This ordinance will not restrict the use of special permits authorized by the Marshall City Council for special events as in the previous ordinance.

RECOMMENDATION: As the Police Chief for the City of Marshall it is the recommendation that the Council set a public hearing for June 18, 2012 to hear comments on the revision to Ordinance 134.30.

FISCAL EFFECTS: None Known

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

James Schwartz
Police Chief

Tom Tarkiewicz
City Manager

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**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2012-**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 134:
OFFENSES AGAINST PUBLIC PEACE AND SAFETY.

THE CITY OF MARSHALL ORDAINS:

Section 1:

1. In accordance with the terms of the new state statute, MCL 28.451 et seq., the following is proposed language to amend §134.30:

(A) Definitions:

- (1) "Agricultural and wildlife fireworks" means fireworks devices distributed to farmer, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of this state.
- (2) "Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.
- (3) "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5.

Consumer fireworks does not include low-impact fireworks.

- (4) "Department" means the department of licensing and regulatory affairs.
- (5) "Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- (6) "Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.
- (7) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.
- (8) "National holiday" shall mean:
 - New Year's Day, January 1
 - Martin Luther King, Jr. Day, the third Monday in January
 - Washington's Birthday (President's Day), the third Monday in February
 - Memorial Day, the last Monday in May
 - Independence Day, July 4

- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veterans Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25

(B) No person shall ignite, discharge or use consumer fireworks within the limits of the City of Marshall except on a national holiday, as defined in this ordinance, or on the day preceding or the day after a national holiday.

(C) (1) Any person, firm or corporation may apply to the City Council in writing on forms provided by the department for a permit for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the City, by fair associations, amusement parks or other organizations or individuals approved by the City, if the applicable provisions of this ordinance and MCL 28.451 et seq. are complied with. After a permit has been granted, sales, possession or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(2) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary by the City to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm or corporation or an agent or employee of the person, firm or corporation, and to protect the public. Payment of a permit fee as set by the City shall also be required, which shall be retained by the City.

- (3) A permit shall not be issued under this ordinance to a nonresident person, firm or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm or corporation may be served.
- (4) The City shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

Section 2. This Ordinance or a summary thereof as permitted by MCL 125.3401 shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this _____ day of _____, 2012.

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 June 18, 2012, 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.



ADMINISTRATIVE REPORT
June 4, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Chain of Command Appointments

BACKGROUND: Article III, Section 3.03 (a) of the City Charter requires the City Manager to file with the City Clerk-Treasurer a list, by name and title, of three qualified city administrative officials to exercise the powers and perform duties in his absence. The city administrative officials must be listed in order by which each shall be designated to temporarily assume the City Manager's duties. This list has been updated annually.

For the 2012/2013 Fiscal Year, here is the list of administrative officials in the chain of command in ranking order:

- Natalie Huestis, Community Services Director
- Carl Fedders, Public Services Director
- Bob Kiessling, Fire Chief
- Sandra Bird, Clerk-Treasurer
- Jim Schwartz, Police Chief

RECOMMENDATION: This is an informational report and no action is necessary

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

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CALL TO ORDER

IN REGULAR SESSION Monday, May 21, 2012 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.

ROLL CALL

Roll was called:

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

Also Present: City Manager Tarkiewicz.

Absent: Council Member Booton

Moved Williams, supported Metzger to excuse the absence of Council Member Reed. 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 Miller, supported Metzger, to approve the agenda with the removal of item 16. Closed Session. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

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

- A. Approve minutes of the City Council Regular Session held on Monday, May 7, 2012;
- B. Approve city bills in the amount of \$1,161,078.15.

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

PRESENTATIONS AND RECOGNITIONS

A. Hospital Campus Overlay District:

Susan Collins, Planning Commission Chair, gave a presentation on the proposed

Hospital Campus Overlay District.

Moved Miller, supported Booton, to schedule a public hearing for Monday, June 4, 2012 at 6:00 p.m. to hear public comment on the proposed Hospital Campus Overlay District Ordinance. On a voice vote: **MOTION CARRIED.**

INFORMATIONAL ITEMS

Event Report was provided for the Cruise to the Fountain.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Proposed Addition of §53 Rates Ordinance:

Mayor Dyer opened the public hearing to hear public comment on the proposed addition of §53 Rates Ordinance.

Hearing no comment, the hearing was closed.

Moved Williams, supported Metzger, to approve the addition of §53 Rates Ordinance to the Marshall City Code.

**CITY OF MARSHALL
ORDINANCE 2012-01**

AN ORDINANCE TO ADD AN ORDINANCE TO THE CITY OF MARSHALL CODE §53 RATES OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That the Marshall City Code §53 be added and read as follows:

CHAPTER 53: RATES

§ 53.01 WATER RATES.

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

(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates are included in the table below:

Meter Size	Readiness to Serve Charge As of: July 1, 2012	Readiness to Serve Charge As of: July 1, 2013
5/8"	\$ 15.40	\$ 17.82
3/4"	\$ 15.40	\$ 17.82
1"	\$ 15.40	\$ 17.82
1.5"	\$ 48.00	\$ 48.00
2"	\$ 86.50	\$ 86.50
3"	\$ 195.00	\$ 195.00
4"	\$ 365.00	\$ 365.00
6"	\$ 785.00	\$ 785.00

(1) 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.

(2) 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.

(3) 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.

(C) Water Commodity Charges shall be based on actual consumption. The effective rates are included in the table below:

	Cubic Foot	Commodity Charges As of: July 1, 2012 (per 100cft)	Commodity Charges As of: July 1, 2013 (per 100 cft)
Up to	1,000	\$ 2.06	\$ 2.14
Next	2,000	\$ 1.88	\$ 2.14
Next	12,000	\$ 1.62	\$ 1.71
Next	385,000	\$ 1.11	\$ 1.28
Over	400,000	\$ 1.11	\$ 1.28

(1) 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.

(D) Automatic sprinkler services or hose connections for fire protection

services only will be charge the following rates:

Connection Size	Charge per Annum
6" or smaller	\$120
8"	\$220
10"	\$340
12"	\$500

(E) 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.

(F) 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.

(G) 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.

(H) 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.

(I) 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.

(1) 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.

(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for 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.

§ 53.02 SEWER RATES.

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

Water Meter Size	Service Charge As of January 1, 2012	Service Charge As of January 1, 2013
1" or smaller	\$ 13.60	\$ 14.45
1 1/2"	\$ 17.75	\$ 20.00
2"	\$ 21.50	\$ 25.00
3"	\$ 28.00	\$ 35.00
4"	\$ 48.00	\$ 55.00
6"	\$ 70.00	\$ 80.00

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

Water Meter Size	Service Charge As of January 1, 2012	Service Charge As of January 1, 2013
1" or smaller	\$ 15.10	\$ 15.95
1 1/2"	\$ 19.25	\$ 21.50
2"	\$ 23.00	\$ 26.50
3"	\$ 29.50	\$ 36.50

(C) The Sewer commodity charge shall be:

	Commodity Charge per 100 cft As of January 1, 2012	Commodity Charge per 100 cft As of January 1, 2013
Within the City of Marshall	\$ 2.90	\$ 3.10
Outside the City of Marshall	\$ 4.35	\$ 4.65

(D) Flat rate customer shall pay the following rates in addition to appropriate service charge:

Flat Rate As of January 1, 2012	Flat Rate As of January 1, 2013
\$ 35.10	\$ 37.50

(E) 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.

(F) 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.

(1) 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.

(G) The Charges for 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.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 21st day of May, 2012.

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 May 21, 2012, 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: May 21, 2012

Sandra Bird, CLERK-TREASURER

B. Fiscal Year 2013 Budget Adoption:

Moved Booton, supported Miller to split the resolution to vote on the budget amendments individually. On a voice vote – **MOTION CARRIED.**

Moved Williams, supported Booton, to approve Budget Amendment #1 for a water rate adjustment effective July 1, 2012. On a roll call vote – ayes: Metzger, Miller, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

Moved Williams, supported Metzger, to approve Budget Amendment #2 to include the fare increase but not the millage increase for the Dial-A-Ride fund. On a roll call vote – ayes: Miller, Williams, Booton, Mankerian, and Metzger; nays: Mayor Dyer. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2012-16

City of Marshall Authorizing Resolution
To Amend FY 2013 Proposed Budget

Budget Amendment 1

Increase the Water Fund Revenues Budget by \$33,576 for the Water Rate Increase Authorized by Council May 21, 2012.

Whereas, the water rates were reviewed by the City's consultant and are recommended to be increased beyond the levels projected by the consultant, authorized by Council, last year due to water consumption is lower than projected. The closing of Campbell Soup Company had a direct and material impact on lower consumption;

Whereas, the proposed FY 2013 Water Fund budgeted revenue for water rates does not reflect the recommended rate increase;

Whereas, the rate adjustment will be effective as of July 1, 2012. Following thereafter, the next scheduled rate adjustment will be effective July 1, 2013. No rate adjustment will occur on January 1, 2013 as previously authorized;

Resolved, the Water Fund revenue budget be increased by \$33,576 for the rate adjustment authorized by Council at the May 21, 2012 Regular Council meeting.

Budget Amendment 2

Increase the Dial-A-Ride Fund Passenger Fares Revenue Budget by \$15,597 for the Passenger Fares Increase.

Whereas, the FY 2013 Proposed Budget includes projected Passenger Fares revenue based on the current fare rates and the new authorized fare rates would increase revenue by approximately \$15,597. The rate adjustment is as follows:

	Current	& New
	<u>Fares</u>	<u>Fares</u>
Senior Citizens/Children Under 12–In Town	\$1.00	\$1.50
Adults/Children Over 12–In Town	\$2.00	\$3.00
Senior Citizens/Children Under 12–Out Town	\$2.00	\$2.00
Adults/Children Over 12–Out of Town	\$3.00	\$4.00

WHEREAS, the DART Fund's reliance on State operating fees, property taxes and passenger fares have increased due to the impact from the difficult economic environment;

WHEREAS, by raising the current passenger fares, approximately \$15,597 of additional revenue will be generated to offset some of projected losses and to help maintain existing public transportation valued by our community;

THEREFORE, BE IT RESOLVED, to increase the Dial-A-Ride Fund Passenger Fares revenue budget by \$15,597 for the additional revenue generated by the fare rate increase.

As Amended, May 21, 2012

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 21, 2012 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

Mayor Dyer opened the public hearing to hear public comment on the FY 2013 Proposed Budget.

Brian Munger of 120 S. Grand asked if the Cronin Building had any impact on the 2012 balance.

Doug Jackson of 311 E Mansion St commented regarding the waste pickups.

John Ryan of 818 River Road commented about past actions against veterans.

Hearing no further comment, the hearing was closed.

Moved Williams, supported Metzger, to adopt the FY 2013 Budget as presented with the approved amendments. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2012-14

THE CITY OF MARSHALL
GENERAL APPROPRIATION ACT AND TAX LEVY RESOLUTION
July 1, 2012 – June 30, 2013

THE CITY OF MARSHALL RESOLVES that the expenditures for the fiscal year, commencing July 1, 2012, and ending June 30, 2013, are hereby appropriated on a departmental and fund total basis as follows:

GENERAL FUND REVENUES

Taxes	\$3,102,960
Licenses and Permits	33,600
Intergovernmental Revenues	759,729
Charges for Services	63,800
Fines and Forfeits	63,320
Interest	10,000
Miscellaneous	169,950
Other Financing Sources	1,217,537
Recreation	381,133
Composting	24,200
Airport	<u>165,028</u>
Total Revenues	\$5,991,257

GENERAL FUND EXPENDITURES

City Council	\$3,777
City Manager	120,350
Assessor	77,528
Attorney	55,000
Human Resources	62,535
Clerk-Treasurer	292,532
City Hall	85,526
Chapel	2,850
Other City Property	41,350
Cemetery	187,884
Non-Departmental	690,747
Police	1,493,600
Crossing Guards	12,053
Dispatch	201,934
Fire	785,470
Inspection	90,163
Planning/Zoning	92,261
Streets	688,352
Engineering	19,776
PSB Operations	108,976
Community Development	14,556
Parks	90,221
Capital Improvements	193,758

Recreation	410,630
Composting	58,504
Airport	<u>165,028</u>
Total Expenditures	\$6,045,361

Fund balance reserves shall be decreased by (\$54,104) based on the FY 2013 revenues and expenditures for the General Fund budget. There is a \$54,104 planned use of fund balance for the following; \$19,800 Recreation capital purchases and \$34,304 use of remaining fund balance of Compost reserves before transferring 100% activity/funding over to the County in FY 2014.

The City Council does hereby levy a tax of 15.4629 mills, for the period of July 1, 2012, through June 30, 2013 on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the general expense and liability of the City of Marshall and is levied pursuant to Section 8.01, Article 8 of the Charter of the City of Marshall.

The City Council does hereby levy a tax of .4840 mills for the period of July 1, 2012, through June 30, 2013, on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied to operate the Dial-A-Ride Transportation System in the City of Marshall as authorized by a vote of the citizens on August 5, 1975.

The City Council does hereby levy a tax of .9393 mills for the period of July 1, 2012, through June 30, 2013, on all real and personal taxable property in the City of Marshall, according to the valuation of the same. This tax is levied for the purpose of defraying the expense of operating the Recreation Department of the City of Marshall as authorized by a vote of the citizens on April 4, 1959.

The City Council does hereby levy a tax of 1.6129 mills for the period of July 1, 2012, through June 30, 2013, on all real and personal taxable property in the City of Marshall, according to the valuation of the same in a district known as the Downtown Development District. This tax is levied for the purpose of defraying the cost of the Downtown Development Authority.

	<u>PROPOSED FY 2013</u>	<u>ACTUAL FY 2012</u>	<u>DIFFERENCE</u>
General Operating	15.4629	15.4629	0.0000
Recreation	.9393	.9393	0.0000
Dial-A-Ride	.4840	.4840	0.0000
Downtown Development Authority	<u>1.6129</u>	<u>1.6129</u>	<u>0.0000</u>
TOTAL	18.4991	18.4991	0.0000

The City Manager is authorized to make budgetary transfers within the appropriation centers established through this budget, and that all transfers between appropriations may be made by the City Manager in an amount not to exceed \$10,000 per year without prior Council approval pursuant to Section 19.2 of the provisions of the Michigan Uniform Accounting and Budgeting Act.

The City Council establishes the budget for the period of July 1, 2012, through June 30, 2013 for the following funds in the amounts set forth below:

<u>ALL FUNDS REVENUES</u>	
General Fund	\$5,991,257
MVH-Major & Trunkline	1,953,400
MVH-Local	1,414,150
Local Development Finance	459,327
Downtown Development	263,109
Special Projects	20,373
Marshall House	594,500
Electric	12,463,000
Dial-a-Ride	360,489
Wastewater	1,540,854
Water	1,414,534
Data Processing	139,752
Motorpool	691,700
Safety	<u>600</u>
Total Revenues	\$27,307,045

<u>ALL FUNDS EXPENDITURES</u>	
General Fund	\$6,045,361
MVH-Major & Trunkline	1,701,179

MVH-Local	879,608
Local Development Finance	372,910
Downtown Development	256,565
Special Projects	17,874
Marshall House	670,172
Electric	13,705,301
Dial-a-Ride	422,304
Wastewater	3,521,084
Water	1,844,631
Data Processing	164,751
Motorpool	1,002,521
Safety	<u>3,472</u>
Total Expenditures	\$30,607,733

Fund balance reserves shall be decreased by (\$3,300,688) based on the FY 2013 revenues and expenditures for All Funds.

Amendments:

Budget Amendment 1 –Increase the Water Fund Revenue for the Water Rates Adjustment

Increase the Water Fund revenue budget by \$33,576 for the rate adjustment authorized by Council at the May 21, 2012 Regular Council meeting.

Budget Amendment 2 - Increase the Dial-A-Ride Fund Revenue Budget for the Proposed Passenger Fares Increase.

Increase DART Fund revenue budget by \$15,597 for the additional revenue generated by the passenger fares adjustment authorized by Council at the May 21, 2012 Regular Council meeting.

The rate adjustment is as follows:

	<u>Current Fare</u>	<u>& New Fare</u>
Senior Citizens/Children Under 12 – IN TOWN	\$1.00	\$1.50
Adults/Children Over 12 – IN TOWN	\$2.00	\$3.00
Senior Citizens/Children Under 12 – OUT OF TOWN	\$2.00	\$2.00
Adults/Children Over 12 – OUT OF TOWN	\$3.00	\$4.00

As Amended, May 21, 2012

The City Council of the City of Marshall did give notice of the time and place when a public hearing on adoption of the budget would be held in accordance with Public Act 43 of 1963, proof of publication of the Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith. A copy of the budget proposal was on file with the Clerk-Treasurer and available for public inspection for at least one week prior to adoption of the budget; and

Further, the City Council of the City of Marshall did give notice of the time and place when a public hearing would be held in conformity with the provisions of Public Act 5 of 1982 authorizing a tax rate in excess of the present authorized tax rate for General Operating, Recreation, Dial-A-Ride and Downtown Development Authority tax levies, proof of publication of Notice of Public Hearing is now on file, and which Public Hearing was duly held pursuant to said notice and in conformity therewith; and

This Resolution shall take effect July 1, 2012.

Dated: May 21, 2012

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 21, 2012 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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Liquor License Application Resolution:

Moved Booton, supported Metzger, to approve the one day liquor license for the Calhoun County Agricultural and Industrial Society for June 2, 2012. On a roll call

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

B. Lafferty Property Transfer:

Moved Williams, supported Mankerian to transfer the asset of the Lafferty Property from the General Fund to the Water fund and the Local Development Finance Authority. On a roll call vote – ayes: Mankerian, Metzger, Miller, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

C. Memorandum of Agreement (MOA) – Indian Reservation Road Designation:

Moved Miller, supported Mankerian, to authorize the Clerk-Treasurer to sign the MOA with the Nottawaseppi Huron Band of the Potawatomi. On a roll call vote – ayes: Metzger, Miller, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

D. Annual Compensation of Administrative Officials, Department Heads, and Salaried Personnel:

Moved Miller, supported Mankerian, to approve the proposed wages for the administrative officials, department heads, and salaried personnel as presented. On a roll call vote – ayes: Miller, Williams, Mayor Dyer, Mankerian, and Metzger; nays: Booton. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

Moved Williams, supported Metzger to approve the appointment of James Zuck to the Planning Commission with a term expiring on November 1, 2014. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Marshall City Council, Regular Session
Monday, May 21, 2012
Unofficial

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

VENDOR APPROVAL SUMMARY REPORT

Date: 05/31/2012

Time: 11:04am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AIM ASPHALT, INC	400645	WATERMAIN BREAK	1,679.35	0.00
AIS CONSTRUCTION EQUIP CORP	4885	SHANKS, PINS	58.66	0.00
ARROW UNIFORM	6839	CUST #010198-01	572.38	0.00
AUSTIN-BATTERIES PLUS	6532	100W HPS LAMP	371.76	0.00
AUTO VALUE MARSHALL	21340	WINDOW LIFT MTR	515.53	0.00
BANDIT INDUSTRIES INC	2307	FEEDWHEEL BEARING	86.99	0.00
BLU FISH CONSULTING, LLC	4473	BROOKS PARK PAY PER CLICK	5,328.00	0.00
BLUEGLOBES LLC	400663	TYLT SWITCH	269.03	0.00
BRUTSCHE CONCRETE PRODUCTS	7142	RE: ROBERT E SMITH FUNERAL	335.00	0.00
CALHOUN COUNTY SENIOR SERVICES	400141	MICH ASSISTED LIVING ASSOC CON	165.00	0.00
CARL COMMUNICATIONS	4393	FOUNTAIN ELECTRIC	186.00	0.00
CENTEC CAST METAL PRODUCTS	4181	US FLAGS	119.10	0.00
COLDWATER BOARD OF	7233	MUTUAL AID-FINDING URD FAULT	207.68	0.00
COLE CHRYSLER DODGE JEEP	2996	2002 DODGE RAM 2500	89.95	0.00
CRAFT PHOTOGRAPHIC GALLERY	7261	HERITAGE TOURISM PHOTOGRAPHY	3,100.00	0.00
CRYSTAL FLASH ENERGY	6176	DYED DIESEL	2,216.00	0.00
CULVER COMPANY	6376	FLEXRULER ELEC	546.41	0.00
CUTTING EDGE LAWCARE INC	400660	RED MULCH	216.00	0.00
D & D MAINTENANCE SUPPLY	7271	JANITORIAL SUPPLIES	204.56	0.00
DARLING ACE HARDWARE	7281	TRIMMER LINE	338.91	0.00
DELTA MOBILE TESTING INC	2576	DIELECTRIC EXAMS	3,273.00	0.00
DEPPE ENTERPRISES, LLC	217816	22 STORM WINDOWS	1,512.90	0.00
DUECO INC	7317	TRUCK SERVICE	2,471.40	0.00
ERIC DALE HEATING & AIR COND	21467	RPR GAS LEAK IN HANGAR	225.00	0.00
FITZGIBBONS FLEET FABRICATORS	8131	LIGHTS ETC	5,723.00	0.00
GARAGE DOORS UNLIMITED	300432	Install new doors and auto loc	7,552.00	0.00
GOODWIN PLUMBING, LLC	7394	O-RING, WATER SAVER, SERVICE	123.75	0.00
GREAT AMERICAN BUSINESS PROD	300131	MAINT WORK ORDER BOOK	48.00	0.00
HERMANS MARSHALL HARDWARE	7446	HANDLES	280.09	0.00
J & K PLUMBING SUPPLY	3351	INSERT CPLNG, SS CAMPS, PIPE	31.99	0.00
JOHN D BRUNDAGE &	6437	APRIL SERVICES	2,670.00	0.00
JS BUXTON	8962	LIME	1,152.75	0.00
KAR LABORATORIES INC	8817	MERCURY ANALYSIS	260.00	0.00
LAKELAND ASPHALT CORPORATION	7526	BITUMINOUS AGGREGATES	981.76	0.00
MARSHALL FRAMING STUDIO	7563	FRAMING, COPIES, ETC	291.00	0.00
MARSHALL LUMBERTOWN	7569	OSB	71.95	0.00
MARSHALL MEDICAL ASSOCIATES	7571	MCDONAGH, BECERRA, AMBROSE,	678.00	0.00
MOTION INDUSTRIES INC	2854	MONO PUMP BEARINGS	78.82	0.00
MROTCZEK SOD FARM	400661	ROLLS	168.30	0.00
NFPA	2332	RENEWAL--R. KIESSLING	855.00	0.00
NORTH CENTRAL LABORATORIES	7727	CHLORINE PROBE	553.72	0.00
NYE UNIFORM COMPANY	7733	ADD STRIPES & STARS	84.56	0.00
O'LEARY WATER CONDITIONING	6995	WATER DELIVERED	36.00	0.00
POWER LINE SUPPLY	7821	CUTOUT COVER	12,158.62	0.00
POWER-ON OUTDOOR N MORE LLC	400662	HUE DECK ASSYS	476.95	0.00
PRECISION PHOTO	400618	BATTERY CHARGER	56.17	0.00
RADIO SHACK	7811	STOPWATCH	14.99	0.00
SHAFFER REDI-MIX INC	7867	PSI FOOTING/FOUNDATION	1,486.26	0.00
SIGNWORLD CONCEPTS	7471	Park Signs 50¢	4,834.00	0.00
STANDARD PRINTING & OFFICE	7903	DELIVERY CHARGE	71.48	0.00
STANLEY LAWN & GARDEN	7905	WEED WHIP SPOOL	71.74	0.00
STATE OF MICHIGAN	300238	HAMILTON, MCDONAGH	46.50	0.00
TRUGREEN #2790	7973	LAWN SERVICE	120.00	0.00
VALIDITY SCREENING SOLUTIONS	21635	GRISWOLD, CREDIT REPORT	13.00	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
Grand Total:			65,079.01	0.00

CHECK NUMBER SERIES AS OF FRIDAY, 05/25/12

	Beginning #	Ending #	Dated
PAYROLL-ACH	71381	71387	05/11/12-05/25/12
A/P & P/R-OTHER	91468	91646	05/11/12-05/25/12

VENDOR APPROVAL SUMMARY REPORT

Date: 05/18/2012

Time: 11:09am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 789-2615 963 4	2,147.21	0.00
ADVANCED REAL ESTATE	400654	REFUND UTILITY DEPOSIT	18.22	0.00
AMERICAN MESSAGING	6657	ACCT #Z1-406436	103.93	0.00
BEARDSLEE LAW OFFICES	3471	SERVICES THRU 5/10/12	2,934.25	0.00
CALHOUN COUNTY TREASURER	7177	MTT#386014 ADJS 2010	1,776.66	0.00
DONALD COLWELL	400655	ENERGY OPTIMIZATION - BULBS	2.50	0.00
CORNERSTONE INSPECTION SRVCS	300392	INSPECTIONS	859.00	0.00
GRIFFIN PEST SOLUTIONS	400246	619 HOMER RD	31.00	0.00
LAWRENCE JACOX	400657	REFUND UTILITY DEPOSIT	23.65	0.00
LOWES BUSINESS ACCOUNT	4837	ACCT #821 3023 105909 5	1,202.32	0.00
MARSHALL COMMUNITY CU	7558	4562 - HUESTIS	157.65	0.00
CHAS MAYO	400650	REFUND SOFTBALL DEPOSIT	20.00	0.00
JUSTIN MILLER	6865	GAS REIMBURSEMENT	8.00	0.00
PRATER STUDIO	20017	RPR TO HEATING UNIT	843.00	0.00
AMY PRICE	400656	ENERGY OPTIMIZATION--REFRIG &	40.00	0.00
PRUDENTIAL PREFERRED	400651	REFUND UTILITY DEPOSIT	41.77	0.00
REMAX PERRIT	400463	REFUND UTILITY DEPOSIT	50.00	0.00
SAFEGUARD PROPERTIES	400653	REFUND UTILITY DEPOSIT	13.31	0.00
STELMI AMERICA	3552	ENERGY OPTIMIZATION--AIR CMPRS	7,500.00	0.00
DEBORAH THOMASON	400652	REFUND OVERPAYMENT	54.45	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
Grand Total:			17,826.92	0.00

PRESCRIPTION REIMBURSEMENT 5.00

TOTAL CASH DISBURSEMENTS \$17,831.92

VENDOR APPROVAL SUMMARY REPORT

Date: 05/23/2012

Time: 2:12pm

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AT&T MOBILITY	400292	ACCT# 287238047810	36.99	0.00
CALHOUN COUNTY TREASURER	7177	03/01/12-05/15/12 DEL PER PROP	536.75	0.00
CALHOUN INTERMEDIATE	7178	03/01/12-05/15/12 DEL PER PROP	491.81	0.00
COMMERCIAL OFFICE PRODUCTS	9769	ROLLER, CRTDGS, PROT SHTS, LAB	396.20	0.00
DEVINE & LOYER	300258	REFUND OVERPAYMENT	100.05	0.00
EARTHLINK BUSINESS	400445	ACCT #7018274	2,211.11	0.00
GANNETT SATELLITE INFORMATION	400658	REFUND DUPLICATE PAYMENT	5.62	0.00
GRIFFIN PEST SOLUTIONS	400246	323 W MICHIGAN	31.00	0.00
JOHN HACKER	2529	MEAL	10.00	0.00
HAYEN ENTERPRISES INC	400290	REFUND DUPLICATE PAYMENT	18.54	0.00
KELLOGG COMMUNITY COLLEGE	7507	03/01/12-05/15/12 DEL PER PROP	295.32	0.00
LASERDYNE MANUFACTURING	400659	REFUND OVERPAYMENT	1,674.69	0.00
LEWEY'S SHOE REPAIR	7538	ED MILLER'S BOOT ALLOWANCE	145.00	0.00
MARSHALL COMMUNITY CU	7558	3960 - SCHWARTZ	5,543.59	0.00
MARSHALL DISTRICT LIBRARY	8065	03/01/12-05/15/12 DEL PER PROP	109.47	0.00
MARSHALL FIREFIGHTER AMBULANCE	7561	03/01/12-05/15/12 DEL PER PROP	59.24	0.00
MARSHALL PUBLIC SCHOOLS	7574	03/01/12-05/15/12 DEL PER PROP	1,131.06	0.00
CYNTHIA TANNER	300347	EXPENSE REIMBURSEMENT	41.07	0.00
LUCAS TICE	300431	SCHOOL LUNCH	12.98	0.00
VERIZON WIRELESS	217862	ACCT #683169426-00001	58.34	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
Grand Total:			12,908.83	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 05/29/2012

Time: 10:04am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALLSTATE WORKPLACE DIVISION	3431	POLICY #ALLMI550	650.91	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	GROUP #007016312/0005	1,787.31	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	PPO GROUP #007016312/0008	86,331.83	0.00
BLUE CROSS BLUE SHIELD OF MI	9681	GROUP #007016312/0007	51,458.09	0.00
DELTA DENTAL PLAN OF MICHIGAN	7294	CUST #MI022820001	4,781.23	0.00
MASA	2072	2012 Adult Team Registrations	1,886.00	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
Grand Total:			146,895.37	0.00

EVENT REPORT

EVENT: World Rubeen Eating Contest

EVENT LOCATION: North Jefferson Street

SPONSOR: Pastrami Joes

EVENT DATE: July 21, 2012

EVENT TIMEFRAME: 4pm – 6:30pm

MDOT PERMIT REQUIRED: YES NO

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

ROAD CLOSURE TIMEFRAME: 3pm to 7pm

ROAD CLOSURE DETAIL: North Jefferson Street from Michigan Avenue to Mansion Street

EVENT CLOSURE DETAIL: North Jefferson Street from Michigan Avenue to Mansion Street

DETOUR DETAIL: None

EVENT DETAIL: Children relay and stage for Rubeen Eating Contest

PARKING PROHIBITION: No on-street parking on Jefferson Street. From Michigan Avenue to Mansion Street

COUNCIL NOTIFICATION DATE: June 4, 2012



**Pastrami Joe's Deli & Catering
105 N. Jefferson Street
Marshall, MI 49068
269-781-8800**

May 22, 2012

To Marshall City Council:

I am writing this letter to ask permission from the City of Marshall to close Jefferson Street, between Michigan Avenue and Mansion Street on July 21, 2012, from 3:00 until 6:30. The reason for this request is so that we can host the 7th Annual Reuben Eating Contest, as a fundraiser for the Fountain Clinic. Just as in years past, we are having this event in conjunction with the Blues Festival. We will begin setting up for the contest at 3:00 and the festivities will begin at 4:00 with the kids' program, followed by the adult eating contest at 5:00. Everything should be wrapped up by 6:30.

Please feel free to contact me if you have any further questions or comments. You can reach me at the restaurant or on my cell at 269-788-2879.

Thank you in advance for your consideration regarding this matter.

Yours Truly,

Jodi Lubis

Jodi Lubis
Proprietor



ADMINISTRATIVE REPORT
JUNE 4, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members
FROM: Natalie Huestis, Director of Community Services
Tom Tarkiewicz, City Manager
SUBJECT: Public Hearing on Hospital Campus Overlay District

BACKGROUND: For the May 21, 2012 meeting, Council members received the Hospital Campus Overlay District ordinance with Planning Commission changes incorporated, along with the recommended changes to the HCOD map. Susan Collins, Chair of the Planning Commission, gave a presentation to the council on these recommended changes to the overlay ordinance. Previously on May 7, 2012, Oaklawn Hospital also gave a presentation to council on the original recommended HCOD from the Hospital Neighborhood Committee.

Both power point presentations have been placed on the City's website for public viewing. The public hearing is an opportunity for the council to hear individual points of view and/or group views on the overlay before deliberation.

RECOMMENDATION: Staff recommends that after hearing comments on the HCOD, Council begin discussion on final approval.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Huestis
Director of Community Services

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN

An Ordinance to Amend the City of Marshall Zoning Ordinance

Ordinance No. _____

An ordinance to amend the City of Marshall Zoning Ordinance to add definitions and establish a new Hospital Campus Overlay District.

THE CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN, ORDAINS:

Section 1.

Amend Section 156.003 Definitions to add the following:

OVERLAY DISTRICT. An overlay zoning district applies to a specific geographic area of the City, as designated on the City's Zoning Map. The requirements of an Overlay District, as set forth by the Zoning Ordinance, apply as additional standards for those parcels within an overlay district's boundaries. Where there is a conflict between the standards in the Overlay District and the underlying Zoning District, the standards in the Overlay District shall be applied. The intent is to address particular issues that span a large geographical area and includes more than one underlying zoning district.

Section 2.

Add a HOSPITAL CAMPUS OVERLAY DISTRICT as follows:

HCO HOSPITAL CAMPUS OVERLAY DISTRICT

NON-RESIDENTIALLY USED LOT. A lot with a land use other than residential.

RESIDENTIALLY USED LOT. A lot with a land use where one or more persons resides in a building containing one room or a combination of rooms that are used for living, cooking, and sleeping purposes. If a building is vacant, but the residential use has not been abandoned, the lot shall continue to be classified as a Residentially Used Lot.

Section 156.184 PURPOSE

The Hospital Campus Overlay (HCO) District is designed to establish and define an overlay district. The HCO District is established for the purpose of accommodating a concentration of health care, associated retail and commercial office uses, combined with residential dwellings

within a campus-like setting. The goal is that for expansion of health care services and related structures will take place within the boundary of the HCO District to encourage growth and viability of the hospital, which is expected to provide related employment, growth and expansion of the tax base, and provision of high quality health care for the residents of the City of Marshall and surrounding areas.

The HCO District is intended to provide a harmonious relationship between residential, health care, cultural and commercial uses. This mixed-use district will complement Downtown Marshall. It is designed to accommodate a lively social, residential and commercial campus-like environment and promote easily accessible health care services in a pedestrian-friendly setting, with convenient parking for those who drive to the District.

Expansion of health care and supporting uses within the HCO District is anticipated as health care services and related uses continue to expand. Street closures may also be a component of the District, subject to City Council approval. The HCO provides the regulatory framework to permit expansion of health care and supporting uses.

Section 156.185 PRINCIPAL PERMITTED USES IN THE HCO DISTRICT

No building or land shall be used and no buildings shall be erected except for one or more of the principal permitted uses, principal uses subject to special conditions, principal uses subject to special approval, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section; provided, however, that the following uses shall be permitted within the HCO District, in addition to the uses permitted in the underlying district:

1. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists, pharmacies, home health services, home medical equipment facilities, sleep centers, therapy, diagnostic or treatment centers, ambulance facilities, hospital related services and other health care providers.
2. Nursing homes, retirement homes and other residential uses dependent upon or directly related to medical care such as convalescent care, skilled nursing, group homes for the disabled and overnight accommodations, and licensed daycare facilities.
3. Professional offices and services to include the following: insurance, legal, patient accounting, accounting, financial, and governmental.
4. Off-street parking.

5. Accessory structures and uses that are customarily incidental to any principal use permitted by this section.

Section 156.186 DIMENSIONAL REQUIREMENTS

Dimensional requirement shall be regulated by the underlying district as specified in Sections 156.180 through 156.182; provided, however, that the following requirements shall apply to development within the HCO District:

1. Surface Parking Setbacks

Lots abutting residentially used property:
Minimum yard setbacks

Front: Ten (10) feet
Side: Ten (10) feet
Rear: Ten (10) feet

Lots abutting non-residentially used property:
Minimum yard setbacks

Front: 0 feet
Side: 0 feet
Rear: 0 feet

See Section 156.188 DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY for parking lot screening requirements.

2. Minimum Yard Setbacks (for buildings and structures)

(A) For a non-residentially used lot abutting a residential district, the following minimum setbacks shall apply to all non-residential uses:

Front: 20 feet
Side: 20 feet
Rear: 20 feet

(B) For any buildings north of the platted right of way of West Prospect Street between Madison Street and High Street, the following minimum setbacks shall apply to all non-residential uses:

Front: 50 feet
Side: 50 feet
Rear: 50 feet

A ten (10) foot landscape buffer shall be included in the required setback between public right of way and surface parking area.

If a zoning lot is separated from a residential district by a street, there shall be a ten (10)-foot minimum setback on the side of the zoning lot facing the residential district.

(C) For a non-residentially used lot abutting or located within an HCHSD (Health Care and Human Service District), POSD (Professional Office Service), B-2 (Local Business) or B-3 (Neighborhood Commercial), the following setbacks shall apply:

Front	0 feet
Side	0 feet
Rear	0 feet

3. Building Height

Maximum building height: five (5) stories, sixty-five (65) feet. Additional building height up to an additional fifteen (15) feet may be permitted for mechanical equipment and roof appurtenances. All rooftop mechanical equipment shall be screened from view by a parapet wall or other decorative screening method based on the goal of completely obscuring the view of the rooftop equipment by a 5'10" tall person standing at grade level within 100' of the building. For any buildings north of the platted right of way of West Prospect Street between Madison Street and High Street, the maximum building height shall not exceed thirty five (35) feet plus fifteen (15) feet allowance for mechanical equipment.

4. Maximum Lot Coverage

Maximum lot coverage shall be regulated by application of required minimum setbacks, not by a specified percentage.

Section 156.187 APPLICATION OF REGULATIONS

Land that is located within the HCO District, as reflected on the Zoning Map, is subject to the regulations of the underlying zones unless specifically modified by the provisions of this chapter. In the event of a conflict between the provisions of this chapter, an underlying zone, and any other provisions of the zoning ordinance, the provisions of this chapter apply.

Section 156.188 DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY

1. DEFINITION NOTE: For the purpose of this subsection 156.188 only, the term “abutting” does not apply to property that is across a street, alley or road easement from the subject property, except as otherwise noted below.

2. LANDSCAPING AND BUFFER TREATMENT

The following provides a description and related standards for various landscape and buffer treatment types in the HCO District. Also refer to the HCO District Edge Zones graphic.

(A) **Garden edge/buffer:** a garden edge/buffer area shall be provided when a non-residential use abuts a residentially used lot that is not in the HCO District.

- (1) The objective of the garden edge/buffer is to screen hospital structures, noise, and light that emanates from vehicles, buildings and site lighting fixtures, while providing an aesthetically pleasing, diversely vegetated viewscape and safe walking environment for pedestrians.
- (2) Site amenities and landscape features shall be designed to be compatible with abutting neighborhood character.
- (3) Landscaping shall provide tree canopy shading of paved surfaces in accordance with subsection 156.307, supplemented with additional plantings along internal walkways, and landscaping or walls or fence to screen views of driving and parking surfaces in accordance with subsection 156.305.
- (4) A tiered height screening approach shall be provided on the side of a lot within the HCO District facing residential property located outside of the HCO District. A minimum of 1) an evergreen buffer of closely spaced trees, 2) a decorative six-foot (6') high fence or 3) a six-foot (6') high decorative screen wall is required in the HCO District when abutting residentially zoned property. Large canopy deciduous trees spaced a minimum of forty lineal feet, on average, and sized at three-inch caliper or greater shall supplement evergreen and/or wall/fence requirements to provide screening at varying heights. When abutting a street, the street frontage edge requirements in subsection 156.186,2.(B) shall be met.
- (5) For locations where noise buffering is determined by the Planning Commission to be necessary, the use of a six-foot (6') high decorative screen wall instead of other screening options noted in (4) above shall be provided. The wall shall be supplemented with large canopy deciduous trees (three-inch minimum caliper) planted every forty (40) lineal feet, on average, along the perimeter where the wall is placed to improve the overall appearance and visual height of the screening. The Planning Commission may approve a six-foot (6') high landscaped berm in lieu of a decorative wall when it determines that it would be a more appropriate screening technique directly adjacent to residentially-zoned property. The

berm shall also include other plantings to provide an effective visual screen at varying heights.

- (6) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
- (7) Full cut-off lighting at no more than a maximum height of 25 feet shall be used throughout the development site, and house-side shields shall be used to prevent light spillover onto residentially-zoned properties.
- (8) If used, retaining walls should be designed to reduce their visual impact while maximizing safety elements. Masonry, concrete or other textured material with terracing and landscaping shall be used to reduce the visual impact of retaining walls.

(B) Street frontage edge. A street frontage edge shall be provided when a non-residential use is located across the street from a residentially used lot that is not in the HCO District. See Section 156.304 Method of Screening for minimum city street right-of-way screening requirements.

- (1) The objective of the street frontage edge is to minimize the visual impact of structures and parking in the HCO District from residential areas located across a street.
- (2) Site amenities and landscape features shall be designed to be compatible with adjacent neighborhood character.
- (3) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
- (4) Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.
- (5) Landscaping and signage are encouraged at HCO District entrances to provide visual emphasis and ease of identification for both drivers and pedestrians.
- (6) Parking lots and vehicular circulation areas shall be screened by a hedgerow, decorative fence or decorative wall per Section 156.304. The area from the ground to a minimum height of three feet shall be totally obscured from the public street. If a wall or fence is provided, the setback area shall contain a planting strip abutting the wall or decorative fence. Small shrubs, ornamental grasses, and small, flowering plants are appropriate in these locations. Parking spaces directly abutting the perimeter of a street frontage edge shall have landscape islands planted with large (three-inch caliper minimum)

deciduous trees. These islands, required by subsection 156.307 (B) (1), should be strategically placed within the parking lot to provide a dual benefit of shading parking spaces and enhancing the perimeter buffer of the HCO District.

(C) **Transition edge.** A transition edge shall be provided when a non-residential use is located adjacent to or across the street from a non-residentially used lot.

- (1) The objective of the transitional edge is to allow for minimally screened HCO District structures and parking.
- (2) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
- (3) Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.
- (4) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304. Alleys are exempt from screening.

(D) **Interior edges.** An interior edge shall be provided for all non-residentially used lots on both sides of Madison Street, Prospect Street, Mansion Street, and High Street, south of Mansion, unless such street is closed or vacated. See Section 156.306 for minimum interior landscaping requirements and Section 156.307 for minimum parking lot landscaping requirements.

- (1) The objective of the interior edge is to provide clear sight lines to publicly accessible spaces in a safe environment.
- (2) Low shrubs and pruned trees shall be utilized to provide high visibility and accessibility near sidewalks, public entrances into buildings and parking areas.
- (3) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304.
- (4) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
- (5) Overhead walkways over streets may be permitted to interconnect buildings and parking structures and to enhance pedestrian safety, providing they are a minimum height of 15' clear from the road surface.

- (6) Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.

Section 3.

REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City Of Marshall City Code shall remain in full force and effect, amended only as specified above.

Section 4.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5.

SAVINGS

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6.

EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 7.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the ___ day of _____, 2012, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

STATE OF MICHIGAN
COUNTY OF CALHOUN

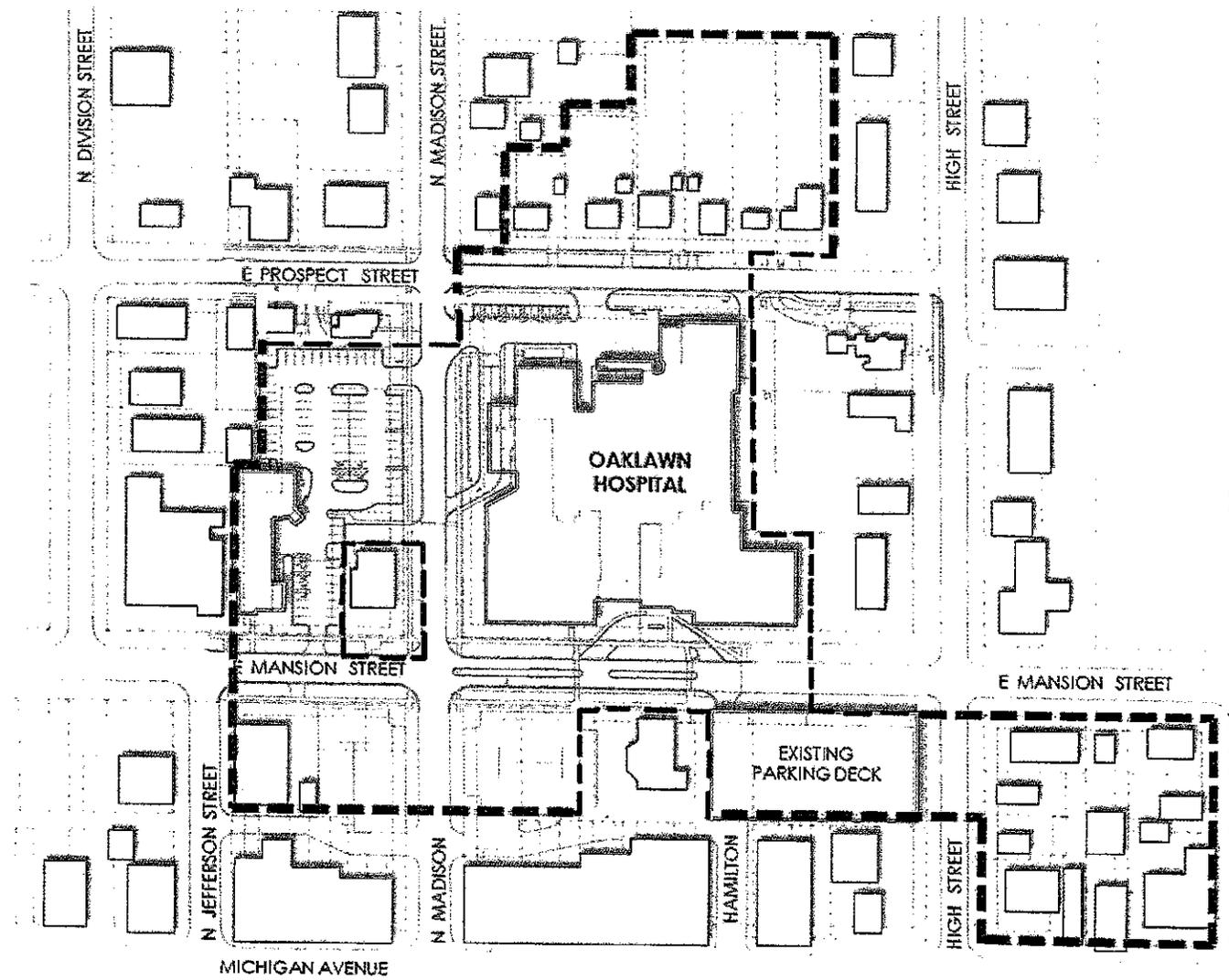
I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ___ day of _____, 2012, the original of which is on file in my office.

Adopted:
Published:

HOSPITAL CAMPUS DISTRICT OVERLAY

LEGEND

-  Existing Buildings
-  Hospital Campus District Overlay





ADMINISTRATIVE REPORT
June 4, 2012 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Sandra Bird, Clerk-Treasurer
Michael Hackworth, DPW Superintendent
Aaron Ambler, Water Superintendent
Alec Egnatuk, Wastewater Superintendent
Tom Tarkiewicz, City Manager

SUBJECT: Water, Wastewater, and DDA Parking lot - Bond Sale
Notice of Intent

BACKGROUND: Using information and recommendations from the 2008 Water and Wastewater master plan and through the detailed development of the capital improvements plan the City of Marshall is recommending that a number of projects get grouped together to address deficiency in the water wastewater, and downtown parking lots. Below is a summary of the work that is proposed to be included in this bond.

Water Infrastructure Improvements:

- Water main replacement on N. Marshall Avenue between E. Michigan Avenue and Forest Street.
- Water main replacement on Greenfield Blvd between W. Michigan Avenue and Verona Road.
- Water main replacement on E. Michigan Avenue from Kalamazoo Avenue to Plum Street.
- Various hydrant and valve replacement throughout downtown on Michigan Avenue.
- Water main replacement at the wastewater treatment plant.
- Replacement of the Water SCADA System.
- Water main replacement on W. Mansion Street from Plum Street to N. Kalamazoo Avenue (Scheduled for spring of 2013 to coordinate with road reconstruction grant).
- Linden Street from Industrial Road to W. Hanover Street (Scheduled for spring of 2013).
- Well house #4 reconstruction (Scheduled for spring of 2013).

Wastewater Infrastructure Improvements:

- Replacement of two (2) existing lift stations
- Replacement of the Wastewater SCADA System
- WWTP Sludge Pump and Sludge Tank Mixer Replacement
- WWTP Valve Replacement
- WWTP Controls Replacement
- In-line Muffin Monster Exchanges Replacement (2)

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

- Installation of a Stand-By Generator at the WWTP
- Emergency bypass pump
- Electric Gate
- Driveway/parking lot Improvements

DDA Parking lot Improvements

- Includes reconstruction, rehabilitation, and preventative maintenance performed to nearly every parking lot located within the downtown area.

This is the approximate timeline for the water and wastewater projects.

June 4, 2012	Resolution for the notice of intent of bond sale
June 9, 2012	Start of 45 day referendum period
June 25, 2012	Project plans available for bid
July 24, 2012	Referendum period expires and bond sale process begins
July 23, 2012	Construction bids due
August 6, 2012	Bond sale and City Council consideration of approval of bond sale and construction bids.
August 20, 2012	Construction begins

The timeline for the parking lot project has not yet been determined.

The actual estimated construction cost for these projects are \$1,750,000, \$2,000,000, and \$200,000 for the water, wastewater, and downtown parking lots respectively. This timeline has been suggested to Council to allow actual construction bids, with the exception of delayed projects, to be used to determine the amount of the bond to be sold.

The City has been working with Julia K. Baker, a Paralegal with Miller, Canfield, Paddock and Stone, P.L.C. in Lansing, MI who was responsible for preparing the attached resolution. The document was prepared in such a manner to show the water and wastewater system as the focus of the improvements. In addition to working with the staff of Miller, Canfield, Paddock and Stone, Warren Creamer, Director of Public Finance, Robert W. Baird & Company has been retained as Financial Consultant to assist the City in preparation and planning for the sale of the bonds. We have in the past successfully worked with these individuals and companies with respect to similar projects.

After the review and study of the cost estimate supplied by our engineering consultants, it was recommended by our financial consultant that an amount not to exceed four million five hundred thousand dollars (\$4,500,000) was most practical for the purposes of financing costs of acquisition and construction of this project.

This project is consistent with the 2008 Water Distribution, Wastewater Distribution System, and Water Treatment Facilities Master Plans, which was approved by City Council. The City intends to pay the principal and interest of the bonds from water and wastewater system rates, fees and charges and other

revenues received by the City from the operations of the City's water supply and wastewater systems. The Parking lot portion will be paid using DDA funds. In case of insufficiency of these revenues, the principal of and interest on the bonds shall be payable from the City's General Fund funds lawfully available for such purposes including property taxes levied within existing charter, statutory and constitutional limitations.

RECOMMENDATION: It is recommended that the City Council adopt the attached resolution initiating the forty five day referendum period prior to the sale of the bonds. Adoption of this resolution does not authorize the projects or any expenses. Council approval will be needed when the bond bids and construction bids are received.

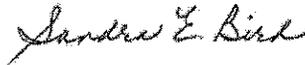
FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,



Carl Fedders
Director of Public Services



Sandra Bird
Clerk-Treasurer



Michael Hackworth
DPW Superintendent



Aaron Ambler
Water Superintendent



Alec Egnatuk
Wastewater Superintendent



Tom Tarkiewicz
City Manager

**City of Marshall
County of Calhoun, State of Michigan**

NOTICE OF INTENT RESOLUTION
CAPITAL IMPROVEMENT BONDS

A RESOLUTION TO PROVIDE FOR:

- Publication of a Notice of Intent to Issue Bonds and Right of Referendum for up to \$4,500,000 of Bonds for capital improvements to the City's water and sewer systems and parking lots.
- When the Notice is published in *The Marshall Advisor/Chronicle*, voters will have a 45-day referendum period during which they could petition for referendum.
- Statement of Intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt.

PREAMBLE

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (the "City") determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire and construct improvements and replacements to the City's (1) water system, including but not limited to replacement of a well house and water mains, service lines, meters, hydrants and valves, updates to control systems and improvements to the water treatment plant facility, together with any appurtenances and attachments thereto and any related necessary reconstruction of streets and sidewalks and any related site acquisition or improvements, and (2) sewage disposal system, including but not limited to replacement of lift stations, updates to the metering system, and updates to control systems and repairs and improvements to the wastewater treatment plant facility, together with any appurtenances and attachments thereto and any related site acquisition or improvements, and (3) parking lots, including but not limited to repaving and repairs (collectively, the "Capital Improvements"); and

WHEREAS, under the provisions of Section 517 of Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") a City may issue municipal securities to pay the cost of any capital improvement items within the limitations provided by law; and

WHEREAS, the issuance by the City of bonds under Section 517 of Act 34 in an amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) (the "Bonds") for the purpose of financing costs of acquisition and construction of the Capital Improvements appears to be the most practical means to that end; and

WHEREAS, the City intends to pay the principal of and interest on (a) the Bonds issued for water and sewer system improvements from water and sewer system revenues, and (b) the Bonds issued for parking lot improvements from Downtown Development Authority revenues; and

WHEREAS, Act 34 requires that the aggregate outstanding balance of municipal securities issued under Section 517 of Act 34 by a City shall not exceed 5% of the state equalized valuation of the property assessed in that City, and after the issuance of the Bonds the

outstanding balance of all municipal securities issued under Section 517 of Act 34 by the City will not exceed this limit; and

WHEREAS, a notice of intent to issue bonds must be published in order to comply with the requirements of Section 517 of Act 34 and Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended; and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue the Bonds in *The Marshall Advisor/Chronicle*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a one-quarter (1/4) page display advertisement as required by Section 517 of Act 34, and shall be in substantially the following form:

NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF MARSHALL
OF INTENT TO ISSUE BONDS SECURED BY THE
TAXING POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Marshall, County of Calhoun, State of Michigan, intends to issue and sell general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in the maximum aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) for the purposes of paying costs to acquire and construct improvements and replacements to the City's (1) water system, including but not limited to replacement of a well house and water mains, service lines, meters, hydrants and valves, updates to control systems and improvements to the water treatment plant facility, together with any appurtenances and attachments thereto and any related necessary reconstruction of streets and sidewalks and any related site acquisition or improvements, and (2) sewage disposal system, including but not limited to replacement of lift stations, updates to the metering system, and updates to control systems and repairs and improvements to the wastewater treatment plant facility, together with any appurtenances and attachments thereto and any related site acquisition or improvements, and (3) parking lots, including but not limited to repaving and repairs.

The bonds may be issued in one or more series and may be combined with bonds issued for other purposes as shall be determined by the City Council. Each series of the bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on said bonds to be payable at rates to be determined at sale of the bonds but in no event to exceed such rates as may be permitted by law. Bond proceeds may be used for capitalized interest to the extent permitted by law.

SOURCE OF PAYMENT OF BONDS

The City intends to pay the principal of and interest on (a) the Bonds issued for water and sewer system improvements from water and sewer system revenues, and (b) the Bonds issued for parking lot improvements from Downtown Development Authority revenues. In case of the insufficiency of these revenues, the principal of and interest on the Bonds shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within existing charter, statutory and constitutional limitations.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A VALID PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such petition is filed, the bonds may not be issued without an approving vote of a majority of the qualified electors of the City voting thereon.

THIS NOTICE is given pursuant to the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended, and Section 5(g), Act 279, Public Acts of Michigan, 1909, as amended. Further information concerning the matters set out in this notice may be secured from the City Clerk's office.

Sandra Bird, City Clerk, City of Marshall

3. The City Council does hereby determine that the foregoing form of notice of intent to issue the Bonds, and the manner of publication directed, is adequate notice to the electors of the City and is the method best calculated to give them notice of the City's intent to issue the Bonds, the purpose of the Bonds, the source of payment of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto. The City Council does hereby determine that the newspaper named for publication will reach the largest number of persons to whom the notice is directed.

4. The City may incur expenditures for the Capital Improvements prior to receipt of proceeds of the Bonds, and may advance moneys for that purpose from the general fund or funds of the City's water system and/or sewer system, to be reimbursed from proceeds of the Bonds when available. The Finance Director shall keep a specific record of all such expenditures.

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

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

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

(3) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$4,500,000 which debt may be issued in one or more series and/or together with debt for other purposes.

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

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

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

6. The City Council hereby determines to sell the Bonds at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will permit the City to enter the market on short notice at a point in time which appears to be most advantageous, and thereby possibly obtain a lower rate of interest on the Bonds. Robert W. Baird & Co, Incorporated is hereby named as managing underwriter for the Bonds. The City reserves the right to name additional co-managers and/or to develop a selling group. By adoption of this resolution the City assumes no obligations or liability to the Underwriter for any loss or damage that may result to the Underwriter from the adoption of this resolution, and all costs and expenses incurred by the Underwriter in preparing for sale of the Bonds shall be paid from the proceeds of the Bonds, if the Bonds are issued, except as may be otherwise provided in the Bond Purchase Agreement to be signed by the City at the time of sale of the Bonds.

7. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds. The City Council acknowledges that Miller, Canfield, Paddock and Stone, P.L.C., represents Robert W. Baird & Co., Incorporated and many other municipal bond underwriters, banks, and financial institutions in connection with matters unrelated to issuance of the Bonds by the City. The City hereby requests Miller, Canfield, Paddock and Stone, P.L.C. to continue as bond counsel to the City for the Bonds.

8. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate sale of the Bonds.

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

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 June 4, 2012 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.

I further certify that the following Members were present at said meeting: _____

_____ and that the following Members were absent:
_____.

I further certify that Member _____ moved for adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution:
_____ and that the following Members voted against adoption of said resolution: _____.

City Clerk



ADMINISTRATIVE REPORT
June 4, 2012 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Resolution Establishing Cost for OWI, OWVI,
& OWPD Cost Recovery

BACKGROUND: The City of Marshall currently has cost recovery fees for Operating While Intoxicated (OWI), Operating While Visibly Impaired (OWVI) and Operating While the Presence of Drugs (OWPD). These fees were established on November 21, 1994. While looking over the ordinances and fees associated with enforcing these ordinances, it was determined to research our current fees.

The Office of City Attorneys Brundage and Sullivan determined that our current fees were in line with other agencies. It was further determined that several other elements were not being addressed in the fees.

There have been no adjustments for officer's salaries, no consideration on the equipment used to perform these duties, and other time associated with enforcement responsibilities. When doing this research, we were looking at costs involved and time taken to complete the process from initial contact to adjudication. Although other agencies have higher fees, the fees requested in this resolution are to address the concerns involving the enforcement efforts by the City of Marshall.

RECOMMENDATION: As the Chief of Police, it is my recommendation and the recommendation of the City of Marshall Prosecuting Attorneys, that the resolution be amended and approved to include the established fees.

FISCAL EFFECTS: The fees collected will be collected by the City of Marshall and be retained in the General Fund.

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

James Schwartz
Police Chief

Tom Tarkiewicz
City Manager

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CITY OF MARSHALL, MICHIGAN

RESOLUTION #2012-

RESOLUTION ESTABLISHING COSTS FOR

OWI, OWVI & OWPD COST RECOVERY

WHEREAS, on November 21, 1994, the City of Marshall adopted Section 72.006 of the Marshall City Code regarding the recovery of expenses associated with persons charged with operating a motor vehicle while intoxicated, or operating a vehicle while visibly impaired or operating with the presence of a controlled substance;

WHEREAS, Subsection (E) of said ordinance permits the City Council by resolution to adopt a schedule of the costs included within the expense of an emergency response;

NOW THEREFORE, BE IT RESOLVED that the following costs are hereby established to be the expense of an emergency response within the meaning of Section 72.006 of the Marshall City Code:

1. Suspects arrested for operating while intoxicated (OWI), operating while visibly impaired (OWVI), or operating with the presence of a controlled substance (OWPD), or a combination thereof, shall be assessed a basic fee of \$220.00.
2. An additional fee of \$40.00 shall be assessed where an accident is involved.
3. An additional fee of \$45.00 shall be assessed where a blood sample is obtained for the purpose of toxological testing.
4. Suspects arrested for OWI, OWVI, OWPD, or a combination thereof, shall also be assessed the actual costs and expenses incurred, including wages, for all Public Works or Fire Department responses, towing or vehicle impoundment charges, etc., necessitated by the suspect's actions.
5. All other costs and expenses incurred and any other resources expended shall also be billed to the suspect at the actual amount expended.

BE IT FURTHER RESOLVED that the Chief of Police is authorized to amend these costs from time to time as salaries and costs change.

BE IT FURTHER RESOLVED that the aforementioned expenses are to be paid by the suspect before sentencing and, if unpaid, the suspect shall further be assessed all costs and expenses incurred by the City in collecting said costs and expenses.

AYES, Councilmembers:

NAYES, Councilmembers:

ABSTAINED, Councilmembers:

Resolution declared adopted.

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

Clerk-Treasurer



ADMINISTRATIVE REPORT
JUNE 4, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

BACKGROUND: The adopted FY 2013 budget did not allocate funding for the Spring Trash Pickup, Spring Brush Pickup, and Fall Leaf Pickup. The estimated cost for the pickups is as follows:

Spring Trash Pickup	\$ 15,000
Spring Brush Pickup	\$ 15,000
Fall Leaf Pickup	<u>\$ 75,000</u>
Total	\$105,000

Several options are available:

Option A: Eliminate all three pickups.

Option B: Fund selected pickups through a service fee. The fee would be charged to all residential properties on their utility bills. The fee would not be charged against industrial, commercial, multi-family complexes, and downtown apartments. With an estimated 2,280 residential properties, this would be an annual cost of \$46.00 or \$3.84 monthly. This fee will be difficult to determine to which tenant to charge at a multi-unit building. Also, several residential properties do not receive a City utility bill. Also, it is not clear if this fee would violate the Bolt Decision made by the Michigan Supreme Court. If this option is selected, additional legal research will be required.

Option C: Fund selected pickups through a Council approved Special Pickup millage by increasing the current General Operating millage. The millage levy needed would be 0.5 mills, which does not exceed the maximum allowable. The General Fund reserves could be used for the 2012 Fall Leaf Pickup. The property owner with a \$100,000 house would pay \$25.00 annually

Option D: Fund the pickups through a voter approved millage. Since the earliest election is in November of 2012, the General Fund reserves could be used for the 2012 Fall Leaf Pickup. This year, the millage levy needed would be 0.5 mills. The property owner with a \$100,000 house would pay \$25.00 annually.

RECOMMENDATION:

After reviewing the options, I am recommending our citizens be allowed to decide if they desire the pickups through a ballot proposal to be placed on the November 2012 ballot. It is recommended that the 2012 Fall Leaf Pickup be funded from General Fund reserves, until the ballot proposal is decided.

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FISCAL EFFECTS: There will be no additional cost for the November ballot proposal. The estimated General Fund balance for June 30, 2012 is \$2,125,315.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz
City Manager