

# MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

JUNE 18, 2012



- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Richard Gerten, Family Bible Church
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PUBLIC COMMENT ON AGENDA ITEMS – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.
- 7) CONSENT AGENDA

A. City Council Minutes

Regular Session..... Monday, June 4, 2012

B. City Bills

Regular Purchases..... \$ 152,071.42  
Weekly Purchases –6/1/12..... \$ 27,039.49  
Weekly Purchases –6/8/12..... \$ 115,716.42  
Total ..... \$ 294,827.33

8) PRESENTATIONS AND RECOGNITIONS

A. A.A.A. Crossing Guard Recognition Certificates

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing – Wood Burning Ordinance

City Council will receive 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. Public Hearing – Fireworks Ordinance

City Council will receive public comment on the revision to §134.30 Fireworks Ordinance of the Marshall City Code.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. Fire Station Architect Selection

City Council will consider the recommendation to approve the selection of C2AE of Grand Rapids to be retained to provide Fire Station preliminary architectural services and approve the resolution to provide for statement of intent to reimburse expenditures from bond proceeds required by Internal Revenue Code for tax-exempt debt.

B. Proposal to Update the Joint Police Facility Study

City Council will consider the recommendation to approve the retainage of Redstone Architects to update the Joint Police Facility Study.

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



**C. FY 2012 Year-End Budget Amendments**

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

**D. Department of Public Services Contract- Teamsters Local 214**

City Council will consider the recommendation to approve the Teamsters Local 214 Contract as presented.

**13) APPOINTMENTS / ELECTIONS**

**14) HOSPITAL NEIGHBORHOOD COMMITTEE AND HOSPITAL CAMPUS OVERLAY DISTRICT DISCUSSION**

**15) 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.

**16) COUNCIL AND MANAGER COMMUNICATIONS**

**17) ADJOURNMENT**

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Tarkiewicz". The signature is written in a cursive style with a large, looping flourish at the end.

Tom Tarkiewicz  
City Manager

**CALL TO ORDER**

IN REGULAR SESSION Monday, June 4, 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, Reed and Williams.

Also Present: City Manager Tarkiewicz.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Amber Fujita of Marshall Assembly of God gave the invocation and Mayor Dyer led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

Moved Metzger, supported Mankerian, to approve the agenda with the addition of union negotiations to item 16. Closed Session. On a voice vote: **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

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

- A. Schedule a public hearing for Monday, June 18, 2012 at 7:00 p.m. 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 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. Receive the FY 2013 Administrative Chain of Command Appointments;
- D. Approve minutes of the City Council Regular Session held on Monday, May 21, 2012;
- E. Approve city bills in the amount of \$242,715.13.

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

**PRESENTATIONS AND RECOGNITIONS**

None.

**INFORMATIONAL ITEMS**

Event Report was provided for the World Rueben Eating Content.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. Hospital Campus Overlay District:**

Mayor Dyer opened the public hearing to hear public comment on the proposed Hospital Campus Overlay District Ordinance.

Three special interest groups were granted a 15 minute presentation slot:

John Merucci, resident and president of the Marshall Neighborhood Association, feels the HCOD will remove some of the current zoning and encroach into the neighborhood and that granting the overlay would be the wrong course of action.

Sue Damron and Eldon Vincent of the Downtown Development Authority presented on the HCOD and presented some facts on the loss of property tax revenues and feel the process should be slowed down to address some of the long term issues.

Mark O'Connell, member of the Hospital Neighborhood Committee, spoke regarding the extensive amount of facts, history, and data that was examined by the committee to reach their final report and the compromises that were made by everyone.

**Individual Comments:**

Mark Stuart commented regarding the Oaklawn Development Agreement.

Joe Paulcheck commented regarding the accuracy of a letter that was published in the Marshall Chronicle to eliminate inaccuracies.

Sue Damron commented regarding some personal experiences with Oaklawn Hospital.

John Sherwood spoke of his own personal experiences with the hospital. He asked for his fellow Oaklawn coworkers to stand in the audience who are prepared to speak but instead, they have prepared written statements to offer as handouts to be respectful of the time. Council chose to receive the written

statements. (**Attachment A**). Mr. Sherwood also presented an article for the record from the Manhattan Institute's Center for Rethinking regarding Expanding a Hospital into Historic Territory (**Attachment B**).

Joe Cooper expressed his support and feels the issue has been dragged on long enough.

Jim Pardoe commented regarding the HNC process and the great community effort and feels that it is in the best interest of Marshall to approve the plan.

Faye Berry thanked everyone who worked hard on the plan and expressed her support.

Dan Stulberg expressed his support for the hospital and the historic district and believes both can work together.

Ed Boggess feels it is practical to divide the hospital operations and expand to land outside of town.

Marilyn Burke urged Council to listen to the people in town and for the hospital to be innovative.

Joann Foster urged the Council to vote no on the overlay and to leave the 200 block of High Street out of the overlay. A copy of her prepared statement was distributed (**Attachment C**)

Brian Munger feels his opinions were not heard at the HNC committee meetings.

Sarah Andrews expressed her support for the hospital.

Jim Codde supports the hospital, but his house is up for sale because of the hospital and feels they need to consider the people who live around it.

Carol Lehman stated regarding the overlay that compromise is necessary and change is essential.

Charlie Johnson feels that compromise is necessary and agrees with the Planning Commission's recommendations.

Glenda Jackson encouraged the Council to think of the people who live near the hospital and to vote with their hearts. She presented a written statement from another anonymous citizen (**Attachment D**).

Doug Jackson commented regarding the ordinance.

Phil Nager commented regarding the current situation with the Medicare and Medicaid industry.

Jeff Parker encouraged council to protect our history and that balance has not been reached between the hospital and our community.

Eldon Vincent commented regarding Jeff Parker's comments and urged Council to take them seriously.

Holly Harnden spoke regarding the HNC committee. (**Attachment E**).

Mayor Dyer read a prepared statement from Ken Jendryka, Chair of the HNC Committee. (**Attachment F**).

Other communications received by the Council are in **Attachment G**.

Mayor Dyer closed the public hearing.

Council Member Kathy Miller read a prepared statement into the record. (**Attachment H**)

#### **OLD BUSINESS**

None.

#### **REPORTS AND RECOMMENDATIONS**

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

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

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2012-17  
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: Booton, Mayor Dyer, Mankerian, Metzger, Miller, Reed and Williams and that the following Members were absent: None.

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

I further certify that the following Members voted for adoption of said resolution: Booton, Mayor Dyer, Mankerian, Metzger, Miller, Reed and Williams and that the following Members voted against adoption of said resolution: None.

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City Clerk

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

**Moved** Miller, supported Reed, to approve the resolution establishing the fees for OWI, OWVI, and OWPD cost recovery fees. On a roll call vote – ayes: Metzger, Miller, Reed, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2012-18**

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

NAYES, Council Members: None.

ABSTAINED, Council Members: None.

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 Monday, June 18, 2012. 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.

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City Clerk

**C. Waste Pickup Options:**

**Moved** Mankerian, supported Metzger, to approve the City Manager's recommendation to place a ballot proposal on the November, 2012 ballot for the waste pickup options. On a roll call vote – ayes: Miller, Reed, Williams, Booton, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

**APPOINTMENTS / ELECTIONS**

None

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Doug Jackson of 311 E. Mansion commented on the road conditions at the south end of Division.

**COUNCIL AND MANAGER COMMUNICATIONS**

**CLOSED SESSION**

**Moved** Miller, supported Williams, to convene into closed session under sections 8b and c of the Open Meetings Act to discuss the City Managers evaluation and union negotiations. On a roll call vote – ayes: Reed, Williams, Booton, Mayor Dyer, Mankerian, Metzger and Miller; nays: none. **MOTION CARRIED.**

Enter into closed session at 9:15 p.m.

Return to open session at 9:40 p.m.

**ADJOURNMENT**

The meeting was adjourned at 9:40 p.m.

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James L. Dyer, Mayor

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Sandra Bird, Clerk-Treasurer

**Comments prepared by Oaklawn Hospital employees  
For Marshall City Council public hearing, June 4, 2012**

**Flexibility shown by Oaklawn**

**By Rob Covert, President and CEO, Oaklawn Hospital – (269) 789-3924**

Oaklawn Hospital continues to be flexible and prepared to work with the community to address its concerns. For example, Oaklawn made several concessions in the creation of the Hospital Campus Overlay District. The hospital didn't ask for the district boundary to extend to Division Street. It increased the plan's landscaping requirements. It didn't ask for Mansion Street to be vacated. It agreed to greater setbacks in some situations. It didn't go farther north of Prospect Street. It agreed to buffer houses on High Street and Madison Street. In addition, Oaklawn has agreed to a Development Agreement with the city. The hospital also offers any owner with residential property abutting or across the street from the district to enter into an agreement whereby Oaklawn will guarantee the property value at the time of the property's sale against any reduction in the sales price resulting from any hospital construction that occurs after signing the agreement. I believe these points show how much Oaklawn wants to be a good, responsible neighbor and corporate citizen. One thing for sure, we can't accept being blocked from the possibility of going to High Street. The \$13 million price tag is prohibitive. We can accept limitations in going north on Prospect, but only if High Street remains a possibility. High Street must be looked at to determine the best use of that land. Zoning is about land use, not structures on the land. The best use of the land east of the hospital is for future hospital expansion. It's what the hospital needs, what the community wants and what over two years of study have shown is reasonable. We urge the City Council to reject the Planning Commission's changes on the Franke Center and American Museum of Magic Research Center, on the two houses on Prospect and on the four houses on High Street.

**Planning Commission changes make 20-year plan impossible**

**By Ginger Williams, Chief Medical Officer, Oaklawn Hospital – (269) 789-7903**

I want to be clear that the changes recommended by the Planning Commission to the proposed Hospital Campus Overlay District should not be considered minor tweaks. Instead, the changes that were made to the work by the Hospital and Neighborhood Committee are significant and substantial. So substantial, in fact, that a plan which includes the Planning Committee's revisions will not meet the goal of providing a transparent 20 year plan for hospital growth and expansion.

I also want to clarify a fairly frequent misunderstanding I've heard from members of the public, which is that the HNC's plan would somehow allow the hospital to acquire properties that owners didn't want to sell, such as the Franke Center or any houses within the proposed district. Nothing could be further from the truth! The hospital would have no rights to acquire property against an owner's will. In fact, the hospital would oppose such an action, as we believe that property owners should have broad rights to do with their property what they want. There is simply no reason for anyone to fear that this will happen, and there is no truth to the assertion that we would be able to do so.

However, the future of the hospital would be hampered significantly if Oaklawn were prevented from expanding to the East, or from having the flexibility to consider the properties now

occupied by the two houses on Prospect Street, as well as the Franke Center and the American Museum of Magic Research Center. Two years of study and extensive compromise have determined that these options are reasonable and responsible, and we continue to ask the City Council to reject the Planning Commission's recommendations and support the proposal as originally adopted.

**Oaklawn needs flexible plan to keep medical talent here**

**By Kristin Sims, Chief Nursing Officer, Oaklawn Hospital – (269) 789-3908**

I've been with Oaklawn for 19 years. In that time, I've seen a great many progressive changes, all of which have helped to provide the best possible care for our patients. Every one of us at Oaklawn has the responsibility of maintaining the hospital's reputation for compassionate care. It's part of Oaklawn's philosophy of teamwork to be friendly, helpful, pleasant and cooperative. That philosophy is meant to contribute to the healing process overseen by our top-flight physicians. Because of our reputation, patients come from throughout the area for the attention and personal care they can't find at larger hospitals.

An example is our Birth Center, where I served as director for eight years. It's an 11-room unit where expectant parents are greeted with free valet parking and a private, caring, comfortable environment that feels close to home. The numbers of newborns have increased consistently at Oaklawn. In fact, 689 babies were delivered there in 2011. That's nearly 15 percent more than were born here three years ago, and we expect to see well over 700 births this year. We're growing because people know Oaklawn provides excellent health care. And people know that highly qualified, highly skilled physicians and staff members work there.

Physicians, nurses and other health-care professionals are like anyone else. They want a good quality of life for their families. They want to work in high-quality facilities, with the best equipment. Oaklawn has been able to bring such people to Marshall because of its reputation for excellence, and the people of Marshall and nearby communities have enjoyed the benefits. Changes in medical technology have led to expansions at the hospital, and future expansions must happen if we are to continue to have the best health care here.

Predicting precisely how Oaklawn will grow is impossible. There are too many variables in health care. We see potentials and needs, but these can change. If Oaklawn doesn't have a flexible plan, if space isn't available for top-notch facilities, the medical talent we need in Marshall won't come here. Our team of medical professionals will begin to erode. People in our town would have to go elsewhere to get high-quality care.

I believe I understand the Marshall community, as well as the immediate neighborhood that is affected by Oaklawn's growth. I also understand that, for our patients, it is necessary that Oaklawn have a growth plan that is flexible, well considered and responsible. The Hospital Campus Overlay District, as recommended by the Hospital and Neighborhood Committee, allows Oaklawn the flexibility to resolve the challenges we face together. The City Council can help Oaklawn remain strong for the next 20 years by giving its support to this proposal. We ask for that support for the sake of the community, and for the thousands of people who will be able to receive the health care they deserve.

**Oaklawn is a major contributor to historic preservation**

**By Sherry Boyd, Chief Support & Ancillary Services Officer,**

**Oaklawn Hospital – (269) 789-7030**

My husband grew up in Marshall, which brought me to the city more than 30 years ago. Even as a young woman in my early 20s, I recognized and acknowledged Marshall's precious history, and have been proud of Oaklawn's efforts in historic preservation. I routinely take walks during my lunch break and admire the homes and beautiful yards in the surrounding area and feel fortunate that our employees can also walk downtown and enjoy the neighborhood surrounding the hospital. During periods of growth, the hospital always has worked to preserve the historic structures surrounding the hospital by moving or adaptively reusing them. In all, Oaklawn has spent more than \$8 million during the past 20 years to relocate or reuse the community's historic buildings. That probably makes the hospital the single biggest contributor to historic preservation in Marshall. Oaklawn has been able to do this because of its success as an institution. There are few assurances that other property owners have resources on such a scale to keep Marshall's properties functional, productive and in a state of good preservation. That's why I hope our leaders will help ensure Oaklawn Hospital's future success by approving its plan for growth. Thank you. -- Mikè and Sherry Boyd, 214 West Hamilton Lane, Battle Creek, MI 49015

**Moving hospital isn't a realistic option**

**By Colleen Koppenhaver, Chief Financial Officer, Oaklawn Hospital – (269) 789-3921**

I've heard it said that, rather than expand where it is, Oaklawn Hospital should move to another location. Frankly, this notion isn't realistic, and would put the entire hospital at risk. More than 51 percent of Oaklawn's outpatient procedures already occur at satellite offices. Fully 27 percent of Oaklawn's square footage is not on its main campus right now. The hospital's core services – the emergency room, surgery, radiology and in-patient care – will continue to be needed at its main location. We want them accessible, preferably in the heart of town. The expansion of services, or the addition of services, is always evaluated to see whether they can be located off campus. To move the central hospital would be likely to cost hundreds of millions of dollars. Such a huge expense for something other than direct medical care could reduce the hospital's status as a first-class institution and put its future at risk. I don't believe we should gamble with the hospital's future, so I ask the City Council to join me in supporting our hospital.

**Oaklawn plan a blueprint for progress**

**By Keith Crowell, Chief Development Officer, Oaklawn Hospital – (269) 789-3942**

Oaklawn is an active community member and corporate citizen and an adequate plan for expansion is important for our hospital and our community. Many employees volunteer time to Marshall's civic and nonprofit organizations. Oaklawn employees are active in charitable and philanthropic working, having raised more than \$138,000 for donation the Marshall United Way in the past dozen years. The Marshall Public Schools have received more than \$875,000 from the hospital during the same time. Oaklawn's community benefits in 2010 included a \$6 million loss in Medicare services as well as another \$6 million loss in Medicaid services; additionally the hospital provided charity care and sponsored a variety of events, and programs valued at \$5.8 million. We have been able to do all this because of our health as an organization, but few organizations can expect to thrive and stay competitive without building a viable plan for future development. Oaklawn Hospital, which has been an integral part of the fabric of this community since 1925, is no different. Like any other institution, a hospital must

continually be looking for ways to upgrade its facilities so that its medical staff has the proper equipment and technology in place to do their jobs as completely and effectively as possible. A good example at Oaklawn is the recent addition of the Surgery Center, which is second to none in Michigan and offers state-of-the-art technology, and large private pre- and post-op rooms for patients and their families. These are the types of improvements that will continue to be made for our patients with careful planning for the future. To ensure for this planning we ask the Council to approve the Hospital Campus Overlay District as proposed by the Hospital Neighborhood Committee. It's a well-developed plan that will help the community prosper and, at the same time, maintain the integrity of the adjoining neighborhoods.

### **New jobs and homeowners would boost local economy**

**By Jan Sinclair, Chief Personnel Officer, Oaklawn Hospital – (269) 789-3922**

If the Hospital Campus Overlay District is approved, the hospital expects to be able to add 500 new, high-paying jobs to an employment base that already approximates 1,000 people. Based on current figures, it's reasonable to estimate that about 100 of those new hires would end up living in Marshall and contributing to the local economy – and paying local taxes. They would be encouraged to do that through Oaklawn's home-buying incentive program, which provides up to \$6,500 to help its employees find locations to live in the city. This doesn't just benefit the employees. As a result, Marshall could see another \$100,000 in annual property-tax revenues because of this program. In fact, the annual economic impact with a larger, improved Oaklawn would mean an additional \$50 million annual boost to the local economy. Beyond all the other benefits of approving the district proposal, the economic help Marshall would receive strikes me as a wonderful opportunity.

### **Help encourage best medical staff to choose jobs here**

**By Sara Andrews, Services Coordinator, Oaklawn Hospital – (269) 789-8985**

Oaklawn's Hospital's service area includes Calhoun County and parts of Branch and Eaton counties. More than 150 physicians representing 34 specialties are part of its overall organization. The hospital is a precious resource that we as a community should continue to cherish, especially as our population ages. We can help do that by making sure the best doctors, nurses and hospital staff continue to want to choose jobs here. Such highly qualified people choose communities such as Marshall and hospitals such as Oaklawn because they see a future there. The community and Oaklawn have always worked as partners with that mutual goal in mind – fostering the best possible health care. Let's make certain that we continue to do that, so our community will continue to be served by the resource we all cherish.

### **City, hospital create sense of community together**

**By Juanita Armstrong, Executive Assistant to CEO, Oaklawn Hospital – (269) 789-3924**

Oaklawn Hospital has a reputation for friendliness, and patients come from throughout our service area for the attention and personal care they can't find at a larger institution. It's part of Oaklawn's philosophy of teamwork to be friendly, helpful, pleasant and cooperative. That philosophy is meant to contribute to the healing process, but it also has become a way of life within the working environment – and it extends to the community as well. As a result, the community and our patients have grown to rely on us, and trust us. It's a trust we share with the people of this town. We know we are partners in shaping this unique and special city, and

making in an attractive place for others to visit. Together, we have managed to thrive despite widespread economic challenges, and we can continue to do that, with the goal of keeping this community welcoming and economically vibrant.

**Oaklawn made a home of our own a reality**

**By Koby F. Aylor, Hospice Clinical Coordinator,**

**Oaklawn Hospice Services – (269) 789-3939**

I'd like to take a moment to share just a few of the many reasons I chose to purchase my new home: I've been an employee with Oaklawn Hospital for almost six years. I lived in Marshall for four years and lived about four blocks away at the time, and I walked to work all the time. This community is a place where walking in town is a pleasure. Oaklawn Hospital, in the few years I had lived away, started a program, Marshall First. This program is a wonderful opportunity to help the staff in providing assistance with either purchase or rental of a home surrounding the hospital. The program is gracious as it gives staff up to \$5,000 at the time of closing to help make ends meet. They will also give \$300 per year toward taxes. As a single mother of two growing teenage boys, this is a financial blessing. And, now I get the opportunity to walk to work again! This community is beautiful, and I've moved most of my life and Marshall is truly "home" to my boys and me. We moved back to Marshall 20 months ago and have been anxious to finally settle in a home of our own. Oaklawn Hospital made this possible; giving us the opportunity to be grounded in a community we love! Oaklawn Hospital has invested a great deal in the growth of me as an employee, in my career, and has been a "family" to me, as we have no family members close by. I'm proud to not only work for Oaklawn Hospital, but to live so close to a place that supports my sons and me. I hope you will accept my words of support as a sincere testament to what Oaklawn Hospital has provided to my family.

**Oaklawn has helped to preserve local history**

**By Nathan Burns, Cardiopulmonary Rehabilitation Director,**

**Oaklawn Hospital – (269) 789-4022**

I sometimes wonder what might have happened to some of Marshall's most historic structures if Oaklawn Hospital hadn't been able to care for them, and perpetuate much of what makes this community unique. For example, Oaklawn purchased the Brooks Rupture Appliance building on Michigan Avenue for \$250,000 in 1997. After \$2.5 million in renovations, the building is now the home to a dialysis treatment center. Oaklawn purchased the Brooks House on High Street for \$120,000 and, after \$170,000 in renovations, converted it into Oaklawn HomeCare Health Services and Oaklawn Hospice. For \$2.9 million, Oaklawn bought the former Kempf funeral home and adapted it at a cost of another \$1.7 million for new use as the Ricketson building. I believe such actions show a strong commitment – and respect for – Marshall's important structures, and I believe that the hospital will continue to show that regard in the future.

**Oaklawn is a pillar of Marshall**

**By Theresa Chaney-Huggett, Marketing and Public Relations Manager,**

**Oaklawn Hospital – (269) 789-8134**

Oaklawn Hospital's plan for expansion is best for the city and surrounding area. More jobs and a boost in local property-tax revenue are two of the clear benefits. But so is the hospital's legacy as a pillar of the Marshall community. Its persistent support of local organizations and events

continue to benefit the quality of life here, from the recent student art show to the annual Hospitality Classic. From the time the hospital opened in 1925, area residents have come to expect nothing less than the best when treated by its top-notch doctors and medical staff in its state-of-the-art facility. What's more, with nearly 1,000 employees on its payroll, Oaklawn is by far the city's largest employer. Oaklawn understands that it owes a debt to this community, and has been a good corporate citizen. Many Oaklawn employees volunteer their time to Marshall civic and nonprofit organizations. Their efforts can't continue if Oaklawn's own needs are restricted, and it slips to second-rate status. Please help make certain that that doesn't happen!

**Oaklawn is a source of community pride**

**By Matt Lueck, Assistant Director, Patient Financial Services Department,  
Oaklawn Hospital – (269) 789-7024**

Marshall's residents can be proud of the work Oaklawn Hospital has done to provide superb service that's honored nationwide. Because of Oaklawn's persistent excellence, it is accredited by DNV Healthcare Inc., the American College of Radiology, the College of American Pathologists and the American Academy of Sleep Medicine. The American Association of Respiratory Care has recognized Oaklawn for Quality Respiratory Care. Oaklawn's Joint Center has earned high state and national ratings, too. Oaklawn has received the Governor's Award for Improving Patient Safety and Quality of Care each of the five years it was presented, and for more than a dozen years has been at or near the top of Arbor Associates' patient-satisfaction survey of approximately 50 Midwestern hospitals. We have a terrific resource in Marshall, and I ask the city's leaders to help it to maintain its standard of excellence.

**Oaklawn maintains a spirit of generosity**

**By Derek Maddox, Hospitality Services Manager, Oaklawn Hospital – (269) 789-8995**

In the past 12 years, Oaklawn Hospital's employees have given more than \$138,000 to the Marshall United Way, and the hospital has contributed more than \$875,000 to Marshall Public Schools. Several other community organizations also benefit from Oaklawn's support. In recent years, Oaklawn has donated \$59,000 to local nonprofit organizations, and more than \$60,000 in in-kind support. In 2010 alone, the hospital's total community benefits equaled nearly \$18 million. This includes a Medicare shortfall of \$6 million, a Medicaid shortfall of \$6 million, and additional events, programs, assistance and charity care totaling \$5.8 million. When you consider Oaklawn's economic impact, its philanthropic generosity and the health care services it provides, you can see that our hospital is a critical component to the quality of life in Marshall. I ask the City Council to keep in mind that a strong local hospital will continue to meet such needs, which contribute to keeping Marshall fiscally and physically healthy.

**Help make the economic windfall happen**

**By Mark Montross, Executive Director, Oaklawn Medical Group – (269) 789-8225**

I am a former commercial banker, and a former community bank president who has worked in this community for over 14 years. There are many cities in the State of Michigan that would love to have a solid employer such as Oaklawn, one that is financially stable and poised for growth within their respective communities. Oaklawn Hospital's continued growth is a huge advantage for Marshall, and ultimately it will help support the financial well-being of our schools, and the overall residential and business property values for years to come.

As the city's largest employer, with nearly 1,000 workers, Oaklawn already contributes \$50 million each year to the local economy. Of those workers, 220 are Marshall city residents, and many more reside within Marshall Township. If the Hospital Campus Overlay District is approved, the hospital is likely to add 190,000 square feet of new space over the next 20 years. At an estimated cost of \$300 per square foot, Oaklawn's expansion would mean \$57 million in new construction (and the temporary jobs it provides). As we grow, we would be adding several new permanent employees, including new physicians. This planned growth will be an economic windfall for Marshall, and I urge you as our city leaders to help make it happen for the future of the Marshall community.

### **Oaklawn's legacy has relied on people with foresight**

**By John C. Sherwood, Public relations specialist, Oaklawn Hospital – (269) 789-3934**

I've been a news reporter so long that it's new to me to attend a public meeting and speak from my heart. But I want to say this, not from the standpoint of my new position as a representative of Oaklawn Hospital, but from my personal perspective as someone with roots in this town. My great-grandmother, Mary Wirth Heidenreich, was a member of the Ella E.M. Brown Charitable Circle when it formed in 1912. She helped create the first Oaklawn Hospital, at the old Ketchum-Dibble Mansion in 1925. Her daughter-in-law was Gladys Heidenreich, my grandmother – the woman who raised me; she was a member of the circle when the Mansion needed to come down. No less a historic-preservation luminary than Harold Brooks was a co-chairman of that project. I was a child, but I remember seeing the final stages of the Mansion's demolition, and the construction that produced Marshall's first up-to-date hospital, the core of today's Oaklawn. I understood that my family and their friends had had the foresight to make it happen, and we were all proud.

That was 60 years ago. Since then, others with foresight have stepped forward. In the 1970s, a state agency tried to close our OB department – which might have been Oaklawn's death knell. Fortunately, the community came to the hospital's rescue, and about 500 people – people with foresight -- went to Kalamazoo to protest. They prevailed, and so did Oaklawn. I'm grateful for that. It meant my own son could be born in Marshall three years later. His mom and I drove from Battle Creek to make sure Nathan got the attention we wanted him to have.

I'm a Calhoun County boy. I was raised here. I've owned three houses in Marshall, one of which was on the Home Tour. I've worked 30 years as a journalist in Marshall and Battle Creek. And much of my published writing has been about local history, because the past reveals lessons for the future. Here's one of them: Without improving our way of life in this generation, the next is hampered -- stifled. If we exercise foresight, we can recognize which hard choices are necessary.

Yes, it might have been great if someone had saved the old Mansion. Instead, it became the nucleus of our superb hospital. In time, it has become the city's largest employer and economic engine, and a source of healing for countless people. Foresight and hard choices gave us something of which we are proud today. My choice is to support that same effort as Oaklawn moves toward its second century. It's the path of jobs, of families and babies, of healing, and the needs of future generations. Some of my dearest friends have other convictions about this. I understand their hearts. It's a dilemma that calls for hard choices on all sides and – above all –

mutual respect on all sides. For my part, I'm grateful for the choices made over the past century. My deep hope is that the people of Marshall will follow in that tradition.

**Let hospital maintain heights of excellence**

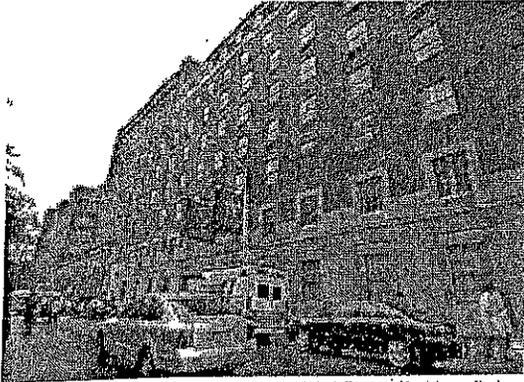
**By Deborah Smith, Critical Care Unit Director, Oaklawn Hospital – (269) 789-7927**

As a community, we in Marshall should do all we can to make certain Oaklawn Hospital has the means to keep reaching for the heights of excellence in health care. In 2008, Oaklawn was one of seven Michigan organizations named to Modern Healthcare's first national list of the "Top 100 Best Places to Work in Healthcare." In 2009, Oaklawn was honored as a "Magnet Hospital" by the American Nurses Credentialing Center, for achieving the highest standards in patient care. Only about 5 percent of the nation's hospitals have received that distinction. If Oaklawn cannot grow, it risks slipping to second-rate status – and I don't believe the people of Marshall want that. That's why I hope the City Council will continue to help Oaklawn continue such work, and keep our hospital strong.

**Proposal's street/parking plan is sensible**

**By Joanna Tarkiewicz, Plant Operations, Oaklawn Hospital – (269) 789-3123**

It makes sense to me for the Hospital Campus Overlay District plan to include some specific street changes, which will make the area of Oaklawn Hospital a safer place to drive and walk. In the event of the hospital owning all of the properties on each side of the streets involved, the plan calls for vacating Prospect Street between High and Madison streets, and Madison between Prospect and the northern boundary of the American Museum of Magic archives. Such changes would improve pedestrian and vehicular safety to and from the hospital, and limit the size of the district's boundaries. The changes also would not significantly increase traffic on nearby streets. The road closures would allow for a more campus-like setting which would allow for an increase in safety and the opportunity to provide clearer directions on which streets to enter or leave the Oaklawn Hospital main campus. The hospital needs almost 100 additional parking spaces now and expects to need almost 400 more over the next 20 years according to the Walker Parking Study. Under the proposal, 17 additional parking spaces – about half of them for handicap use – would be created by the hospital's front entrance and additional surface parking by the emergency department. Having more parking spaces near the hospital also will free up downtown parking spaces for local businesses. I hope city leaders will choose this sensible plan so good alternatives are available for the future.



locked in Greenwich Village, St. Vincent's Hospital is hoping to build a new hospital after converting its old buildings to residential.

[http://www.manhattan-institute.org/email/crd\\_newsletter05-08.html](http://www.manhattan-institute.org/email/crd_newsletter05-08.html)

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### Expanding a Hospital in Historic Territory

Julia Vitullo-Martin, May 2008

No hospital expansion in an historic neighborhood is likely to be greeted favorably—not even the expansion of an institution that is routinely described as "beloved," as is St. Vincent's Catholic Medical Center, in Greenwich Village. Thanks to medical technology, the welcoming, mid-rise buildings of the mid-20th century have developed into the massive, linked, bulky towers that characterize major medical institutions today. Look at Columbia-Presbyterian in northern Manhattan or the Cornell and Bellevue-NYU concentrations of hospitals and medical facilities on the East Side. For them the word "hospitable" seems strangely inappropriate.

#### **LANDMARKS SAYS NO**

Yet New York's need for St. Vincent's proposed state-of-the-art, all-digital, green hospital is almost incontestable. At present, St. Vincent's runs its much acclaimed Level I trauma center—the only one on the West Side below St. Luke's, which is on 114th Street in Morningside Heights—in a grossly outdated, cramped physical plant. Designed in the late 1970s to handle 45,000 patients per year, St. Vincent's emergency department saw 60,000 patients in 2007.

Taking up a little over half a block extending eastward from 7th Avenue, and bordered by 11th Street on the south and 12th on the north, St. Vincent's hemmed-in campus cannot be easily expanded. For one thing, new construction would require shutting down most or all of it—an unacceptable prospect. Instead, St. Vincent's looked to the only other adjacent property it owned, the O'Toole Building, catty-corner to the main campus, on the west side of 7th Avenue between 12th and 13th Streets.



St. Vincent's would like to demolish the Modernist O'Toole building that some preservationists say should be saved.

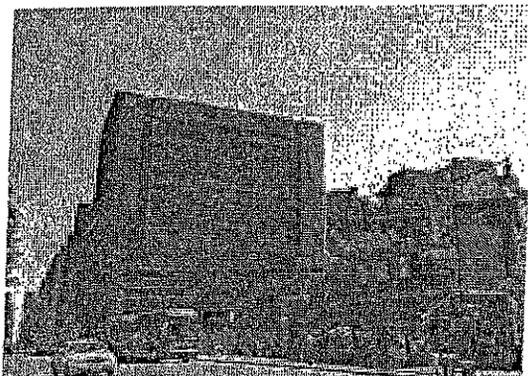
Opened in 1964 as the headquarters and hiring hall of the National Maritime Union—just as the union was heading into irreversible decline—the then-named Joseph Curran Building was given a nautical feel by architect Albert C. Ledner. The concrete façade has two scalloped overhangs that, depending on where you stand, look like waves or like the portholes of a great ship. The interior has

many quirky seafaring touches—a 70-foot-long tunnel with porthole windows reminiscent of "20,000 Leagues Under the Sea," submarine-like round conference rooms, ship-like swooping hallways, etc. Sitting on an express stop of the 7th Avenue line, the low-rise O'Toole is underdeveloped for the site, notwithstanding its location in the low-rise Greenwich Village Historic District.

And there's the rub: underdeveloped. Though seemingly hundreds of preservationists have suddenly emerged to argue O'Toole's aesthetic and historic merits, the real argument is about development, height, and mass. St. Vincent's hopes to pay for its immensely expensive modernization and expansion by selling some of its valuable property. (The other option, of course, would be for St. Vincent's, seeking millions in subsidies, to go hat in hand to taxpayers.)

Thus, St. Vincent's proposes to replace O'Toole with a 299-foot tower holding a new hospital, while selling its eight buildings east of 7th Avenue to Rudin Management for \$301 million. Rudin would develop an 18-story condominium tower and five townhouses. (An earlier version of the plan called for a 329-foot hospital tower, a 21-story condominium tower, and 19 townhouses.)

After a contentious hearing in April, the Landmarks Preservation Commission, which has authority over the demolition of any building in any historic district, on May 6th called for "substantial modifications" to the proposal, though without an actual vote by the commissioners. They put forward various arguments and ideas—some sensible, others not—but the upshot is that St. Vincent's will almost surely have to obtain an economic-hardship exemption before it can go forward with any version of its plan.



one is insisting on the preservation of buildings that  
ent up in the 1980s; such as the Link.

All 10 commissioners did agree to prohibit the demolition of the O'Toole building, saying it was "inappropriate to eliminate an important example of modern architecture that was designed by a prominent architect and is historically and culturally significant."

#### **WHAT'S WORTH SAVING**

St. Vincent's entire plan hinges on the demolition of O'Toole, which would allow the hospital to operate in the old buildings until the new hospital is complete. If O'Toole can't be demolished, the plan falls to pieces. How good is O'Toole? The write-up by Docomomo—the international architectural group dedicated to preserving Modernist masterpieces—is oddly non-committal, noting that the building "is of its time despite being in a neighborhood rather set on keeping the architecture timeline in check." Yes, exactly! Now the building that was so angrily received in 1964—"We should make the Village a working-class neighborhood so we can get some good taste in architecture," said one resident then—is being held up as worthy of protection. "O'Toole is an important building for sociological, social, historical and architectural reasons," said Margery Perlmutter, both an attorney and an architect and one of the commission's Manhattan representatives. "We should not allow it to be destroyed."

Commissioner Perlmutter even argued that *all* buildings in a historic district should be preserved, even though many—perhaps even most—buildings in historic districts could never win individual designation. "We should not have to fight for the life of a building in a historic district," she said. "Such fights should be reserved for protecting buildings not yet designated."



Who is anyone urging the preservation of the Crown Building.

St. Vincent's gorgeous, beautifully maintained chapel, inaccessible from the street, will be demolished.

Another commissioner, Roberta Washington, an architect and also a Manhattan representative, argued, "Of all the buildings owned by the hospital, the O'Toole building is the most recognizable,

and the one most often associated with the Village. While the building's architectural references and features can be debated, the building's façade has made it one of the more prominent Village buildings and I believe that it does contribute to the district's special sense of place." Amazingly faint praise for stopping the construction of a new trauma center.

Many advocates have suggested that St. Vincent's build its new hospital on top of O'Toole, much as British architect Norman Foster designed a tower to sit on top of the original low-rise Hearst building, at 57th Street and 8th Avenue. But the difference is that the Hearst building was designed in the 1920s by architect Joseph Urban to bear the weight of a later tall addition—which didn't get built because of the Great Depression.

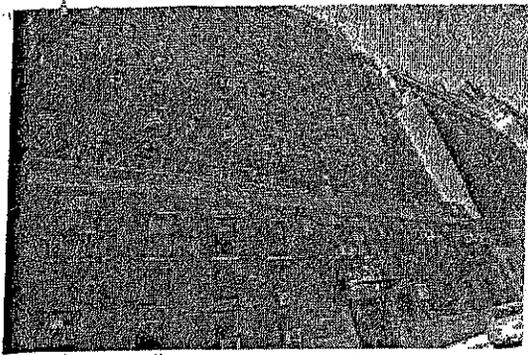
O'Toole was never meant to bear any other structure. Indeed, its exterior walls, which cant inward, would have to be reconstructed at immense cost to support a new structure.

Commission Chairman Robert B. Tierney struck a judicious tone, noting that the removal of some buildings would not diminish "the recollection" of the St. Vincent's campus. He added, however, "I do feel that the other brick and stone buildings share a common history, as well as materials and details, and their wholesale demolition would eliminate all references to the hospital's history on this site."

If physical traces of every well-liked—or even important—institution in every historic district must be preserved, New York will die. Commenting on the St. Vincent's debate, Columbia University historian Kenneth Jackson recently derided preservationist-oriented cities, such as Charleston, South Carolina, as "loser cities." That's harsh, of course, but he has a point.

Isn't it utterly clear that for New York to stay competitive, it has to change and grow, as it always has in strong times—and has not in bad times? And isn't it clear that its key institutions can serve their constituents only by adapting to new conditions, while staying at the forefront of their fields and maintaining technological preeminence? Yes, neighborhoods need to be protected from inappropriate institutional aggression. But that is not this situation. This is one in which an institution, based in the neighborhood since the mid-19th century, is serving a crucial public purpose for which it needs a new building.

Commissioner Perlmutter attacked Rudin Management for proposing to demolish the hospital buildings "for the sole purpose of developing a huge housing project on the site." In fact, the Rudin plan actually diminishes the overall gross square footage of the buildings' sites from 763,000 GSF above grade today to 649,000 GSF. A Rudin official noted wryly that, under the original plan, his company would have gone down in history as the first developer to tear down bigger buildings to do smaller. The problem is that many Villagers do not want change or development of any kind, even if it leads to less building than what is there now.



ened in the 1920s, the Nurses' Residence is a very asant but surely undistinguished building.

As Ken Jackson often says, "Change is constant in New York." It's at the core of New York's very being. The Landmarks Commission has to permit even historic districts to evolve or the city will stagnate.

#### WHAT'S NEXT

Several commissioners urged St. Vincent's to apply for a hardship exemption on economic grounds. The hospital could argue that unless it were allowed to replace its existing buildings, it could not

carry out its charitable purpose. St. Vincent's president, Henry J. Amoroso, immediately announced the hospital would do this.

Indeed, the clock started as soon as St. Vincent's submitted its revised plan on May 19th. From that date, the Landmarks Commission has 90 days within which to issue a "preliminary determination" on whether or not a hardship exists. The law also provides 180 days within which the Landmarks Commission can administer an effort to 'mitigate' the hardship.

On the morning of June 3rd, the hospital and Rudin Management will present a new set of designs to the commission. In the evening of June 10th, Community Board 2's Omnibus Committee will hold a public hearing.

A spokesperson said that to the knowledge of St. Vincent's, the Landmarks Commission has never mitigated a hardship determination for a non-profit, with the result that no historical references exist for comparison.

Reflecting on historical references in general, Ken Jackson recently asked, "Why do we think of Boston or Philadelphia or New Orleans or Savannah or Charleston as more historic than New York? This is the most historic city in the United States easily. But those cities have more of their historic fabrics because they lost. They wanted to be big cities, and they failed."

Marshall City Council Meeting  
June 4, 2012

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Good evening.

Some people have wondered why I haven't spoken up more publicly regarding Oaklawn's proposed overlay. So I'll make a few comments.

I definitely ask the Council to leave the 200-block of High Street out of the overlay—let it be a buffer zone as recommended by the Planning Commission.

As an aside:

You may already know that there is a deed restriction on 215 High that the property must remain residential.

You may already know that 225 High is not sandstone—it is designed and colored concrete. I doubt that it could be moved intact.

I have refused to sell 219 High to Oaklawn, even though I could probably get more money from the hospital than from anyone else. But I couldn't live with my guilty conscience if my action allowed Oaklawn to demolish 3 historic homes in Marshall.

Many residents of Marshall, even those who do not live near the hospital, realize that this overlay situation endangers Historic Marshall as a whole.

For this reason and many others, I ask that you please vote NO regarding the proposed Oaklawn overlay.

Joan Foster  
219 High Street  
Marshall MI 49068

These are some remarks from an anonymous resident

While I understand there are a lot of requests on both sides of this argument, my comments are largely focused on retention of the four homes on High St.:

-Oaklawn does not differentiate the economic impact of the "full" overlay vs the Planning Commissions' recommendation. One could easily argue that acceptance of the partial overlay will have just as big of a positive financial impact to Marshall, as that of the full overlay. So, why not appease both sides, and retain the historical treasures that are Marshall (remembering that small businesses are surviving, in part, because of tourists, who come to this town for its historical homes and charm)?

-Let's not forget the potential job losses incurred by small businesses because of Oaklawn entering a market or destroying valuable historical properties.

-I find it very hard to believe that Oaklawn's home-buying incentive program will be that much of an encouragement for employees to buy property in town—it will basically just benefit those who already plan to buy in town. (And, at best, possibly replace revenue that Oaklawn isn't contributing to the City of Marshall.) Isn't it true that Oaklawn does not pay property taxes on any of the homes it owes, approximately 60? So, by Oaklawn owning real estate in Marshall they are themselves draining the City of much-needed funds! Can someone please explain the logic of this?

-We all want quality healthcare. No argument there, but does salvation of four homes really compromise this? Not from what I can see. In a nutshell, the hospital is most concerned about how much they will have to pay to expand (seeking maximum "cost control"). They simply want to retain as much capital as possible, so that they can look uber-profitable (and appealing to any conglomerate looking to buy them). Residents of Marshall shouldn't have much sympathy for this, especially since \$8M of the reported \$13M in additional costs comes from a parking ramp. Are we sure the costs are that great, or that a parking ramp is going to be essential? I would be willing to bet that they will find a way around this, if pushed to do so.

-I don't know what the hospital's maximum capacity is—or how full they are on a regular basis, but I can tell you that the parking lots and ramp look empty a lot of the time (is Marshall or surrounding areas expected to grow at an unprecedented rate that I am unaware of...or are we all simply expected to get sicker?) I can't imagine the need for this much additional space. What are they going to use it for? What practices are they going to expand? Right now, the space simply seems unjustified, but my guess is that they will try to expand into more revenue-generating spaces. Unless I am missing something, I think the community has the right to know more about this and we should demand that Oaklawn Hospital go through the same route any homeowner or business would go through to expand or make revisions to their property.

Glenda Jackson for Anonymous Marshall Resident  
16053 18 Mile Road  
Marshall MI 49068

Marshall City Council Meeting  
June 4, 2012

Good Evening!

As most of you know, I was chosen to be one of the citizens to represent the neighborhood on the Hospital and Neighborhood Committee.

I was delighted to be asked and even more excited to serve on this committee as I had high hopes for some kind of resolution between the hospital and the neighborhoods surrounding it.

On page 4 of the HNC Executive Summary it reads, "The HNC was established to address long-standing challenges between the growth needs of Oaklawn Hospital and the desires of the Neighborhood and Historic Preservation community to prevent any negative impact to the neighborhood and/or historic structures."

The HNC was charged with identifying an acceptable compromise solution. Unfortunately, speaking for myself and another committee member, Dave Deppee, we found NO acceptable compromise that was beneficial from a neighborhood standpoint. We were not the only ones to feel this way.

Oaklawn brought in many experts to help us formulate some decisions on their expertise in certain areas. One such person was Mr. Robb McKay, a State Historic Architect. His suggestions of preserving the row of homes directly to the east of the hospital, because of their historic nature and because they had not been compromised was met with a total disregard. This was very disappointing to me as I thought this could have been one of the areas Oaklawn could have shown willingness to compromise. This point was also brought up by other members of the community when they were allowed to speak at some of our meetings.

There was a recent letter written to the *Advisor* and the *Battle Creek Enquirer* by a Mr. Charles O. Dobbins, Jr., who is a retired city manager from Florida, who now resides in Marshall. He pointed out many, many excellent points about the flaws in the makeup surrounding the overlay district that I agree with wholeheartedly. One of his points he made was, " that the ordinances currently under

consideration for action and recommendation to the city council do not adhere to sound principles of good planning practices and sustainable community development strategies.”

There were also many local and State agencies that very strongly do not support the passing of this proposed overlay district including our own Marshall Historical Society and Marshall’s Downtown Development Authority as well as the National Parks Service of Michigan and the Michigan Historic Preservation Network.

As stated in my letter as Exhibit B2 in the HNC Executive Summary—I wrote, “When such important National, State and local authorities, commissions and societies do not support the irreversible changes to our community such as Oaklawn requests, those who insist on passing such legislation are lacking in good judgment, and do not represent the cities, and the City, they have sworn to safeguard.

I hope you take all of these facts into consideration when helping to make a decision that may impact the future of this unique historic city for years to come.

May I leave you with a quote from an issue of *Preservation Magazine*, “Still today, too few of our fellow citizens truly comprehend of the power of preservation. Too few understand that preservation is not simply about architecture and landscape, but about our lives—who we were and are today—and about leaving our children and grandchildren a solid foundation on this to build.”

Holly Harnden  
401 East Mansion Street  
Marshall MI 49068

Dear Mayor Dyer and City Council Members:

Since the return of my cancer, I have begun a more aggressive treatment program which quite honestly has knocked me for a loop. I have not been able to attend any of the public meetings on the Hospital Campus District ordinance review. I have written my thoughts below on this subject and would hope it would be read into the official minutes of the appropriate meeting and would be considered in your final review towards your decision.

As you are aware, I chaired the Hospital Neighborhood Committee to it's conclusion and to the recommendations now in review. The recommendations were approved by the committee seven in favor and two opposed. The first opposing vote was based on the boundaries established on the East border (which includes several very historic homes). The second opposing vote was based on following State Historic Guidelines which, in my opinion, had nothing to do with the recommendation.

Let me step back a bit and speak to our charge from Mayor Smith and reaffirmed by Mayor Dyer. The committee was asked to develop a plan that would be acceptable to the Community and the Hospital, covering the next 20 years, that would allow Oaklawn Hospital to meet it's expansion needs while defining for the Community at large and the hospital neighborhood in particular those boundaries that would be required, or defining the intrusion into the hospital neighborhood.

I'm sure I don't need to remind you of the unprecedented openness Oaklawn Hospital displayed by sharing details of it's anticipated growth over the next twenty years. Most enterprises with 1,000 employees can accurately lookout 1 - 3 years as "in process" planning, 4 - 7 years as "future projects being identified", and, beyond 7 years as "long term" planning with very rough ideas of what lies ahead. Each year theses categories are updated based on current events, trends, etc. So when planners update their future plans each year based on currently what's happening in the industry it's a planned activity and it's the only reasonable way a 20 year plan can be developed. The current couple of years are very accurate (but revisable) and the plan 20 years out is very inaccurate and very changeable. I emphasis this point because those unfamiliar with planning come to the conclusion that the enterprise lied to the public again because they didn't do what they said they do 5 years ago. No one has lied

as you are well aware, the plan has been revised due to changes in the world, the nation, politics, finances, regional markets and local markets.

I'm sure I do not need to remind you of the unprecedented generosity Oaklawn Hospital has shared with this Community by paying for over \$200,000 in studies and expenses incurred during the research process. They were always there when ask to support this study or that study to help develop information needed to allow the Committee to it conclusions and recommendations.

It should be noted that a key constraint in developing boundaries for the Hospital Campus District was the need to stay within somewhat the same footprint the main hospital facilities currently sit on. While some future services need not be on that footprint and would probaby be placed off campus if appropriate most will be required to be adjacent to the current main hospital. The futures information Oaklawn shared with the Committe and the public gives us a very good view of how many building square feet will be needed and how many additional parking spaces will be required to support that growth. With that information we were able to expand the existing footprint by identifying potential building locations and potential parking locations. With some creative ideas including two streets being vacated, appropriate landscaping, lighting and setbacks recommended by the Planning Commission and a plan that will allow this to unfold over a 20 year period, we feel we have identified the expansion area needed over the next 20 years.

As a reminder, there is no property that is being forcefully acquired or ask to be considered public domain. Properties that are included within the boundaries that are not owned by Oaklawn Hospital cannot be impacted by future expansion of Oaklawn Hospital (e.g., properties on the west side of High street and the A T & T building). They are included in the boundary in case these properties change their status base on accidents, Acts of God, fire, etc and they are not returned to their original condition. The boundaries developed include several buildings (Frank Center For The Arts and Magic Museum) within the boundary for the same reasons.

This plan is a compromise, not to those with individual objections but to the Community as a whole. It positions the Community to understand for the next 20 years where it's largest employer can expand its current footprint and what the worst case senerio might be 20 years out. And the worst case

senerio does not include Historic structures along the east side of High Street or The Frank Center or the Magic Museum. Those who suggest differently do not have the facts on their side of the argument.

There is no question that this has been a extremely charged debate. The future of Marshall continues to be in the hands of it's elected officials and the people who elect them. The facts have been presented as well as the emotion. Now is the time to approve the Hospital and Neighbor Committee's recommendations as presented.

Sincerely,

Ken Jendryka, Chairperson  
Hospital and Neighborhood Committee  
June 4, 2012

I, Kevin Paus, 425 Dunson was unable to attend today meeting regarding the hosp expansion meeting, but I wanted the council to know I disapprove of the call for Hosp recommendation. I approve of the planning commission recommendations.

If the hosp gets all the approval - Marshall will change for the worse and I will move because of it.

Kevin Paus  
425 Dunson St.  
Marshall  
269-781-4943

## Tom Tarkiewicz

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**From:** Nick Metzger <nick.metzger.ay75@statefarm.com>  
**Sent:** Monday, June 04, 2012 5:13 PM  
**To:** Tom Tarkiewicz  
**Subject:** Fw: Oaklawn Overlay District

Please share with council.

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**From:** Dwight Spitzer [<mailto:das55@sbcglobal.net>]  
**Sent:** Monday, June 04, 2012 03:40 PM  
**To:** [NMetzger@cityofmarshall.com](mailto:NMetzger@cityofmarshall.com) <[NMetzger@cityofmarshall.com](mailto:NMetzger@cityofmarshall.com)>; [KMiller@cityofmarshall.com](mailto:KMiller@cityofmarshall.com) <[KMiller@cityofmarshall.com](mailto:KMiller@cityofmarshall.com)>  
**Subject:** Oaklawn Overlay District

I live in Ward 2, 342 N. Madison. I would like to know your positions on this Oaklawn Overlay District issue, and express my opposition to its proceeding forward.

*Dwight A. Spitzer*  
(269) 781-9891

June 4, 2012

Jim Dyer, Mayor  
Tim Banfield, Planning Commission  
City of Marshall

Dear Gentlemen,

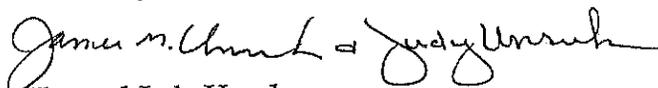
Please share with the members of the city commission and city council our objection to the closing of Madison Street between Prospect and Mansion streets. We are also concerned about the proposed blocking of Prospect and High Streets as well. The heart of the city of Marshall is accessed by traffic flow on these lovely, peaceful, residential streets. The resulting change in traffic flow would be horrific, causing Division Street, Forest Street, and North Marshall Street to be excessively travelled. Not only is the excessive traffic flow a concern, but the resulting limited access to the closed off beautiful city streets would be a travesty. All of these streets are currently frequently travelled and enjoyed by tourists, citizens, students going to and from the schools, walkers on historic walking trails, not to mention the quaint and constant travel of the Marshall Carriage Company. Most importantly, the increased traffic flow on the aforementioned streets would present a safety concern, particularly for pedestrians.

A number of years ago when the hospital parking structure was being built, much contention surfaced regarding the proposed closing of a portion of Mansion Street. Safety of pedestrians was a focal point. The proposal of this street closing met with objection from citizens also. That issue was beautifully resolved with the gift of time for consideration of alternative options. The result is the now aesthetically pleasing streetscape, open to traffic flow, with brick crosswalks which allow for safe pedestrian crossing. Time was the gift.

We would encourage the city council to table a vote on the closing of any streets, and instead, work to creatively develop an outcome similar to that which evolved with the Mansion Street issue. Could the Mansion Street outcome not be a template for access to the hospital on all four sides of the hospital mall, and allow for all the streets to remain open? Consider, for example, the full length of Front Street in Traverse City and the full length of Main Street in Brighton: both cities have created *open* streets with pedestrian right of way crosswalks the full length of their city streets. With time, options like these could be studied and considered.

While we understand that there are multiple concerns regarding expansion plans and neighborhoods, we must keep in mind that traffic flow on the beautiful residential streets of Marshall affects *all* citizens of Marshall, as well as visitors to the community. Our concern is about keeping movement through and around our community open, efficient, safe and aesthetically pleasing. Let us look back on a past success with Mansion Street, and again allow time for harmonious creativity and ingenuity to elicit a resolution for keeping our beautiful streets open for our citizens and visitors.

Sincerely,



Jim and Judy Unruh  
421 North Madison Street

Over the next several weeks, we will be discussing the Hospital Overlay District. This is one of the most important matters facing us as city council members. I, for one, will be studying the documents, and listening to our citizens (as I always have) and will then vote on the issue in an educated manner!

I encourage everyone to take the time to voice their opinions either publicly, at city council meetings or by contacting city council members. I would also ask that our citizens read all documentation provided on the city website to fully understand the reality of the issue.

**It has been stated that a majority of the council will jam this down the throats of our city.**

This could not be farther from the truth.

I don't speak for my fellow council members, but I do know them well enough to say that they will debate the issues in open meetings to assure all citizens that we **do not** take our role in the future of Marshall lightly! Contrary to popular belief, **absolutely no decisions** have been made regarding this subject, and no decision will be made until it comes to council for vote.

I am very proud of our Historic city and all that it has to offer, as I am of what Oaklawn Hospital means for healthcare in Marshall and surrounding communities. **Just as people come from all over to our historic city,** so do they come from neighboring communities to seek quality healthcare. A balance can be achieved with cooperation and education of all.

The issue of Hospital Overlay District is **NOT** about the current **Hospital CEO**, nor the newly announced President, **but about the future of our historic neighborhoods and the hospital.** Control has been mentioned before regarding the hospital CEO, however he is just one person/with one voice. Each of our citizens have a voice that counts too! I urge you, once again, to talk candidly to your city council members during this time of deliberation.

I take great pride in all that this council has accomplished these past years! I personally feel that we DO not stifle open discussion in council meetings and supportive committee meetings. Each council member has his/her own opinion on issues and we have been able to work towards a consensus on most.

It has been said that Marshall, in the past has enjoyed a warm, friendly environment but because of THIS council, Marshall does not enjoy that now!

**I find this hard to believe.**

We have wonderful people living here side by side with differing opinions on lots of issues, but they still are good neighbors and huge promoters of Marshall! No matter what the outcome, Marshall will always be a remarkable place to live and a great place to visit! Certainly these are only my thoughts, now I would like to hear yours.

VENDOR APPROVAL SUMMARY REPORT

Date: 06/14/2012

Time: 9:41am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AIS CONSTRUCTION EQUIP CORP	4885	SHANKS, PINS	0.00	0.00
ALEXANDER CHEMICAL CORPORATION	7024	HYDROFLUOSILICIC ACID	1,898.00	0.00
ARROW UNIFORM	6839	CUST #010198-01	561.38	0.00
AUTO VALUE MARSHALL	21340	MOTOR TUNE-UP	93.48	0.00
BOSHEARS FORD SALES INC	7117	2010 CROWN VIC	1,516.63	0.00
BOSSERD FAMILY FARM	6198	FLOWERS FOR FOUNTAIN BEDS	396.00	0.00
BUDGET DRAIN CLEANING	7148	MARSHALL HOUSE	190.00	0.00
CALHOUN COUNTY CONS DISPATCH	7176	3RD QTR DISPATCH SERVICE	50,483.50	0.00
CARON CHEVROLET OLDSMOBILE GEO	7191	DART 11 - MODULE ASM	110.75	0.00
CARR BROTHERS & SONS	7192	82028	310.00	0.00
CB HALL ELECTRIC COMPANY	3387	CHNG BREAKER @ MH	100.00	0.00
COGITATE INC	8443	SOFTWARE MAINTENANCE	155.00	0.00
COLTEC INDUSTRIES	7236	#3 ENG WATER PUMP REPAIR	365.56	0.00
CONSUMERS CONCRETE PRODUCTS	7254	STREET DEPT	225.75	0.00
COTTAGE GARDENS INC	400687	PLANTS, FLOWERS, TREES	3,383.00	0.00
COURTNEY & ASSOCIATES	7259	MAY SERVICES	250.00	0.00
CRT, INC	6541	BACKUP DR APPLIANCE SERVICE	339.00	0.00
CRYSTAL FLASH ENERGY	6176	FUEL	826.50	0.00
D & D MAINTENANCE SUPPLY	7271	TISSUE	1,122.41	0.00
DARLING ACE HARDWARE	7281	FLOWERS FOR BROOKS CIRCLE	832.58	0.00
DISCOUNT SCHOOL SUPPLY	8383	SUPPLIES	266.54	0.00
EDWARDS INDUSTRIAL SALES	7332	SUPPLIES	45.18	0.00
ENMET CORPORATION	7339	METER CALIBRATION	101.51	0.00
FASTENAL COMPANY	5789	VALVE REPAIR	516.63	0.00
FIVE STAR SPRINKLERS	300485	START UP	615.98	0.00
FRED'S STANDARD SERVICE	7377	TIRE REPAIRS, CALIPERS	90.95	0.00
GARAGE DOORS UNLIMITED	300432	STUARTS LANDING	385.00	0.00
GEORGIA FOUNTAIN COMPANY	8552	FOUNTAIN TRAINING	3,195.73	0.00
GOODWIN'S PLUMBING, LLC	7394	SERVICE CALL	82.00	0.00
GRAINGER	3644	AMPMASER PUMP SWITCH	219.80	0.00
HASTINGS FIBER GLASS PRODUCTS	9215	WIRE BRUSHES	73.13	0.00
HERMANS MARSHALL HARDWARE	7446	HARDWARE CLOTH	402.44	0.00
HIGLEY'S TREE SERVICE	6215	Tree Maintenance	1,550.00	0.00
HOLLAND BUS COMPANY	5874	FREIGHT ON WARRANTY ITEM	288.77	0.00
J & K PLUMBING SUPPLY	3351	BUSH PVC MIPXPIP	60.21	0.00
JACK DOHENY SUPPLIES	7309	DOOR SEAL, COUPLERS	469.57	0.00
K & H CONCRETE CUTTING INC	5202	GSS - 22 FT ASPHALT OVER BRICK	350.00	0.00
K-MART	7501	MAY CHARGES	162.54	0.00
KAR LABORATORIES INC	8817	NCYANIDE ANALYSIS	300.00	0.00
LAKELAND ASPHALT CORPORATION	7526	BITUMINOUS AGGREGATES	718.12	0.00
LARRY'S FLOOR COVERING	7530	PAINT, FLOORING, BASE TRIM	659.90	0.00
LEWEY'S SHOE REPAIR	7538	PATCH SEAT	20.00	0.00
MARSHALL LUMBERTOWN	7569	3" COL BASE PRIMED	35.41	0.00
MARSHALL WELDING & FABRICATION	7590	RPR CLOCK @ HERMAN HARDWARE	905.00	0.00
MICHIGAN METER TECHNOLOGY GRP	400140	2" COMPOUND METER REGISTER	73.00	0.00
MSC INDUSTRIAL SUPPLY CO	6831	CODING TAPE	201.24	0.00
NORTH CENTRAL LABORATORIES	7727	LAB SUPPLIES	846.92	0.00
NU-TWIST SCREEN PRINTING	7732	Baseball/Softball shirts & hat	4,418.55	0.00
O'LEARY WATER CONDITIONING	6995	COOLER RENTAL, WATER	42.00	0.00
PHYSIO CONTROL	21794	ELECTRODE ASSY	64.00	0.00
PMG	400686	VOTER ID CARDS	506.93	0.00
POWER LINE SUPPLY	7821	WRENCH HOLSTER	1,048.40	0.00
PRECISION LAWN CARE	300237	MOW & TRIM IND PARK	450.00	0.00
PVS TECHNOLOGIES	7797	FERRIC CHLORIDE SOLUTION	4,269.71	0.00
QUALITY LAWN CARE	8838	MOWING & TRIMMING	557.00	0.00
REALPAGE INC	5126	Onesite Leasing Software Licen	2,047.50	0.00
ROCKHURST UNIVERSITY	2559	MANAGE EMOTIONS & PRESSURE	199.00	0.00
SCHULERS RESTAURANT	7857	BYWAYS GRANT PROMOTION	1,410.32	0.00
SHERWIN-WILLIAMS	2073	VINYL FLOORING	263.12	0.00
SPARTAN STORES	9656	MAY CHARGES	144.87	0.00
SPORTSARAMA	400589	SOFTBALLS	2,233.28	0.00
STANDARD PRINTING & OFFICE	7903	TOWN CRIER	322.74	0.00
STANTEC CONSULTING MICHIGAN	9713	Design Services	26,254.53	0.00
STATES TERMINAL BLOCKS-WITCH	5413	Protective Relay Replacement P	1,956.46	0.00
SUMMIT POINTE	5891	MAY MOWING	870.00	0.00
SYNAGRO CENTRAL, LLC	4903	SLUDGE HAULING	26,114.40	0.00
COLEDO PE SUPPLY CO.	8384	FLOOR TAPE, STRGE CARTE	326.35	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 06/14/2012

Time: 9:41am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
THE TOWER CLOCK COMPANY	7963	SERVICED TOWER CLOCK	400.00	0.00
UNDERGROUND PIPE & VALVE INC	7980	4" DI COUPLING	316.00	0.00
USA BLUEBOOK	2460	DISPOSABLE VINYL GLOVES	571.15	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
WARD DIESEL FILTER SYSTEMS	8657	REPLACED FILTER	295.00	0.00
COLLEEN WEBB	300476	THANK YOU CARDS	20.00	0.00
WINDEMULLER	400688	SERVICE CALL	175.00	0.00
YOU R SPECIAL, LLC	21522	JUNE CLEANING SERVICES	1,000.00	0.00
Grand Total:			152,071.42	0.00

CHECK NUMBER SERIES AS OF FRIDAY, 06/08/12

	Beginning #	Ending #	Dated
PAYROLL-ACH	71388	71397	05/25/12-06/08/12
A/P & P/R-OTHER	91647	91802	05/25/12-06/08/12

VENDOR APPROVAL SUMMARY REPORT

Date: 06/01/2012

Time: 12:31pm

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ALTISOURCE SOLUTIONS	400406	REFUND UTILITY OVERPAYMENT	0.23	0.00
BATTLE CREEK UNLIMITED, INC.	4558	JUNE	14,041.66	0.00
MARIO BECERRA	400665	TEMP INSTRCTN PERMIT FOR CDL	35.00	0.00
BOYNE USA RESORTS	3067	MWEA - VOSBURG, CHERYL	779.73	0.00
BROADSTRIPE	3293	ACCT #198-040293	172.98	0.00
CALHOUN COUNTY EQUALIZATION	7169	CONTRACTUAL ASSESSING SRVC	2,122.00	0.00
CONSUMERS ENERGY	8560	1000 0033 5602	1,902.88	0.00
JAMES R DEVENEY	300006	INSPECTION COMMISSION	201.25	0.00
MIKE DEVLIN	400253	GAMES LEADERSHIP WORKSHOP	220.00	0.00
ALEC EGNATUK	9593	LUNCH FOR STATE EXAMS	21.00	0.00
SHEILA EVEREST	400664	PERMIT FEE REFUND	30.00	0.00
CARL FEDDERS	6811	OPTICAL REIMBURSEMENT	65.00	0.00
MARK FOERSTER	400670	REFUND UTILITY OVERPAYMENT	939.18	0.00
DARYL GANO	8148	INSPECTION COMMISSIONS	893.75	0.00
JOHN GROSS	300013	INSPECTION COMMISSIONS	449.55	0.00
JOHN HUEPENBECKER	21180	SAFETY SHOES	94.34	0.00
JERRY HUTCHISON	400650	CLEANING SUPPLIES FOR BUSES	37.57	0.00
NANCY JEFFERY	2689	PRESCRIPTION REIMBURSEMENTS	46.30	0.00
LAKE MICHIGAN MAILERS	9559	POSTAGE	500.00	0.00
LAUREL HEALTH CARE CO	400666	ENERGY OPTIMIZATION - LIGHTING	1,576.00	0.00
LEWEY'S SHOE REPAIR	7538	BOOT ALLWNCE - CHAD HAZEL	16.00	0.00
MARSHALL COMMUNITY CU	7558	3507 - MCDONALD	644.34	0.00
MCMASTER-CARR	6133	REFLECTIVE LETTERS	46.54	0.00
MEDLER ELECTRIC COMPANY	7604	2/0THHN 2/0 STR CU BLACK SS	1,507.31	0.00
MWEA	2006	2012 CONF--CHERYL VOSBURG	315.00	0.00
LORI OLSEN	400506	REFUND UTILITY DEPOSIT	7.90	0.00
TIMOTHY PUFFER II	400669	REFUND UTILITY DEPOSIT	89.18	0.00
JIM SCHODER	400668	REFUND PERMIT FEE-OVERPAID	28.00	0.00
DANIEL SLONE	400667	REFUND UTILITY DEPOSIT	51.90	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
SHERI ZIENERT	5152	COFFEE	95.88	0.00

Grand Total: 26,930.47 0.00

Prescription Reimbursements 109.02

Total Cash Disbursements \$27,039.49

VENDOR APPROVAL SUMMARY REPORT

Date: 06/08/2012

Time: 1:37pm

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AD-VISOR & CHRONICLE	7557	MAY CHARGES	3,040.43	0.00
AIS CONSTRUCTION EQUIP CORP	4885	SHANKS, PINS	0.00	0.00
ROBERT BARNES	400679	REFUND UTILITY DEPOSIT	27.71	0.00
BATTLE CREEK SHOPPER NEWS	4267	BI-WAYS GRANT COLOR CHARGE	2,828.19	0.00
BROADSTRIPE	3293	ACCT #198-040788	1,295.05	0.00
CALHOUN COUNTY TREASURER	7177	MAY TRAILER FEES	421.04	0.00
CITGO	3724	FLEET #132271610	12,483.73	0.00
BRIAN COOKE	400673	REFUND UTILITY DEPOSIT	12.58	0.00
CORNERSTONE INSPECTION SRVCS	300392	INSPECTION SERVICES	877.00	0.00
JIM CRITESER	400149	REFUND UTILITY DEPOSIT	13.18	0.00
CULLIGAN	736	ACCT #1155180	34.00	0.00
CARL FEDDERS	6811	CELL PHONE SIGNAL BOOSTER	384.84	0.00
FIRST BAPTIST CHURCH	400671	ENERGY OPTIMIZATION--FREEZER	85.00	0.00
GRIFFIN PEST SOLUTIONS	6272	200 E SPRUCE	80.00	0.00
WILLIAM GRIMES	400677	REFUND UTILITY DEPOSIT	65.32	0.00
HASTINGS REMINDER	9815	BY-WAYS GRANT PROMOTION	2,090.97	0.00
J.O. GALLOUP COMPANY	4624	PLUMBING SUPPLIES	304.30	0.00
LANCE KELLY	400672	REFUND UTILITY DEPOSIT	54.82	0.00
ROBERT KIESSLING	6013	COFFEE	224.64	0.00
KIM FORGASH	3469	REFUND UTILITY DEPOSIT	15.54	0.00
CITY OF MARSHALL	7595	PETTY CASH REIMBURSEMENT	31.21	0.00
MCMASTER-CARR	6133	CUTTER, GLASS TUBE, SS GAUGE	502.26	0.00
MICHIGAN MUNICIPAL LEAGUE	2224	POLICY #5550390-12	52,689.00	0.00
MISSION CAR WASH	217915	REPLACE CKS 83370,83674,83946	216.00	0.00
TYLER MOHRE	400676	REFUND UTILITY DEPOSIT	56.51	0.00
MEGAN O'NEILL	400675	REFUND UTILITY DEPOSIT	59.88	0.00
REPUBLIC SERVICES #249	2096	ACCT #3-0249-1022021	715.38	0.00
DAMARIS RODRIGUEZ-CRUZ	400674	REFUND UTILITY DEPOSIT	43.07	0.00
SCOTT SIGNOR	100620	REFUND UTILITY DEPOSIT	14.88	0.00
JOHN SHREVE	400683	REFUND SECURITY DEPOSIT	258.00	0.00
STATE OF MICHIGAN	21449	2012 UNCLAIMED PROPERTY	1,996.23	0.00
STATE OF MICHIGAN	400307	DUPLICATE PAYMENT INV #1366	7,473.66	0.00
STATE OF MICHIGAN	4872	38-6004708, SLS TAX, MAY 2012	24,994.78	0.00
CALEB SUNNOCK	400684	REFUND UTILITY DEPOSIT	106.98	0.00
SANDY TARTAGLIA	400682	ENERGY OPTIMIZATION	1,900.00	0.00
RAEANA TRUDGEON	400680	REF UTILITY DEP & OVERPYMNT	229.53	0.00
LAUREN VROMAN	400678	REFUND UTILITY DEPOSIT	34.46	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
BARBARA WELLS	400681	REF PORTION OF CEMETERY	56.25	0.00
Grand Total:			115,716.42	0.00



**ADMINISTRATIVE REPORT**  
**June 18, 2012 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council  
**FROM:** James M. Schwartz, Police Chief  
Tom Tarkiewicz, City Manager  
**SUBJECT:** A.A.A. Crossing Guard Recognition Certificates

**BACKGROUND:** The City of Marshall currently employs six (6) regular and one (1) substitute crossing guards. These individuals do an exemplary job for the citizens, schools and most importantly our students. A.A.A. Michigan has a program to recognize the crossing guards for their dedicated service. The City of Marshall has not participated in the past, but now has an opportunity to give proper recognition for their commitment.

The crossing guards listed have provided service to duty without failure for many years. The years of service range from 31 continuous years to our newest guard completing his first year. It is unusual to have such a dedicated staff for the 2 to 3 hours a day that they serve. If they cannot fulfill their duties, then a police officer must be utilized to perform those functions. They understand the importance of their job and provided their duties to the highest standards.

**RECOMMENDATION:** As the Police Chief for the City of Marshall it is my recommendation to issue the following certificates and pins to the following Crossing Guards:

Oscar Vela	1 year
Nickole Henry	3 Years (Substitute)
William Preston	3 Years
Keith Riegler	4 Years
Lois Baker	11 Years
Sally Friedlund	22 Years
Guadalupe Ramirez	31 Years

**FISCAL EFFECTS:** None

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

James M. Schwartz  
Police Chief

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

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**ADMINISTRATIVE REPORT**  
**JUNE 18, 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 the 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:** After hearing public comments, staff recommends Council approve 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.

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

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Respectfully submitted,

Natalie Huestis  
Director of Community Services

Tom Tarkiewicz  
City Manager

**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 18, 2012 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council  
**FROM:** James M. Schwartz, Police Chief  
Tom Tarkiewicz, City Manager  
**SUBJECT:** Public Hearing for Revision to 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:** After hearing public comment, it is recommended that the Council approve the revision to Ordinance 134.30.

**FISCAL EFFECTS:** None Known

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

James M. Schwartz  
Police Chief

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

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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 18, 2012 - CITY COUNCIL MEETING**

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

**FROM:** Robert Kiessling, Fire Chief  
Tom Tarkiewicz, City Manager

**SUBJECT:** Fire Station Architect Selection and Resolution to Provide for Statement of Intent to Reimburse Expenditures from Bond Proceeds Required by Internal Revenue Code for Tax-Exempt Debt

**BACKGROUND:** Over the last several years, the City has studied the need for replacement of the current fire station building. The current building was constructed in 1974 as a temporary facility. Fire fighter apparatus has changed over the last 40 years. Currently the apparatus bay cannot accommodate the aerial truck. Also, the widths of the vehicles have increased to where there are unsafe clearances in the facility.

This building replacement project may need to be funded through a voter approved millage and bond issuance. The cost for the project cannot be estimated until preliminary architectural work is completed. 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.

Twenty architectural firms were contacted to submit a questionnaire of interest. Fourteen firms returned the questionnaire. A selection team consisting of Assistant Chiefs William Hankinson, Greg McComb and Jeff Rhodes, Lieutenant Ed Costine, Fire Chief Bob Kiessling, Director of Public Services Carl Fedders and the City Manager choose four firms to submit a formal proposal. Three of the four firms were invited to an interview. The three firms selected were C2AE of Grand Rapids, Hobbs-Black of Lansing and Redstone Architects/FTCH/ArchitectureDesign+ of Bloomfield Hills/Grand Rapids/Battle Creek.

After interviewing the three firms, it is our recommendation that C2AE of Grand Rapids be retained to provide preliminary architectural services. It is estimated that this phase of the project will cost \$35,100. This phase will provide enough information to educate the citizens of Marshall to vote in a building millage election. Since this is an unbudgeted expense, it is recommended that this phase be funded from General Fund reserves.

**RECOMMENDATION:** It is recommended that the City Council approve the selection of C2AE of Grand Rapids to be retained to provide Fire Station preliminary architectural services and approve the Resolution to provide for statement of intent to reimburse expenditures from bond proceeds required by

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

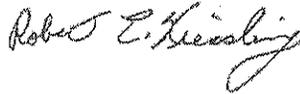
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Internal Revenue Code for tax-exempt debt. It is estimated that this phase of the project will cost \$35,100.

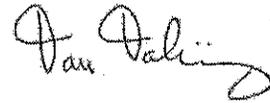
**FISCAL EFFECTS:** To appropriate and amend the FY 2013 budget and increase funding by \$35,100 to the Non-Departmental Contracted Services expenditure line item 101-294-820.00 with a source of funding from the use of prior year fund balance reserves for the proposed architectural services, or alternatively, from debt proceeds if voter-approved.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,



Robert Kiessling  
Fire Chief



Tom Tarkiewicz  
City Manager

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2012-\_\_\_\_\_**

**RESOLUTION STATING INTENT TO  
REIMBURSE EXPENDITURES FROM BOND PROCEEDS  
FOR CITY HALL BUILDING RENOVATION**

**WHEREAS**, the City of Marshall, County of Calhoun, State of Michigan (the "City") is developing a plan to renovate, refurbish, re-equip, and replace portions of the City Hall building including the portion currently used for fire services, including related appurtenances and attachments thereto, site acquisition and improvements, and demolition of an existing structure (the "Project"); and

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

**NOW, THEREFORE, BE IT RESOLVED THAT:**

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

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

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

(3) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes is unknown until the architectural service is complete.

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

(5) The expenditures for the Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type

which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

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

2. This declaration is executed to indicate the intent of the City only, and does **NOT** bind the City to acquire and construct any improvements or to issue any bonds or other obligations of the City.

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

---

Sandra Bird, Clerk-Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on June 18, 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.

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Sandra Bird, Clerk-Treasurer



**ADMINISTRATIVE REPORT**  
**JUNE 18, 2012 - CITY COUNCIL MEETING**

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

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

**SUBJECT:** Proposal to Update the Joint Police Facility Study

**BACKGROUND:** In August of 2011, the City and Calhoun County hired Redstone Architects Inc. to perform a feasibility study on a joint police facility for the City, Calhoun County Sheriff, and the Michigan State Police. 75% of the study was funded through grants. The study was completed and presented to the City Council and the Calhoun County Commission in January of 2012.

The State has continually been in contact with the City because of their plan to relocate the MSP posts to Marshall. In April, the County Administrator was asked if the County was still interested in the joint project. The County Commissioners have told the County Administrator that the City can move forward without the County.

Redstone Architects have submitted the attached proposal to revise the original design to accommodate the City and MSP only. They will also determine if the downsized facility can fit on property currently owned by the City on Industrial Road near Kalamazoo Avenue. Redstone can complete the update to present their findings at a Council work session on July 16<sup>th</sup>. Since this is an unbudgeted expense, it is recommended that this study update be funded from General Fund reserves.

**RECOMMENDATION:** It is recommended that the City Council approve the retainage of Redstone Architects to update the Joint Police Facility Study.

**FISCAL EFFECTS:** To appropriate and amend the FY 2013 budget and increase funding by \$13,798 to the Non-Departmental Contracted Services expenditure line item 101-294-820.00 with a source of funding from the use of prior year fund balance reserves for the proposed professional services.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

James Schwartz  
Police Chief

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

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Law Enforcement  
Justice  
Public Safety  
Municipal  
Corporate/Commercial

Redstone Architects, Inc.

2709 S. Telegraph Road, Bloomfield Hills, MI 48302-1008

June 12, 2012 (via email)

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

Re: Updating Regional Law Enforcement Center Design

Dear Tom:

Per your request, we are pleased to submit our proposal to revise our original design for the Marshall Regional Law Enforcement Center due to the decision of the County not to relocate the Sheriff's Department and Emergency Management Department into the proposed facility. It is our understanding that the goal of the City of Marshall is to continue to work with the Michigan State Police to share a facility, and to apply for an EVIP grant to help pay a portion of the City's share of its cost.

Based on our meeting with yourself and Chief Schwartz on June 11, we are pleased to submit our proposal to prepare updated documents and cost projections, as well as an updated Business Plan that will be presented to the City Council on July 16, 2012.

We propose a Professional fee, inclusive of related expenses, of \$13,798.00 to accomplish the work present our findings at the Council Workshop, and trust this will meet with the City's approval.

Thank you for your continued confidence in Redstone Architects. The Marshall Regional Law Enforcement Center is an amazing vision to improve the welfare and the economy of the City of Marshall, and we are proud to be a part of the team that is working to make it a reality.

Sincerely,

Daniel Redstone, FAIA, NCARB  
President





**ADMINISTRATIVE REPORT**  
**June 18, 2012 – CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council

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

**SUBJECT:** FY 2012 Year-End Budget Amendments

**BACKGROUND:** Public Act 2 of 1968, better known as the Uniform Budgeting and Accounting Act, requires an amendment to the adopted budget when it can be determined that the budget projections will be different than originally anticipated. Each June, the staff reviews the revenues and expenditures in order to develop an amended budget resolution to more closely reflect the actual operational costs and the use of cash reserves. The following is a summary of the recommended budget amendments:

**General Fund**

- Property taxes are lower than projected by (.55%). The Assessor forecast was (1.7%) decline in property values, and the actuals reported a decline of (2.25%).
- Tax Collection fees were not billed to the schools due to disagreement regarding fee calculation.
- Cable Commissions revenue received is lower than projected due to economical impact and competition in cable industry.
- State Grants are higher than projected due to the grant award for the Police Building Feasibility Study
- District Court Ordinance Fines is higher than projected due to the motor carrier enforcement services provided by the police department.
- Interest Income is higher than projected due to budgeting lower conservative estimates.
- Transfers from Other Funds is higher than projected due to the distribution of LSRB Casino Revenue from Council approved action in August, 2011.
- City Manager motor pool expenditure is higher than projected.
- Assessor costs were reduced from the City/County contract.
- Human Resources were increased for higher than anticipated education, travel and advertising costs.
- Clerk-Treasurer expenditures were increased for Ordinance codification and unemployment costs not budgeted.
- Other City Property expenditures were increased for the Cronin building.
- Non-departmental expenditures were higher than anticipated due to unplanned Michigan Tax Tribunal Tax Appeals and the Police Building Feasibility Study paid during the fiscal year.
- Police expenditures were reduced due to a vacant Sergeant position not filled during the fiscal year. The Dispatch expenditures were reduced due to the 911 Board approved a reduced contract with the members during mid-year.

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p 269.781.5183

f 269.781.3835

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- Fire expenditures increased due to higher than projected equipment/truck maintenance.
- Inspection contracted services increased due to higher than projected fees to Cornerstone (this was the first year contracting with Cornerstone for building inspection services).
- Planning and Zoning expenditures were reduced due to a vacant Code Enforcement/Facilities Manager position filled with a part-time position during the fiscal year.
- Street expenditures are higher than projected due to underestimating costs for contracted services, motor pool equipment and retired position final pay-out.
- PSB Operations were lower than anticipated due to a re-allocation of position wages.
- Capital Outlay expenditures were decreased for Chapel improvements delayed to FY 2013.
- Beginning in FY 2011, the Recreation, Composting and Airport Funds' activities are now combined with the General Fund due to recent GASB changes.
- Recreation: A reorganization of personnel, reducing one full-time employee to a part-time basis, decreased on-going operating expenditures to a level which now meets the current level of revenues.
- Composting: The operations/funding will be transferred over to the County in FY 2014, approved by the Calhoun County Solid Waste Planning Committee in March, 2012.
- Airport: Revenues and expenditures were increased due to higher fuel sales volume.

#### MVH-Major and Trunkline and MVH-Local

Major roads operational expenditures were lower than anticipated due to lower winter costs compared to the previous fiscal year. In August, 2011, Council approved increased funding for local roads from LSRB Casino funding.

#### Drug Law Enforcement

To establish a budget for the bank service charges incurred during the fiscal year.

#### Local Development Finance Authority

Revenues increased by \$504,642 from the Campbell Soup Company clawback. Capital Outlay was higher than previous years due to the purchases of the Udell and the Lafferty Farm properties.

#### Downtown Development Authority

Revenues increased for higher than anticipated property taxes. Expenditures decreased due to the Main Street Manager position filled with a temporary part-time contract position.

Special Projects

Revenues and expenditures increased due to higher than anticipated grant awards.

Marshall House

Revenues decreased for lower than anticipated Federal Section 8 Grant Assistance, and expenditures were reduced to help off-set the decrease in revenues.

Electric

Bond proceeds and related capital projects were carried-over to FY 2013. Expenditures increased for purchase power due to an estimating error of the power supply cost adjustment by the city's consultant.

Dial-A-Ride

Two buses were budgeted and only one bus was purchased during the fiscal year. Revenues decreased due to lower than anticipated State Operating Assistance, property taxes and passenger fares.

Wastewater

Revenues and expenditures decreased due to the carry-over of bond proceeds and capital expenditures to FY 2013.

Water

Revenues and expenditures decreased due to the carry-over of bond proceeds and capital expenditures to FY 2013. Industrial sales decreased by approximately 44% due to the Campbell Soup Company closing.

Motor Pool

Revenues decreased due to lower than anticipated local contributions.

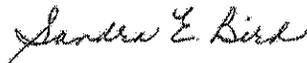
**RECOMMENDATION:**  
2012 Adopted Budget.

To adopt the attached resolution to amend the FY

**FISCAL EFFECTS:**  
Administrative Report.

As detailed by the information included in this

Respectfully Submitted,



Sandra Bird  
Clerk-Treasurer



Tom Tarkiewicz  
City Manager

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2011</u>	<u>Change</u>
<b><u>Downtown Develop. Auth.</u></b>				
Revenues	295,706	295,706	303,691	7,985
Expenditures	321,062	321,062	298,498	-22,564
Net Surplus/(Deficit)	-25,356	-25,356	5,193	30,549

<b><u>Special Projects</u></b>				
Revenues	5,400	5,400	149,091	143,691
Expenditures	40,206	40,206	275,955	235,749
Net Surplus/(Deficit)	-34,806	-34,806	-126,864	-92,058

<b><u>Marshall House</u></b>				
Revenues	614,500	614,500	595,500	-19,000
Expenditures	653,638	653,638	642,469	-11,169
Net Surplus/(Deficit)	-39,138	-39,138	-46,969	-7,831

<b><u>Electric</u></b>				
Revenues	12,478,174	12,478,174	12,287,445	-190,729
Expenditures	12,590,393	12,959,245	13,226,538	267,293
Net Surplus/(Deficit)	112,219	-481,071	-939,093	-458,022

<b><u>Dial-A-Ride</u></b>				
Revenues	486,806	486,806	406,670	-80,136
Expenditures	531,718	524,522	467,102	-57,420
Net Surplus/(Deficit)	-44,912	-37,716	-60,432	-22,716

<b><u>Wastewater</u></b>				
Revenues	2,189,250	2,189,250	1,558,548	-630,702
Expenditures	2,778,974	2,778,974	2,075,729	-703,245
Net Surplus/(Deficit)	-589,724	-589,724	-517,181	72,543

<b><u>Water</u></b>				
Revenues	2,688,702	2,688,702	1,242,313	-1,446,389
Expenditures	3,052,002	3,052,002	1,998,812	-1,053,190
Net Surplus/(Deficit)	-363,300	-363,300	-756,499	-393,199

<b><u>Data Processing</u></b>				
Revenues	126,136	126,136	126,386	250
Expenditures	184,385	184,385	184,635	250
Net Surplus/(Deficit)	-58,249	-58,249	-58,249	0

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2011</u>	<u>Change</u>
<b>Motorpool</b>				
Revenues	933,729	1,372,376	1,345,633	-26,743
Expenditures	1,209,992	1,648,481	1,665,123	16,642
Net Surplus/(Deficit)	-276,263	-276,105	-319,490	-43,385

<b>Safety</b>				
Revenues	338	338	395	57
Expenditures	7,105	7,105	6,776	-329
Net Surplus/(Deficit)	-6,767	-6,767	-6,381	386

RESOLVED, the use of prior year's fund balance reserves is not reflected in a Fund's revenue figure above, and that the source of funding for a Fund's Net Loss/(Deficit) shall be the use of prior year's fund balance reserves;

RESOVLED, approximately \$25,000 of the Electric Fund-Maintenance Meters funding will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOVLED, approximately \$25,000 of the Electric Fund-Contracted Services for tree trimming funding will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOLVED, approximately \$1,509,100 of the Electric Fund-Capital Outlay projects will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOLVED, approximately \$700,000 of the Wastewater Fund-Capital Outlay projects will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOLVED, approximately \$1,000,000 of the Water Fund-Capital Outlay projects will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

This Resolution shall take effect upon adoption.

Dated June 18, 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 June 18, 2012 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

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Sandra Bird, Clerk-Treasurer



**ADMINISTRATIVE REPORT**  
**June 18, 2012 – CITY COUNCIL MEETING**

**TO:** Honorable Mayor and City Council

**FROM:** Tom Tarkiewicz, City Manager  
Tracy Hall, Human Resources Coordinator

**SUBJECT:** Department of Public Services Contract  
Teamsters Local 214

**BACKGROUND:** The City of Marshall has completed negotiations with the International Brotherhood of Teamsters, Chauffeurs, Warehouseman and Helpers of America and its Local 214, Department of Public Services. We have reached mutual agreement on the collective bargaining agreement. Attached is a Fact Sheet summarizing the major changes made to the Agreement.

The bargaining unit unanimously voted to ratify the contract at a June 12, 2012 meeting. The three-year agreement will expire June 30, 2015.

**RECOMMENDATION:** We respectfully request that City Council approve the Contract as presented.

**FISCAL EFFECTS:** The costs associated with implementation of contract provisions.

**ALTERNATIVES:** As suggested by City Council.

Respectfully submitted,

Tom Tarkiewicz  
City Manager

Tracy Hall  
Human Resources Coordinator

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

**Negotiation Summary  
City of Marshall DPS**

**Wages**

Increase wages 1% July 1 of each year from July 1, 2012 – June 30, 2015

**On-Call Duty and Call Back**

Beginning July 1, 2012, the on-call compensation shall be as follows:

- Weekdays \$2.00 per hour
- Weekend \$3.00 per hour  
(unscheduled hours from the end of normal hours on Friday through the beginning of normal hours on Monday)
- Holiday \$12.00 per hour

The on-call compensation rates shall be adjusted annually on July 1 at the same percentage increase as the hourly wages are adjusted.

**Reduce Apprentice Lineman Wages, for new hires, according to the school contract.**

<i>Start</i>	<i>55%</i>
<i>1000 hours</i>	<i>60%</i>
<i>2000 hours</i>	<i>65%</i>
<i>3000 hours</i>	<i>70%</i>
<i>4000 hours</i>	<i>75%</i>
<i>5000 hours</i>	<i>80%</i>
<i>6000 hours</i>	<i>85%</i>
<i>7000 hours</i>	<i>See Sr. Lineman starting Step A</i>

**Health Insurance**

*Add Article 24 Section 1 "(d) Effective January 1, 2013 the City will offer both an HRA and an HSA insurance plan. The City will fund up to 100% of the HRA deductible and 90% of the HSA deductible as long as the total cost is below the State Hard Cap. In the event that the total cost is above the State Hard Cap the City contribution will be lowered to stay at the hard cap amount."*

**Health Insurance - new employees shall pay 20% of the monthly premium.**

*Add to Section 1(b) "Employees hired on or after July 1, 2012 shall pay twenty percent (20%) of health insurance premiums charged to the City."*

**Longevity will not be available to new hires**

*Add to Article 25 "(c) Full time employees hired on or after July 1, 2012 are not eligible to receive longevity payments."*

**Pension plan contribution for new hires**

*Add "Employees hired on or after July 1, 2012 shall participate in a Defined Contribution plan through MERS. The employee shall pay 7.70% of the employee's total, annual gross compensation and the employer shall pay 10.00% of the employee's total, annual gross compensation."*

**Power House Employee Training**

Both parties agree to a Letter of Understanding to continue negotiations on this topic.

**Sick Leave**

Sick leave is for use by employees for their own medical reasons and for medical reasons for immediate family. For purposes of this Section immediate family shall be defined as the employee's spouse and children who live in the employee's home.

**Update the definitions of "seniority" and clarify which definition is being used throughout the contract.**

**Update the FMLA policy to include Military Caregiver Leave (same as Streets Contract)**

**Emergency Financial Manager (same language as Patrol Contract).**

Section 2: The parties to this collective bargaining agreement include the following language in subsection "a" of this section as is currently required by state statute. This language was not bargained for nor negotiated in any manner by either party and should be deemed meaningless to the extent that the state statute requiring such language or the authority of an emergency financial manager be altered, amended or be found unconstitutional.

- a. "An emergency financial manager appointed under the local government and school district fiscal accountability act may reject, modify, or terminate the collective bargaining agreement as provided in the local government and school district fiscal accountability act."