



**CITY COUNCIL
WORK SESSION AGENDA
Monday, July 2, 2012
6:00 PM – 6:45 PM
City Hall**

A. Departmental Restructuring

The City Manager will present a departmental restructuring and staffing changes.

B. Other Items

C. Future Work Sessions

July 16th – Joint police study update

D. Future topics

323 W. Michigan Ave.

Marshall, MI 49068

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MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

JULY 2, 2012

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

A. Enbridge Easement

City Council will consider the recommendation to sign the amendment to right of way and easement grant and the temporary work agreement with Enbridge Energy for parcel 003-000-00, 003-000-01, 003-422-01, and 311-015-00.

B. Utility Easement for Parcel 003-353-01

City Council will consider the recommendation to authorize the Clerk-Treasurer to sign the easement agreement for parcel 003-353-01.

C. MDOT Agreement – Taxiway Rehabilitation

City Council will consider the recommendation to sign the agreement with the Michigan Department of Transportation for the Taxiway Rehabilitation project at Brooks Field and the agreement with Mead and Hunt Inc. for the construction administration services.

D. City Council Minutes

Regular Session.....Monday, June 18, 2012

E. City Bills

Regular Purchases.....	\$ 207,610.38
Weekly Purchases –6/15/12.....	\$ 17,127.22
Weekly Purchases –6/22/12.....	\$ 115,984.82
Total	\$ 340,722.42

8) PRESENTATIONS AND RECOGNITIONS

A. Relay for Life Proclamation

9) INFORMATIONAL ITEMS

A. Event Reports – Civil War Ball and Home Tour

B. Event Report – Hispanic Heritage Festival

C. Event Report – Zarzuela’s Anniversary Celebration

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

11) OLD BUSINESS

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



12) REPORTS AND RECOMMENDATIONS

A. Hospital Neighborhood Committee

City Council will discuss and develop the proposed agenda for the July 14, 2012 Work Session to be held at 9:00 a.m. at the Public Services Building, 900 S. Marshall Avenue.

B. Special Land Use #SLU12.01 – 215 High Street

City Council will consider the recommendation of the Planning Commission to approve the Special Land Use Permit for a Lodging House at 215 High Street, under the conditions set forth in the application, to City Council.

C. Special Land Use #SLU12.02 – 720 E. Green Street

City Council will consider the recommendation of the Planning Commission to approve the Special Land Use Permit for a Beauty Salon at 720 E. Green Street, under the conditions set forth in the application, to City Council.

D. Marshall Economic Development Alliance

City Council will consider the recommendation to support the Marshall Economic Development Alliance and approve the initial seed funds in the amount of \$50,000.

E. Charter Amendments

City Council will consider the recommendation to adopt the resolution for the November 2012 ballot language for the City Charter amendments.

F. Parking Lot Improvement Program

City Council will consider the recommendation to approve the 2012 Downtown Parking Lot Improvement Program.

G. Downtown Parking Meters

City Council will consider the recommendation to accept the DDA/Main Street Board recommendation to continue to not enforce downtown parking meters and place a welcome plate across the coin slot.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) CLOSED SESSION

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

16) COUNCIL AND MANAGER COMMUNICATIONS

17) ADJOURNMENT

Respectfully submitted,

Tom Tarkiewicz
City Manager

July 2, 2012



ADMINISTRATIVE REPORT
July 2, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz; City Manager
SUBJECT: Enbridge Easement

BACKGROUND: Enbridge Energy has requested new and expanded easements over three separate parcels which are located within the City of Marshall. The original easements were approved back in 1969. Currently the property in question houses a number of other pipelines. The surface conditions include a detention pond, an open field, and rented farm land.

Enbridge has proposed payment for the existing right of way, the additional right of way, and the necessary temporary work space. If approved the easement agreement will generate approximately \$50,000. Since the documents are lengthy, the City Manager's office has the original documents, if you desire to review. The City Attorney has reviewed the documents.

RECOMMENDATION: It is recommended that the City Council authorize the Clerk Treasurer to sign the amendment to right of way and easement grant and the temporary work agreement with Enbridge Energy for parcel 003-000-00, 003-000-01, 003-422-01, and 311-015-00.

FISCAL EFFECTS: To increase and amend the FY 2013 General Fund Miscellaneous Revenue budget line item 101-000-671.00 by \$50,000.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carl Fedders".

Carl Fedders
Director of Public Services

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

Tom Tarkiewicz
City Manager

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ADMINISTRATIVE REPORT
July 2, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Alec Egnatuk, Wastewater Superintendent
Tom Tarkiewicz; City Manager

SUBJECT: Utility easement for parcel number 002-353-01

BACKGROUND: The City of Marshall has a number of easements on the above mentioned property which is located on Industrial Road just north of the Waste Water Treatment Plant (WWTP). As part of the planned upgrades to the WWTP the drive will be improved from gravel to asphalt. During the design phase of the project it was uncovered that the current easement does not include all of the necessary space to construct the drive. The attached easement amends the current easements to allow the drive to be constructed.

The proposed driveway will utilize the road right-of-way that exists for S. Mulberry Street and the attached amended easement which is along the existing gravel drive.

RECOMMENDATION: It is recommended that the City Council authorize the clerk treasurer to sign easement agreement for parcel 002-353-01.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Dir. of Public Services

Alec Egnatuk
Wastewater Supt.

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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Grant of Easement

Alan J. Stulberg, Irving I. Stulberg and Daniel J. Stulberg, as successor co-trustees of the Morris Stulberg Living Trust dated August 4, 1976 (Grantor) in consideration of One Dollar (\$1.00) the receipt and adequacy of which are acknowledged, grant to the City of Marshall, Michigan, a Michigan Home Rule City of 323 W. Michigan Avenue, Marshall, Michigan (Grantee) a perpetual easement for ingress and egress on and across the following-described property:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWN 2 SOUTH, RANGE 6 WEST, CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 POST OF SECTION 26, T2S, R6W; THENCE S00°07'00"W 827.91 FEET ALONG THE EAST LINE OF SAID SECTION 26 TO THE EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF INDUSTRIAL ROAD; THENCE N84°59'30"W 831.72 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE S00°31'00"W 132.34 FEET TO THE NORTHERLY LINE OF AN EXISTING EASEMENT; THENCE S89°30'52"W 345.72 FEET ALONG THE NORTHERLY LINE OF SAID EXISTING EASEMENT FOR **THE POINT OF BEGINNING** OF THIS INGRESS AND EGRESS EASEMENT DESCRIPTION; THENCE S00°13'08"E 13.94 FEET ALONG SAID UTILITY EASEMENT; THENCE S89°30'52"W 100.00 FEET ALONG SAID EXISTING EASEMENT; THENCE N00°29'08"W 13.94 FEET; THENCE N89°30'52"E 100.06 FEET TO **THE POINT OF BEGINNING**.

This easement, together with another easement previously granted by Grantor to Grantee over the following described property:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWN 2 SOUTH, RANGE 6 WEST, CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 26, T2S, R6W; THENCE S00°07'00"W, 827.91 FEET ALONG THE EAST LINE OF SAID SECTION 26 TO THE EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF INDUSTRIAL ROAD; THENCE N84°59'30"W, 831.72 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE S00°31'00"W, 132.34 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED EASEMENT; THENCE CONTINUING S00°31'00"W, 32.83 FEET; THENCE N89°36'00"W, 501.13 FEET; THENCE N00°20'57"E, 11.14 FEET; THENCE N89°30'52"E, 155.69 FEET; THENCE N00°13'08"W, 13.94 FEET; THENCE N89°30'52"E, 345.72 FEET TO THE POINT OF BEGINNING; SAID EASEMENT BEING SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF USE OR RECORD

is granted for the purpose of allowing ingress and egress to the City of Marshall's wastewater treatment plant at 801 Industrial Road (as illustrated on the attached Figure 1) on property bearing tax parcel identification number 13-53-002-522-00, the "Dominant Estate".

The property subject to this easement and owned by the Grantor is described as follows:

A parcel of land in the Southeast ¼ of Section 26, Town 2 South, Range 6 West, City of Marshall, Calhoun County, Michigan being described as follows: Commencing at the East ¼ corner of Section 26, T2S, R6W; thence S 00° 07' 00" W 827.91 feet along the East line of said Section 26 to the extension of the Southerly right-of-way line of Industrial Road; thence N 84° 59' 30" W 831.72 feet along said right-of-way line to the point of beginning of the following described parcel; thence S 00° 31' 00" W 165.17 feet; thence N 89° 36' 00" W 501.13 feet; thence N 00° 20' 57" E 186.57 feet to the Southerly right-of-way line of Industrial Road; thence along said right-of-way line for the following three courses: 1) S 84° 59' 30" E 442.34 feet 2) N 05° 00' 30" E 18.97 feet, 3) S 84° 59' 30" E 59.38 feet to the point of beginning.

The easement granted is an easement appurtenant to the Dominant Estate.

The easement, rights, and privileges granted by this easement are non-exclusive, and Grantor reserves and retains the right to convey similar easement and rights to such other persons as Grantor may deem proper.

Grantor retains, reserves, and shall continue to enjoy the use of the surface of the land described in this easement for any and all purposes that do not interfere with or prevent Grantee's use of the easement.

Grantee shall have the duty to repair and maintain the easement and shall at all times keep its driveway free and open for the benefit of Grantor.

Dated this 11th day of June, 2012.

Alan J. Stulberg
Alan J. Stulberg

Irving I. Stulberg
Irving I. Stulberg

Daniel J. Stulberg
Daniel J. Stulberg

STATE OF Michigan)
)ss
COUNTY OF Calhoun)

The foregoing instrument was acknowledged before me this 11th day of June, 2012, by Alan J. Stulberg, co-trustee of the Morris Stulberg Living Trust dated August 4, 1976, on behalf of said trust.

Angelle M. Bocanegra

Notary Public, Calhoun County,
State of Michigan.
My commission expires: Feb. 11, 2015

STATE OF Michigan)
)ss
COUNTY OF Calhoun)

The foregoing instrument was acknowledged before me this 11th day of June, 2012, by Irving I. Stulberg, co-trustee of the Morris Stulberg Living Trust dated August 4, 1976, on behalf of said trust.

Angelle M. Bocanegra

Notary Public, Calhoun County,
State of Michigan.
My commission expires: Feb. 11, 2015

STATE OF Michigan)
)ss
COUNTY OF Calhoun)

The foregoing instrument was acknowledged before me this 11th day of June, 2012, by Daniel J. Stulberg, co-trustee of the Morris Stulberg Living Trust dated August 4, 1976, on behalf of said trust.

Angelle M. Bocanegra

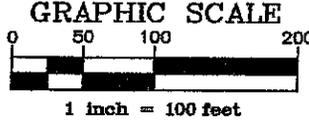
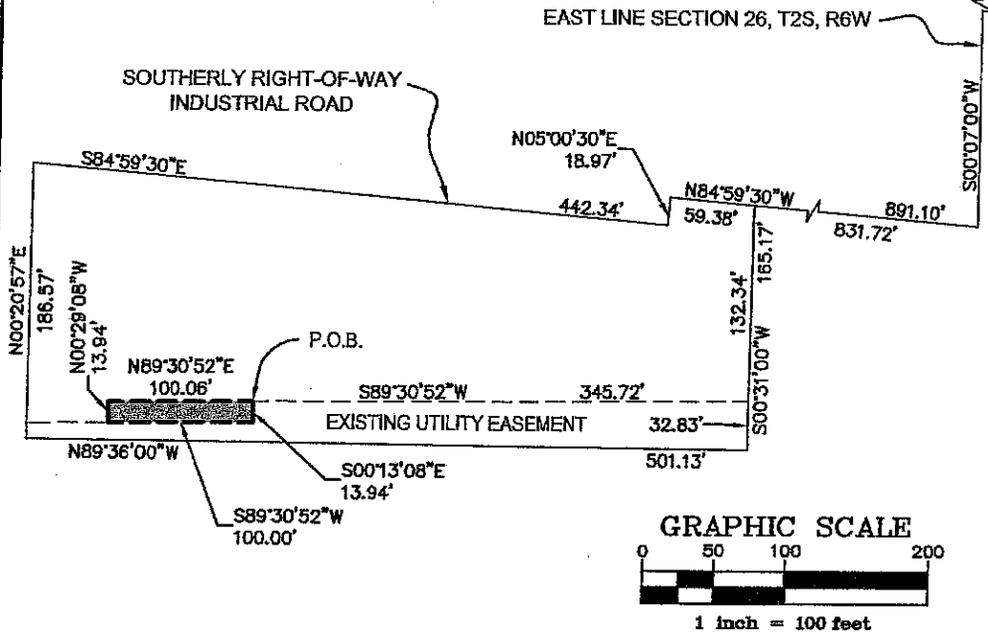
Notary Public, Calhoun County,
State of Michigan.
My commission expires: Feb 11, 2015

Drafted by:
Paul K. Beardslee (P42177)
206 S. Kalamazoo Ave.
Marshall, MI 49068

INGRESS & EGRESS EASEMENT



E 1/4 POST
SECTION 26
T2S, R6W
CALHOUN COUNTY



INGRESS & EGRESS EASEMENT

AN INGRESS AND EGRESS EASEMENT OVER AND ACROSS THAT PART OF THE SOUTHEAST 1/4 OF SECTION 26, TOWN 2 SOUTH, RANGE 6 WEST, CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 POST OF SECTION 26, T2S, R6W; THENCE S00°07'00\"/>

SUBJECT PARCEL

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF SECTION 26, TOWN 2 SOUTH, RANGE 6 WEST, CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 26, T2S, R6W; THENCE S00°07'00\"/>

MAY, 2012
2076107904



Stantec Consulting Michigan Inc.
3959 Research Park Drive
Ann Arbor MI U.S.A.
48108-2216
Tel. 734.761.1010
Fax. 734.761.1200
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Client/Project
CITY OF MARSHALL
WASTE WATER
TREATMENT PLANT

Figure No.
1.0

Title
INGRESS AND EGRESS
EASEMENT



ADMINISTRATIVE REPORT
July 2, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
John Riske III, Airport Manager
Tom Tarkiewicz, City Manager

SUBJECT: MDOT Agreement - Taxiway Rehabilitation

BACKGROUND: The City has received a grant through the Michigan Department of Transportation for the taxiway rehabilitation at Brooks Field. The funding is divided between the Federal Aviation Administration, the State of Michigan and the City of Marshall; historically this has been 95%, 2.5%, and 2.5% respectively. This project will be the first as we transition into the new funding arrangement which requires a 5% match. This particular project has a total estimated cost of approximately \$330,000 of which the city will be responsible for \$11,500 this calculates to 3.5%. MDOT has received the bids and Michigan Paving and Materials was the low bidder at \$295,545.88. Staff is proposing that Mead and Hunt Inc. be retained to perform construction administration for the project at a total cost of \$35,649.06, which also has the same funding breakdown. Since the documents are lengthy, the City Manager's office has the original documents, if you desire to review.

RECOMMENDATION: It is recommended that the City Council authorize the Clerk-Treasurer to sign the agreement with the Michigan Department of Transportation for the Taxiway Rehabilitation project at Brooks Field and the agreement with Mead and Hunt Inc. for the construction administration services.

FISCAL EFFECTS: To appropriate \$11,500 from the General Fund-Airport Capital Outlay budgeted expenditure line item 295-900-970.00 with a funding source of unused capital outlay carried over from FY 2012.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Director of Public Services

John Riske III
Airport Manager

Tom Tarkiewicz
City Manager

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CALL TO ORDER

IN REGULAR SESSION Monday, June 18, 2012 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

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

Also Present: Chief Schwartz.

Absent: Council Member Reed.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Williams, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$733,705.13. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Casey Nager of 126 W. Prospect Street read a prepared statement from Dave Deppe. **(Attachment A)**

James Hackworth of 306 High Street stated he loves the hospital and the neighborhood but a balance needs to be found between progress and expansion.

Brian Munger read a prepared statement from Deborah Stuart. **(Attachment B)**

Robert Beals of 541 N. Marshall commented regarding the loss of property tax revenue caused by the hospital.

James Merucci read a prepared statement on behalf of Charles O. Dobbins of Marshall commenting on the Hospital and Neighborhood Committee.

Deb Codde of 224 High Street expressed concern with the closing of Madison/Prospect Street.

Brian Munger spoke in opposition of the hospital.

Holly Harnden read a prepared statement on behalf Terry MacNevin commenting on the HCOD.

Bob Posler of 427 High Street commented on the number of vacant houses and if there is a plan for the vacant houses. There needs to be compromises.

Tim McKaleb of 410 E. Prospect read a statement from a gentlemen from Grand Rapids who commented on Marshall's Historic charm.

Ginger Williams commented on the offensiveness of some of the comparison used against the hospital.

CONSENT AGENDA

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

- A. Approve minutes of the City Council Regular Session held on Monday, June 4, 2012;
- B. Approve city bills in the amount of \$1,028,532.46.

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

Mayor Dyer advised to indicate for the record that the Power Point presentations of Oaklawn Hospital, the Planning Commission, and the Downtown Development Authority be placed on the City's website under the Hospital and Neighborhood Committee section for the public's view.

PRESENTATIONS AND RECOGNITIONS

Chief Schwartz presented A.A.A. Recognition certificates to the crossing guards.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Wood Burning Ordinance:

Mayor Dyer opened the public hearing to hear public comment on the proposed addition of Free Standing Solid Fuel Burning Appliance.

Natalie Huestis, Director of Community Services, provided some background on the ordinance.

Hearing no comment, the hearing was closed.

Moved Metzger, supported Mankerian, to approve the addition of Free Standing Solid Fuel Burning Appliance, amendment to Chapter 92: Health and Sanitation: Nuisances of the Marshall City Code. On a roll call vote - ayes: Mankerian, Metzger, Miller, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2012-03**

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 18th day of June, 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

B. Fireworks Ordinance:

Mayor Dyer opened the public hearing to hear public comment on the proposed addition of §134.30 Fireworks Ordinance.

Chief Schwartz provided some background on the ordinance.

Brian Munger asked if there were any changes in the licensing for the sale of fireworks.

Being no further comment, the hearing was closed.

Moved Metzger, supported Mankerian, to approve the revisions to §134.30 Fireworks Ordinance of the Marshall City Code. On a roll call vote - ayes: Metzger, Miller, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2012-04**

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 18th day of June, 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.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Fire Station Architect Selection:

Moved Miller, supported Mankerian, 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. On a roll call vote – ayes: Miller, Williams, Mayor Dyer; Mankerian, and Metzger; nays: Booton. **MOTION CARRIED.**

B. Proposal to Update the Joint Police Facility Study:

Moved Williams, supported Metzger, to approve the retainage of Redstone Architects to update the Joint Police Facility Study. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Metzger and Miller; nays: none. **MOTION CARRIED.**

C. FY 2012 Year-End Budget Amendments:

Moved Mankerian, supported Metzger, to adopt the resolution to amend the FY 2012 Adopted Budget. On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Metzger, Miller, and Williams; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2012-19

THE CITY OF MARSHALL
AMENDED GENERAL APPROPRIATION ACT RESOLUTION
July 1, 2011 – June 30, 2012

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2011, and ending June 30, 2012, are hereby amended on a departmental and fund total basis as follows:

<u>General Fund Revenues</u>	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2011</u>	<u>Change</u>
Taxes	3,294,470	3,294,470	3,223,759	-70,711
Licenses and Permits	35,850	35,850	35,850	
Intergovernmental Revenues	683,228	821,977	839,077	17,100
Charges for Services	59,150	59,150	59,150	
Fines and Forfeits	69,840	69,840	99,140	29,300
Interest	9,000	9,000	17,500	8,500
Miscellaneous	323,960	323,960	323,960	
Other Financing Sources	990,744	990,744	1,018,300	27,556
Total Revenues	5,466,242	5,604,991	5,616,736	11,745
<u>General Fund Expenditures</u>				
City Council	3,778	3,778	3,778	
City Manager	115,410	115,410	116,919	1,509
Assessor	107,007	107,007	73,581	-33,426
Attorney	65,000	65,000	65,000	
Human Resources	58,501	58,501	61,283	2,782
Clerk-Treasurer	269,538	269,538	275,006	5,468
City Hall	106,629	94,357	94,357	
Chapel	2,850	2,850	2,850	
Other City Property	37,318	37,318	44,525	7,207
Cemetery	179,808	179,729	179,729	
Non-Departmental	784,171	784,171	853,346	69,175
Police	1,315,505	1,393,789	1,389,300	-4,489
Crossing Guards	27,785	27,785	22,909	-4,876

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Dispatch	230,369	230,369	211,920	-18,449
Fire	800,667	800,667	809,327	8,660
Inspection	113,354	78,022	85,187	7,165
Planning/Zoning	82,509	113,458	89,069	-24,389
Streets	742,219	763,271	834,294	71,023
Engineering	22,646	22,646	25,843	3,197
Public Svcs. Build Operations	94,831	106,740	99,606	-7,134
Community Development	40,441	40,441	40,441	
	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2011</u>	<u>Change</u>
Parks	81,352	85,316	87,887	2,571
Capital Improvements	184,300	184,300	149,495	-34,805
Total Expenditures	5,465,988	5,564,463	5,615,652	51,189
GF Net Surplus/(Deficit)	254	40,528	1,084	-39,444

<u>GF - Recreation</u>				
Revenues	403,161	403,161	406,677	3,516
Expenditures	392,841	392,841	391,046	-1,795
Net Surplus/(Deficit)	10,320	10,320	15,631	5,311

<u>GF - Composting</u>				
Revenues	27,290	27,290	27,290	
Expenditures	55,766	55,766	55,766	
Net Surplus/(Deficit)	-28,476	-28,476	-28,476	

<u>GF - Airport</u>				
Revenues	137,388	137,388	162,501	25,113
Expenditures	137,387	137,387	162,500	25,113
Net Surplus/(Deficit)	1	1	1	0

<u>MVH-Major & Trunkline</u>				
Revenues	382,078	382,078	355,078	-27,000
Expenditures	379,423	339,423	317,808	-21,615
Net Surplus/(Deficit)	2,655	42,655	37,270	-5,385

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<u>MVH-Local</u>				
Revenues	255,350	255,350	315,350	60,000
Expenditures	285,437	235,437	334,846	99,409
Net Surplus/(Deficit)	-30,087	19,913	-19,496	-39,409

<u>Drug Law Enforcement</u>				
Revenues				
Expenditures			50	50
Net Surplus/(Deficit)	0	0	-50	-50

<u>Local Develop. Finance Auth.</u>				
Revenues	506,035	506,035	977,431	471,396
Expenditures	907,761	907,761	935,291	27,530
Net Surplus/(Deficit)	-401,726	-401,726	42,140	443,866

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2011</u>	<u>Change</u>
<u>Downtown Develop. Auth.</u>				
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

<u>Special Projects</u>				
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

<u>Marshall House</u>				
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

<u>Electric</u>				
Revenues	12,478,174	12,478,174	12,287,445	-190,729
Expenditures	12,590,393	12,959,245	13,226,538	267,293

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Net Surplus/(Deficit)	112,219	-481,071	-939,093	-458,022
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<u>Dial-A-Ride</u>				
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

<u>Wastewater</u>				
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

<u>Water</u>				
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

<u>Data Processing</u>				
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>
<u>Motorpool</u>				
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

<u>Safety</u>				
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.

Sandra Bird, Clerk-Treasurer

D. Department of Public Services Contract – Teamsters Local 214:

Moved Miller, supported Booton, to approve the Teamsters Local 214 Contract as presented. On a roll call vote – ayes: Mayor Dyer, Mankerian, Metzger, Miller, Williams, and Booton; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

None

HOSPITAL NEIGHBORHOOD COMMITTEE AND HOSPITAL CAMPUS OVERLAY DISTRICT DISCUSSION

Council Member Williams read a prepared statement into the record:

June 18, 2012

Mayor James Dyer
Marshall City Council
City Hall
Marshall, MI 49068

Mayor Dyer and Fellow Council members,

My wife Ginger was recently named as the successor to Oaklawn Hospital President and CEO Rob Covert. She will assume the duties of hospital President on July 2, and will add the duties of the CEO upon Mr. Covert's retirement in January. As CEO, she will become a corporate officer of the hospital. That designation, under our conflict of interest policy, requires that I discuss with you my recusal from voting on issues that relate to the hospital.

Our City Charter requires that Council members cast a vote on every issue brought to us, the only exception being conflict of interest. But what is conflict of interest? Some time ago, the Council wrestled with this issue for several weeks, and despite asking for public input, received almost none. Some would argue that such common actions as holding a predetermined position on an issue, residential proximity to a location at issue, or merely knowing someone involved should disqualify one from voting. But, in a small town like Marshall that definition would prevent most of us from voting on many of the issues we face. I, along with the rest of the Council, rejected that broad definition. Our City Conflict of Interest policy settled upon "financial gain" as the determinate. In this current situation, it is important to note that Ginger's salary, now and in the future, is in no way influenced by any vote I might cast here on the Council. As a non-profit entity, the hospital has no "owner" who would stand to gain a profit based on a Council vote. Thus, even though Ginger will be a corporate officer of the hospital, there is still no personal financial gain to be realized via my votes here on the Council.

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However, in the political world, there are times when the perception of an issue overshadows the reality. Ginger's new leadership role at the hospital could create the impression that my votes would be predetermined. Thus, I am asking you this evening to allow me to not participate in the eventual vote on the Hospital Campus Overlay District. Since some members have asked that I do participate in the Council's debate prior to the vote, I would ask for direction from the Council regarding that participation.

I am confident that the remaining six members of the Council will take seriously your responsibility to look at the facts, the professional advice, and the best interests of the entire community as you decide this issue.

Sincerely,

Brent A. Williams
Marshall City Council
Ward 3

Moved Metzger, supported Miller, to excuse Council Member Williams from voting on the Hospital Campus Overlay District issue because of Conflict of Interest. On a roll call vote – ayes: Metzger, Miller, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

Moved Metzger, supported Mankerian, to allow Council Member Williams to participate in the Hospital Campus Overlay District discussion prior to the vote. On a roll call vote – ayes: Miller, Mayor Dyer, Mankerian, Metzger; nays: Booton. **MOTION CARRIED.**

Mayor Dyer asked Council for their specific questions and concerns with the HCOD that they would like answered.

Council discussed having a work session on Saturday, July 14, 2012 at 9:00 a.m. at the Public Services Building for further HCOD discussion.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Matt Saxton announced his candidacy for Calhoun County Sheriff.

James L. Jordan announced his candidacy for Calhoun County Prosecuting Attorney.

David Gilbert announced his candidacy for Calhoun County Prosecuting Attorney.

COUNCIL AND MANAGER COMMUNICATIONS

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ADJOURNMENT

The meeting was adjourned at 10:08 p.m.

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer

June 17, 2012

TO: Marshall City Council and Mayor Dyer

Dear Council Members,

As a member of the HNC, I would like to express my strong opposition to adoption of the Overlay District proposal. I was one of the two committee members that voted against the proposal, and my opinion has not changed on this issue. With this letter, I would like to express my opinions on some of the issues that are confronting our community.

In the 22 years I have lived in Marshall, the expansion of Oaklawn Hospital at their downtown location has been an ongoing issue. The current proposal is merely another step in a process that has slowly divided our city, caused irreparable harm to the Historic District, negatively affected the peacefulness of the residential area, caused a dramatic increase in vehicle traffic on residential streets, significantly reduced the city's property tax revenue, and introduced significant light and noise pollution into the area. The Overlay District proposal will merely continue this ongoing erosion of Marshall's neighborhoods.

Allowing further growth of a large industrial facility in the center of a residential area is not a model for smart city planning. I am appalled that our city leadership is even considering adopting the proposed Overlay District. What if the facility was a foundry, an assembly plant, or a forge plant – would we still be enthusiastic about allowing it to grow in a residential neighborhood? What if you had to live across the street from this facility? A facility of this size has no business in the middle of a residential area, let alone one that is a nationally recognized historic treasure.

Financially, this proposal will have a very detrimental effect on the City of Marshall. The Overlay District will allow removal of properties that currently provide over \$130,000 per year in tax revenue. Oaklawn Hospital's medical facilities, in fact, pay only \$24,813 per year in property taxes because of their non-profit status. In comparison, the downtown business district collectively pays over \$500,000 per year. Where is the financial benefit for Marshall if we allow this expansion to occur? There isn't one – further growth of Oaklawn at their present location will cost the city significantly through higher infrastructure costs due to increased use of City facilities. I believe that the growth of Oaklawn over the past decades is at least partially responsible for the financial issues the City has today.

The proposed overlay district is in no way a compromise. This is not a surprise considering the makeup of the committee. Early in the process, two members resigned – Jennifer Rupp, who was the Historical Society representative, and John LaPietra, who was an at-large member representing the neighborhood. Not replacing these committee members biased the process and essentially removed any possible influence that neighborhood representatives may have had. The subcommittee membership was even

more lopsided – three members with direct ties to Oaklawn Hospital, and myself representing the neighborhood.

The proposed “compromise” offers virtually nothing to the neighborhood residents. There is no legal assurance that Oaklawn will not go outside of the proposed boundaries. There is no protection for the remaining historic resources. There is no binding control on how they deal with existing historic resources within the Overlay District. There is nothing to deal with the street access issues of a facility that is projected to double in size over the next 20 years.

I commend the Planning Commission for the improvements they have recommended to the original proposal. Even though I feel it would still be the wrong move for the future of Marshall, I would favor the Planning Commission’s version over what was originally proposed. Their revisions take into account many recommendations that were made by the experts involved that were ignored in the original proposal.

I ask the leaders of the City of Marshall, what are you thinking? The proposed Overlay District is opposed by the DDA, the Marshall Historical Society, the Marshall Neighborhood Association, and the majority of neighbors that will be directly affected. Collectively, these organizations and citizens pay far more property taxes than Oaklawn Hospital, and employ more city residents. We are the ones that have equity in this town!

For over 20 years we have been told by Oaklawn Hospital that they can’t afford to move to another location. During the Committee process, the economic impact analysis concluded that the economic benefit to Marshall would be the same regardless of whether they were located within the city or not. Oaklawn management stated publicly in one of our meetings that they would prefer to be located at the outskirts of town, along one of the interstates, so they could expand easily and would not be land locked. Why don’t we find a way to make this happen instead of decimating more of our historic residential area? Sadly, this option, which I feel would be by far the best of all, was taken off the table early in the process without any analysis or investigation.

Marshall’s leaders need to decide what the future of Marshall will look like. Do we want to become “Oaklawnville”, a one company town tied to a single industry and financial future? Or, will we continue preserving and cultivating our historic resources as past generations have strived to do? Businesses come and go (need I say State Farm and Eaton?) Historic Districts have the potential to last forever if managed properly. Marshall needs to stop further hospital expansion downtown and find a way to cultivate their expansion on a Greenfield site.

Sincerely,

Dave Deppe
107 Forest St.

There is a very simple word that all the member of the council need to learn when it comes to the hospital - the word is NO!!I don't know why they all have so much trouble with such a simple word. Our town should be kept as it is. The hospital is way bigger then it needs to be. The council must stop bowing to the hospital. Those members on the council with even the slights connection with the hospital should not vote. The destroying of Historic homes and closing streets ruins our beautiful historai town.

Please I beg of you JUST SAY NO!!and keep our historic town just as it is, they have already destroyed way to much. The entire overlay of the hospital is totally wrong and must not be approved.

I hope this letter will be read and taken to heart. The changes not only effect those close to the hospital but the entire town.

Sincerely,
Deborah Stuart
513 W. Prospect St.

VENDOR APPROVAL SUMMARY REPORT

Date: 06/28/2012

Time: 10:57am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
AIM ASPHALT, INC	400645	asphalt patching on s.sycamore	14,874.20	0.00
AIRGAS USA LLC	4982	CYLINDER RENTAL	82.84	0.00
AIS CONSTRUCTION EQUIP CORP	4885	SHANKS, PINS	0.00	0.00
CITY OF ALBION	2833	BROADSTRIPE INTERNET	127.49	0.00
ALEXANDER CHEMICAL CORPORATION	7024	DEPOSIT FEE RETURN	1,285.00	0.00
APPLIED IMAGING	2538	LEASE RICOH AP2018D	299.93	0.00
ARROW UNIFORM	6839	CUST #010198-03	561.38	0.00
AUSTIN-BATTERIES PLUS	6532	BATTERIES	149.45	0.00
AUTO VALUE MARSHALL	21340	OIL, FUEL TREATMENT	406.50	0.00
BANDIT INDUSTRIES INC	2307	FREEDWHEEL BEARING	98.11	0.00
BARNABY & WOLFE, INC	400644	COLLECTION COMMISSION FOR	139.57	0.00
BEAVER RESEARCH CO	8357	HAND CLEANER, PENETRANT, LUBE	282.98	0.00
BLU FISH CONSULTING, LLC	4473	MARSHALL TREE BROCHURES	3,440.00	0.00
BOSSERD FAMILY FARM	6198	HANGING BASKETS & FERTILIZING	1,978.00	0.00
BRENNER OIL	5415	DIESEL FUEL	74,788.87	0.00
CARL COMMUNICATIONS	4393	INSTALL CELL PHONE BOOSTER	318.00	0.00
CARR BROTHERS & SONS	7192	CITY HALL LANDSCAPE	290.00	0.00
CLASSIC DRY CLEANING&TAILORING	5975	CLEANING & LAUNDRY	193.05	0.00
COGITATE INC	8443	MMS STATE TRUNKLINE SUPPORT	155.00	0.00
D & D MAINTENANCE SUPPLY	7271	JANITORIAL SUPPLIES	415.57	0.00
DADOW POWER EQUIPMENT	7277	DEFLECTOR	6.21	0.00
DARLING ACE HARDWARE	7281	REPAIR SUPPLIES	1,819.60	0.00
DEBMY CRULL GENERAL CONTRACTOR	5890	General Contracting 211	25,119.76	0.00
EGGOTT.COM	9483	BLUES FESTIVAL .COM	70.00	0.00
EJ USA INC	400705	FLAT GRATE, BK TROUT LO ASSMEL	1,069.23	0.00
ELECTION SYSTEMS & SOFTWARE	5144	BREAK/FIX-HDW MAINT-AUTO	29.50	0.00
ERIC DALE HEATING & AIR COND	21467	INSTLL SPLICE KITS, FIN COVERS	8,514.00	0.00
FASTENAL COMPANY	5789	MAINTENANCE SUPPLIES	104.80	0.00
FIVE STAR SPRINKLERS	300485	SPRINKLER SYSTEM @ CITY HALL	1,390.00	0.00
FLAG FORCE ONE	9993	3 X 5 USA OUTDOOR NYLON	576.00	0.00
THE FLOWER HAUS	7371	GLORIA IVEY	45.00	0.00
GANNETT MICHIGAN NEWSPAPERS	9632	WOW TRAVEL	99.90	0.00
GARAGE DOORS UNLIMITED	300432	N. Ketchum Park timed Door Loc	6,109.00	0.00
GRAINGER	3644	ANALOG PANEL METER	210.60	0.00
HASTINGS FIBER GLASS PRODUCTS	9215	V-BRUSH	135.13	0.00
HERMANS MARSHALL HARDWARE	7446	SHOP VAC	325.55	0.00
HILTON DEVELOPMENT GROUP INC	400541	MOBILELOCK - JUNE	19.95	0.00
HOLLAND BUS COMPANY	5874	JUMPER, HARNESS, ECHO	57.69	0.00
HUB INTERNATIONAL MIDWEST	4472	POLICY #BME1968K2604	6,912.00	0.00
HUSKIE TOOLS INC	3902	TOOL REPAIR	1,619.33	0.00
INTERSTATE BILLING SERVICE	400704	ADAPTERS, COUPLERS	100.16	0.00
J & K PLUMBING SUPPLY	3351	PLUMBING SUPPLIES FOR MH	70.61	0.00
JIMMY'S JOHNS	4235	COMPOST CENTER	111.25	0.00
KAR LABORATORIES INC	8817	CYANIDE ANALYSIS	100.00	0.00
KELLOGG'S REPAIR GARAGE	5869	DECK BELT	87.50	0.00
KITCHEN SHOP OUTLET	6598	APT #110	5,268.00	0.00
KONECRANES INC	7521	ANNUAL OSHA COMPLIANCE	600.00	0.00
KUSTOM SIGNALS INCORPORATED	7524	SERVICE CALL	342.66	0.00
LAKELAND ASPHALT CORPORATION	7526	BITUMINOUS AGGREGATE	206.96	0.00
LAWSON-FISHER ASSOCIATES PC	2291	Licensing Acitivities, Disolved	5,859.01	0.00
LEWEY'S SHOE REPAIR	7538	TIM CLARK - BOOT ALLOWANCE	344.99	0.00
LEXISNEXIS OCC HEALTH SOLUTION	300324	DRUG TEST	46.00	0.00
MAILFINANCE INC	300149	LEASE PAYMENT - APR - JUL	608.97	0.00
MARSHALL LUMBERTOWN	7569	HARDWARE	135.86	0.00
MARSHALL MEDICAL ASSOCIATES	7571	DRUG TEST, PHYSICAL	166.00	0.00
MEL'S ALLSPORT	9065	T-SHIRTS FOR BLUES FEST	2,035.00	0.00
MICHIGAN ASSOCIATION OF	7617	TESTS, GUIDES	155.00	0.00
MID-STATE MASONRY	400540	Replace Six Window Lintels.	10,000.00	0.00
MIRACLE LAWN MAINTENANCE LLC	400701	INSTALL EDGING & SCRAPE SOD	1,270.00	0.00
MSC INDUSTRIAL SUPPLY CO	6831	RUBBER BANDS	17.07	0.00
MTM RECOGNITION CORPORATION	400706	POLICE DEPT COINS	888.67	0.00
NAPA OF MARSHALL	2939	OIL DRY	69.90	0.00
NEOPOST USA INC	300162	INK CARTRIDGE	193.00	0.00
NU-TWIST SCREEN PRINTING	7732	TOKENS FOR D.A.R.T.	364.70	0.00
NYE UNIFORM COMPANY	7733	PANTS	103.59	0.00
PERRY HARLEY-DAVIDSON INC	400235	REPAIR	240.57	0.00
POWER LINE SUPPLY	7821	GLOVE BAGS	113.00	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 06/28/2012

Time: 10:57am

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CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
QUALITY ENGRAVING SERVICE	7800	UPS CHARGES TO DOUGLAS SAFETY	308.00	0.00
QUALITY LAWN CARE	8838	ROADSIDE MOWING	285.00	0.00
RADIO COMMUNICATIONS	7810	SERVICE CALL	104.75	0.00
SAFETY-KLEEN	7849	PARTS WASHER SOLVENT	216.06	0.00
SCHWEITZER ENGINEERING LAB	8584	Protective Relay Replacement -	17,088.00	0.00
SHERWIN-WILLIAMS	2073	SETFAST LTX WHITE	677.70	0.00
STANDARD PRINTING & OFFICE	7903	WRISTBANDS	111.28	0.00
STANLEY LAWN & GARDEN	7905	PARTNER BEARING, BELT	45.52	0.00
STATE OF MICHIGAN	3389	RADIO SUBSCRIPTION FEES	313.28	0.00
SUMMIT POINTE	5891	MOWING	580.00	0.00
SVE PORTABLE ROADWAYS SYSTEMS	2959	Trakmat ground cover mats for	2,890.00	0.00
TERMINIX INTERNATIONAL	400702	MARSHALL HOUSE TREATMENT	850.00	0.00
TRI AIR TESTING INC	8206	NFPA AIR ANALYSIS	288.00	0.00
VERMEER OF MICHIGAN, INC	9676	BELT-V-BAND	185.13	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
WALKER'S FLOOR INSTALLATION	400333	REMOVE TOILET FROM #110	50.00	0.00
Grand Total:			207,610.38	0.00

VENDOR APPROVAL SUMMARY REPORT

Date: 06/15/2012

Time: 9:06am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
A T & T	3176	269 789-2806 635 7	1,983.54	0.00
AIS CONSTRUCTION EQUIP CORP	4885	SHANKS, PINS	0.00	0.00
BEARDSLEE LAW OFFICES	3471	CHARGES THRU 06/06/12	4,137.35	0.00
WILLIAM BZDEK	400692	REFUND UTILITY OVERPAYMENT	226.63	0.00
COMMERCIAL OFFICE PRODUCTS	9769	CHAIRMAT, HIGHLIGHTERS	243.00	0.00
CARL FEDDERS	6811	TUITION REIMBURSEMENT	149.17	0.00
JENNIFER FLEMING	400690	REFUND UTILITY OVERPAYMENT	37.77	0.00
DELORES HAYES	400691	REFUND UTILITY OVERPAYMENT	71.70	0.00
PATRICK HICKS	400694	PERMIT FEE REFUND	67.00	0.00
LEE HINDENACH	400689	REFUND UTILITY OVERPAYMENT	8.35	0.00
JERRY HUTCHISON	400650	LOAN TO MARIO BECERRA FOR CDL	150.00	0.00
LEWEY'S SHOE REPAIR	7538	BOOT ALLOWANCE - OTTJEPKA	289.95	0.00
LOWES BUSINESS ACCOUNT	4837	ACCT #821 3023 105909 5	1,637.21	0.00
MARSHALL COMMUNITY CU	7558	2113 - TRUDEAU	2,786.61	0.00
CITY OF MARSHALL	7595	PETTY CASH REIMBURSEMENT	16.50	0.00
NEOFUNDS BY NEOPOST	400232	POSTAGE	3,000.00	0.00
LORI OLSEN	400506	REFUND UTILITY OVERPAYMENT	5.69	0.00
PHILPOTT, ANTHONY	300241	EXPENSE REIMBURSEMENT	10.68	0.00
PIFER PROPERTY HOLDINGS LP	400693	REFUND UTILITY OVERPAYMENT	329.27	0.00
JOHN SHREVE	400683	REFUND FROM MH	47.00	0.00
SPRINT	9628	ACCT #224843832	730.88	0.00
STAPLES	8291	6035 5178 2034 8893	556.08	0.00
WHITNEY THOMPSON	400636	REFUND UTILITY OVERPAYMENT	12.36	0.00
TERI TRUDEAU	6010	CAMERA, CAR WASH, SUPPLIES	259.73	0.00
VERIZON WIRELESS	217862	ACCT #683169426-00001	115.17	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
WATER ENVIRONMENT FEDERATION	8013	MEMBER ID 1686618 VOSBURG, C	105.00	0.00
X-TREME DEMOLITION	400695	PERMIT FEE REFUND	20.00	0.00

Grand Total: 16,996.64 0.00

Prescription Reimbursements 130.58

Total Cash Disbursements \$17,127.22

VENDOR APPROVAL SUMMARY REPORT

Date: 06/22/2012

Time: 11:33am

Page: 1

CITY OF MARSHALL

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ADVANCED REAL ESTATE	400654	REFUND UTILITY OVERPAYMENT	5.63	0.00
AIS CONSTRUCTION EQUIP CORP	4885	SHANKS, PINS	0.00	0.00
AT&T MOBILITY	400292	ACCT #287238047810	36.98	0.00
MARIO BECERRA	400665	NEW COMM DRIVERS LICENSE	48.00	0.00
BLUE CROSS BLUE SHIELD OF MI	9621	GROUP #007016312/0005	1,804.39	0.00
BLUE CROSS BLUE SHIELD OF MI	9629	GROUP #7016312/0008	62,191.32	0.00
BLUE CROSS BLUE SHIELD OF MI	9681	GROUP #7016312/0007	42,392.99	0.00
BOGAR THEATER	9200	PLAYGROUND TRIP #1	936.00	0.00
COMMERCIAL OFFICE PRODUCTS	9769	COUNTERFEIT DETECTOR	24.40	0.00
DELTA DENTAL PLAN OF MICHIGAN	7294	CUST #MIO22820001	4,963.11	0.00
CODY DRUMM	25123	SCHOOL LUNCH	15.62	0.00
EARTHLINK BUSINESS	400445	ACCT #7018274	2,357.80	0.00
ERICKA ISHAM	20488	PLAYGROUND TRIP 1 REFUND	8.00	0.00
KATIE GIZDAVICH	400697	REFUND UTILITY DEPOSIT	45.98	0.00
GRIFFIN PEST SOLUTIONS	400246	900 S MARSHALL	42.00	0.00
MARIA DOROW	20487	PLAYGROUND WEEK 1 REFUND	25.00	0.00
MARSHALL COMMUNITY CU	7558	4562 - HUESTIS	603.43	0.00
MICHIGAN LOCAL GOVERNMENT	2911	CONFERENCE - TARKIEWICZ	163.00	0.00
MONARCH COMMUNITY BANK	4210	REFUND UTILITY DEPOSIT	14.27	0.00
EDDIE SLEEPER	400700	OVERPAYMENT OF SPONSORSHIP	100.00	0.00
RONALD STENMAN	400698	REFUND UTILITY OVERPAYMENT	165.78	0.00
DILLEY VANCE	400699	REFUND UTILITY OVERPAYMENT	36.12	0.00
W.W. GRAINGER INC	8310	LAB VACUUM FILTERS	0.00	0.00
Grand Total:			115,979.82	0.00

Prescription reimbursement 5.00

Total Cash Disbursements \$115,984.82

EVENT REPORT

EVENT: Marshall Historical Society's Annual Historic Home Tour and Civil War Ball

EVENT LOCATION: Multiple locations

SPONSOR: Marshall Historical Society

EVENT DATE: Saturday and Sunday, September 8th and 9th

EVENT TIMEFRAME: see detail

MDOT PERMIT REQUIRED: YES NO Banner: yes

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

ROAD CLOSURE TIMEFRAME: Saturday 5:30am to Sunday at 7:00pm

ROAD CLOSURE DETAIL: N. Kalamazoo Avenue from Michigan Avenue to Mansion Street.

EVENT CLOSURE DETAIL: Closure will be used for passenger loading, pedestrian safety, and the civil war ball

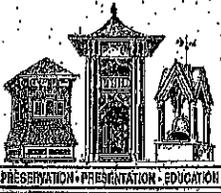
DETOUR DETAIL: No posted detours

EVENT DETAIL: Historic home tour:

1. 425 Division Street
2. 502 N. Marshall Avenue
3. 347 N. Kalamazoo Avenue
4. 420 W. Mansion Street
5. 123 W. Prospect Street
6. 1110 Verona Road
7. 314 N. Division Street
8. 135 W. Green Street
9. Marshall Framing Studio
10. 105 W. Michigan Avenue

PARKING PROHIBITION: Mansion Street from Sycamore Street to Kalamazoo Avenue and in front of and across from each home that is on the tour

COUNCIL NOTIFICATION DATE: July 2, 2012



107 N. Kalamazoo Avenue • Marshall, Michigan 49068 • 269.781.8544

Marshall Historical Society

June 8, 2012

Mr. Carl Fedders
City of Marshall
Marshall, Michigan

Dear Mr. Fedders,

I am writing this letter as the General Chairman of this year's Home Tour. We are asking for Kalamazoo Ave., in front of the Honolulu House, to be closed on September 7, Friday at 6:00 p.m. to September 9, Sunday at 7:00 p.m., if possible, but it can be delayed until September 8, Saturday at 5:30 a.m. to September 9, Sunday at 7:00 p.m.

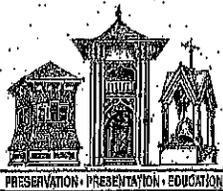
The Art Fair will be held on the lawn of the Honolulu House and across the street on the Monarch Bank lawn, and we feel closing the street will be much safer for the Tour guests and pedestrians. Closing it Friday evening will allow the artists to set up their tents and wares.

The Civil War Ball will take place Saturday evening from 7:00 - 10:00 p.m. on the street in front of the Honolulu House, rather than on Exchange Street. The primary concern of the organizers, is the traffic which comes over the hill past Prospect Street to the circle. I live on the corner of Kalamazoo and Mansion, and the cars have not slowed down since we moved there in 1878! We would appreciate discussing some safety solutions in the coming weeks. The Civil War Ball organizers will send you a letter with their requests, soon.

Additionally, we need parking for the tour busses from other cities. It was suggested that the parking lot South of the County building and/or the parking lot at the Middle School would be able to accommodate them. Please take this item into consideration. We have one request at this time; I hope there are many more.

We discussed hanging the banner at the Honolulu House, rather than across Michigan Avenue, and I am in favor of the most fiscally responsible location; the H. H.





107 N. Kalamazoo Avenue • Marshall, Michigan 49068 • 269.781.8544

Marshall Historical Society

I am enclosing a list of the homes on the Tour.

If you have any questions regarding this matter, please do not hesitate to call me at 269-967-3873.

Thank you for your consideration of these matters.

Sincerely,

Suzanne Fritz
General Chairman
49th Marshall Historic Home Tour 2012
yomasuz@aol.com



**2012 HOME TOUR HOMES
49TH ANNUAL HOME TOUR**

Homes:

Kevin Daus/Duane DePee
425 Division St.
269-781-4743
Kdaus1@comcast.net

Sean and Debi Southworth
502 N Marshall
269-753-8068
Debisouthworth@yahoo.com

Michael Barcelona
347 N. Kalamazoo Ave.
781-5110
michael.barcelona@wmich.edu

Charles and Terry Boyda
420 W. Mansion St.
781-1160
Cboyda4#gmail.com

Brian Mason
123 W. Prospect St.
781-8818
Marshallcarriageco@gmail.com

Jerry and Carol Lehmann
Rose Hill Inn
1110 Verona Rd.
789-1992
Carol@cablespeed.com

Jerry and Carol Lehmann
314 N. Division St.
Carol@cablespeed.com

Church:

Zion Lutheran Church (Pastor Roger James)
135 W. Green St.
269-781-8982
ZionMarshall@cablespeed.com
Contact: Erika Flores
1-517-629-6790
eflores@tir.com

Apartment:

Tim Sykora and Patrice Marquardt
Marshall Framing Studio
269-781-7157 269-781-4968 c
Mframingstudio@yahoo.com

Business:

Eldon Vincent, Esq.
Garden Theater Bldg.
105 W. Michigan Ave.
269-789-0733
evincent@vincentlegal.com

327 North Kalamazoo Avenue
Marshall MI 49068



June 9, 2012

Mr. Carl Fedders
Public Safety Department
City of Marshall Town Hall
323 West Michigan Avenue
Marshall MI 49068

Subject: Request to close Kalamazoo Avenue

Dear Mr. Fedders:

I am requesting your approval to close North Kalamazoo Street, from Mansion Street to the intersection of Michigan Avenue on Saturday, September 8, 2012.

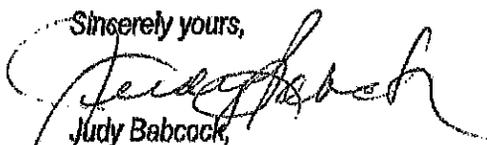
We will be holding the Civil War Ball once again this year in conjunction with Marshall's Home Tour. Our ball will take place from 7:00pm to 10:00pm. It will be a street ball in front of the Honolulu House.

Our Ball is in keeping with a period event and a wonderful opportunity for tourist and residents alike, who might wish to both participate or merely observe it. We feel the grounds around the Honolulu House will also provide a perfect backdrop for all concerned.

Thank you for your time and consideration and if there are any questions, I can be contacted at 269/209-3063.

I await your reply.

Sincerely yours,


Judy Babcock,
Committee Co-chair

EVENT REPORT

EVENT: Marshall 2nd Annual Hispanic Heritage Month Celebration

EVENT LOCATION: Carver Park and Exchange Street

SPONSOR: New Latino Visions

EVENT DATE: September 15, 2012

EVENT TIMEFRAME: 1:00pm to 11:00pm

MDOT PERMIT REQUIRED: YES NO

MDOT PERMIT GRANTED: YES NO

STREET CLOSURE TIMEFRAME: 8:00 a.m. – 11:30 p.m.

EVENT STREETS AFFECTED: South Exchange Street from Michigan Avenue to Green Street

DETOUR DETAIL: None

EVENT DETAIL:

The Festival includes authentic foods, dance, and music including for-profit business booths, non-profit organization booths and authentic Hispanic food and merchandise vendors from all over Michigan. Children's events include educational components, as well as piñata breaking, Mexican Bingo, storytelling and arts and crafts activities. Plans include a tentative "Low Rider and Tricked out Bicycles" show.

Admission is FREE.

COUNCIL NOTIFICATION DATE: July 2, 2012

Proposal Narrative

New Latino Visions would like to request approval from the City of Marshall to hold our **2nd Annual Hispanic Heritage Festival in Marshall**. Location & date to be determined by the City of Marshall, we are requesting to request either of the following Saturday's:

- September 1st, 2012
- September 8th, 2012
- September 15th, 2012
- September 29th, 2012

The time period for the event would be from 1:00 p.m. to 11:00 pm.

NLV will continue to bring to the Marshall community a small festival/event to help promote the Hispanic cultural backgrounds with authentic foods, dance, and music including for-profit businesses, booths and authentic merchandise vendors from all over Michigan. NLV will bring in individuals from all over Michigan to this event as vendors, performers and/or actual attendees and expose them to the Historical City of Marshall as a positive and diverse community along with share with them what Marshall has to offer. Last year which was our first event in Marshall our goal was to attract 300 to 1,000 attendees we succeeded with this goal and were able to bring roughly 500 attendees throughout the day to this event. This was awesome not only to NLV but the community in whole.

The expected attendance to the second event could range anywhere from 500 to 1,000 or more throughout the whole day.

New Latino Visions if approved would contact local business owners, hospital, restaurants, merchandise vendors, dance studios for their participation in this event if they choose. We are opened to all to participate, sponsor etc....This event will not want to be missed by adults & children of all ages, there will be games, prizes, food, music and entertainment at this event to help celebrate & education on Hispanic month & their cultures. During the event we will be having a couple of drives and fundraisers for local community members and community to give back. New Latino Visions are wanting to put this event in place for years to come and invite all community members to be part of it.

Last year's event was the 1st ever in Marshall, because of the donations we received we were able to put this event free of charge for all to attend and have a great time! This year again the event will be free admittance to the event to help grow this event for future years. At our last year's event the community spoke, they were in awe on what we were able to do in such a small period of time and bring to them. The community is ready and roaring to help with this event in 2012.

The festival will include the following if available on that date:

- 3 to 8 food vendors (NLV will work with the City of Marshall & Battle Creek on obtaining food licenses.)
- 6 – 12 non-profit organization booths (NLV will work with the City of Marshall to obtain necessary forms & applications needed from these booths.)
- 6 -12 for –profit organization booths (NLV will work with the City of Marshall on necessary forms)
 - o Financial booths
 - o Health & Wellness booths
 - o Youth group booths
- Children area which will include: moon jump, Mexican bingo, piñata breaking, flower making, poster drawing, spaghetti tower, storytelling etc....
- Tentative – Low-riders & tricked out bicycles show
- Tentative – Salsa dance contest

Tentative day of the event agenda

1:00 – 1:30 – Opening ceremonies (Local area boy scouts, local dignitary, New Latino Visions chair)

1:30 – 2:30 – DJ – Dancing in the street

2:30 – 3:15 – Folklorico dance presentation

3:15 – 4:15 – Mariachi presentation

4:15 – 4:45 – Folklorico dance presentation

4:45 – 7:45 – Local Tejano band

7:45 - 10:45 – Tejano band/Salsa band

NOTE: throughout the whole vent we will have the following going on as well:

- Food vendors from 12:00 to 10:45 p.m.
- 1:00 to 5:00 – Informational vendors & Merchandise vendors (May stay opened later)
- 1:00 to 6:00 – Children corner (activities)
- 1:00 to 4:00 – Car show
- 5:00 – Winners announced of car show

Agenda could change by date of event depending if everyone is available or not.

Organizational Information

Organizational History

New Latino Visions was founded in New York in 1995 by John Fraire. It started as a professional theater company that presented plays in English about the Latino experience in the United States. New Latino Visions moved to Kalamazoo, Michigan in 2002. In 2002, John Fraire partnered with David Juarez a local grassroots activist and expanded the mission of NLV to include community and youth programming. Since that time NLV has transformed into an organization working promoting equality through multiculturalism.

(You can view more our organization/history on our website at: <http://newlatinovisions.vpweb.com>)

Mission and Goals

Our Mission is "To promote the advancement of all YOUTH through mentoring, sports, education and community involvement."

Our Vision is to see a Kalamazoo along with the whole State of Michigan that is inclusive, accepting and understanding of all people; a Michigan that embraces differences as a source of strength, to mentor & educate all Michigan youth through sports, education, mentoring and community involvement.

In order to strengthen our organization and accomplish our mission we have the following goals for 2011/2012:

- Positive advertisement of our program.
- Continuation of existing programs.
- Successful communitywide Cinco de Mayo event within Michigan.
- Successful communitywide Hispanic Health & Cultural Event in Michigan.

Community/Constituency

New Latino Visions serves not only the City of Kalamazoo but beyond with the State of Michigan. Through our cultural events & volunteer work we educate the communities about the beauty of our different cultures. Many businesses, organizations, community volunteers, the Mexican/Latino community, the Gay and Lesbian community, the Anglo community, The African American community, the Disabled community, the Senior community and many others. These same communities within Michigan are connected to us and participate with our events, festivals, programs and utilize our board members & volunteers throughout the year.

Programs/Activities/Accomplishments

- Are on our website for viewing along with on Face book.

- The list of accomplishments from our last request remain the same along with a few additional items to add to our list such as:
 - o Volunteered and executed a drive for the local Kalamazoo Gospel Mission.
 - o Volunteered and executed a drive the Henryville, IN tornado victims.
 - o Volunteered and executed a drive for the local Charitable Union in Battle Creek.
 - o Executed a drive for the local Bouwen's Family in Marshall.
 - o Executed a drive for the local Miah Speaks fundraiser for local family & organization in Marshall.
 - o Volunteered & raised funds for local homeless shelter in Kalamazoo.
 - o Volunteered & raised funds for local Making Strides against Breast Cancer in Kalamazoo.
 - o Raised funds & healthy foods for local El Sol elementary school in Kalamazoo.
 - o Raised funds & back packs for local Franklin School in Battle Creek.
 - o Raised funds for local student within the Ambassador program.

Current status

New Latino Visions currently in good standing with the majority of the community in Kalamazoo & Southwest Michigan along with local non-profit organizations, local businesses & organizations outside of Kalamazoo. We currently have a strong, dedicated board of directors & volunteers who have worked hard the last year to keep our organization going. We have passionate, dedicated & committed board members on NLV along with our HERO members who know how important it is to keep working with the communities to make Michigan a better place to love, move and make a difference in people's lives, both young and adults. NLV has also worked hard to obtain new relationship and grow stronger with the relationships we already have.

The current board does all have full time jobs and work additional hours during the morning hours, evening hours & weekend hours to make things happen for NLV & the community.

NLV works virtually at this time and have for the last two years due to the size of the organization & location of each board member. We have members & volunteers from all around Michigan from Jackson to Lansing, to Olivet, to Battle Creek, to Albion, in Marshall, to Portage, Kalamazoo, Grand Rapids to name a few. NLV wants to grow all over Michigan primarily where our board members & volunteers reside.

NOTE: We have a few members & volunteers in the Calhoun county area, our organization want to give back to these members along with their family & friends that support NLV throughout the year. Marshall should be proud of these individuals.

NEW LATINO VISIONS BOARD OF DIRECTIONS 2011/2012

Gloria Mireles, President

(State Farm employee, HERO Vice-Chair, NLV President, IPSM Public Relations)

Kathy Wyrick, Treasurer

(State Farm employee, HERO Board member, NLV Treasurer)

Cody Evick, Board member

(Boys & Girls Club)

990 Forms:

2006 – 2009 (990 Forms) can be viewed at: <http://www2.guidestar.org/ReportNonProfit.aspx?ein=68-0497803&name=new-latino-visions#>

Physical copies of the reports are attached.

Internal Revenue Service Tax ID #: 68-0497803

State of Michigan Incorporation

http://www.dleg.state.mi.us/bcs_corp/results.asp?ID=775134&page_name=corp

REVISED EVENT REPORT

EVENT: Zarzuela's 2nd Anniversary Celebration

EVENT LOCATION: Hamilton St. (from Mich. Ave, north to the alley)

SPONSOR: Zarzuela

EVENT DATE: Saturday – July 28, 2012

EVENT TIMEFRAME: 8:00pm – 11:00 pm

MDOT PERMIT REQUIRED: No

MDOT PERMIT GRANTED: NA

ROAD CLOSURE TIMEFRAME: Set up Sat. 4:00 pm and tear down on Sunday no later than 1:00 am.

ROAD CLOSURE DETAIL: From Michigan Ave., north to the alley between Mich. Ave. and Mansion St.

EVENT CLOSURE DETAIL: Same as above

DETOUR DETAIL: None

EVENT DETAIL: A live band will be performing at the north end of the street and Zarzuelas restaurant will be serving food and drinks. A staked (30x30) tent will be provided for the band. A liquor license would be obtained for the event.

PARKING PROHIBITION: In event area

COUNCIL NOTIFICATION DATE: April 16, 2012



ADMINISTRATIVE REPORT
July 2, 2012 - City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Approve Special Land Use #SLU12.01 for a Lodging House at 215 High Street

BACKGROUND: Oaklawn Hospital owns the property at 215 High Street. The property is zoned Multi-Family Residential District (MFRD) and since the year 2000, the home has been used as a rental. Oaklawn representatives would like to begin using the home as an overnight Lodging House for a maximum of 3 on-call professionals as necessity dictates. To do so, would constitute that a Special Land Use Permit be approved for the property.

Given the description of the proposed use by the hospital, staff can most closely align the use with that of "Lodging House" in the zoning ordinance. A "Lodging House" is defined in the ordinance as: *A building or portion thereof containing not more than five guestrooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements for dwellings.*

A Lodging House requires Special Land Use approval and must follow the requirements as listed below:

§ 156.196 TWO-FAMILY, TOURIST OR BOARDING HOUSES.

Two-family dwellings, tourist homes, and boarding houses shall be subject to the following:

(A) The size and architectural design shall be in harmony with the surrounding neighborhood and shall not be detrimental to the future use or development of adjacent lots.

(B) Any refuse and garbage collection area or devices shall comply with Chapter 50 of the city code of ordinances.

(C) The Planning Commission may limit the density of such units in a single neighborhood upon determining that additional uses of this type would undermine the purpose of the R-3 District and would create an excessive concentration of non-single-family dwellings.

A public hearing was held on June 13, 2012 on the matter and several public comments were heard:

323 W. Michigan Ave.
Marshall, MI 49068
Phone: 269.789.4604
Fax: 269.789.4628
cityofmarshall.com

Charles Johnston, 214 High Street, stated he has three reasons why Commissioners should not approve the special land use. One, when 215 High Street was purchased it was understood that the home would remain residential. Two, Mr. Johnston believes it is premature to make a decision on the special land use without having the HCOD approved by City Council. Three, Mr. Johnston believes there is ample room at the hospital for on call staff to use hospital rooms if needed.

Holly Harnden, 401 E. Mansion, stated that she feels the same way as Mr. Johnston. Although Mrs. Harnden is not opposed to having hospital on-call staff in the home, she stated that this is "our" neighborhood and she is skeptical of what will happen if the special land use gets approved.

Joanne Foster, 219 High Street, stated that she received a call from the hospital wanting to have a meeting with her about the future use of 215 High Street. Mrs. Foster stated that she was okay with the plans at first, but now she has concerns and does not trust the hospital. Mrs. Foster told commissioners about her purchasing her neighbors' home and then selling it to the hospital for a future parking lot. She stated the home was moved by the hospital and a parking lot was put in. Mrs. Foster stated that now the Wright Medical Building is where that parking lot used to be. She stated that the hospital justifies their changes and building due to the growing need of health care. Mrs. Foster is concerned that the hospital will say that they will use 215 High Street for a boarding house for their on-call staff, but will end up using the home for something else.

John Dickey, 223 N. Marshall, stated that he knows that there are deed restrictions on the home. He stated he is not sure if the deed restrictions will have an effect on the special land use.

Doug Jackson, 311 E. Mansion, stated that he has a copy of the warranty deed signed by Joanne Foster on July 21, 1993. He stated there are explicit directions on the deed that 215 High Street is to be used for residential purposes only. Staff stated that the City is aware of the deed restrictions but per the City Attorney, Planning Commissioners are not allowed to weigh their decision on the deed restrictions. Mr. Jackson stated he would still like commissioners to be aware of the restrictions.

Cindy Clifton, 121 Highfield Rd, stated she works for Oaklawn Hospital in their finance department and she maintains the hospital's properties. Ms. Clifton stated that she understands the neighbors concerns. She stated that 215 High Street will only be used for boarding one to three on-call staff when they live more than 20 minutes from the hospital.

Debra Okley, 14994 Schultz Rd., Albion, gave her name for the record and said that she is one of the on-call staff that lives within 20 minutes of the hospital, but if there is bad weather she may need to stay in the home.

Tim McCaleb, 410 E. Prospect, stated he does not believe there is a difference between renters or boarders. Mr. McCaleb stated that with renters in the home, the home is not regularly maintained and with the hospital on-call staff staying in the home, chances are the home will probably be better maintained because it will be under the direct control of the hospital.

The Planning Commission discussed how or if the proposed HCOD would affect this property in the future. They also discussed a maximum of 2 cars being in the driveway as well as a maximum household occupancy of 3 at any given time.

MOTION by Banfield, supported by Revore to recommend to City Council for approval of Special Land Use SLU#12.01, 215 High Street, zoned MFRD (Multi-Family Residential District) to be used as a Lodging House for a maximum of 3 on-call hospital staff. On a roll-call vote-ayes: Fleming, Davis, Zuck and Revore; nays: Burke Smith, Oates and Banfield. **Motion Carried.**

RECOMMENDATION: The Planning Commission recommends approval of a Special Land Use Permit for a Lodging House at 215 High St., under the conditions set forth in the application, to City Council.

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Huestis
Director of Community Services



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
July 2, 2012 - City Council Meeting

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Approve Special Land Use #SLU12.02 for a beauty salon at 720 E. Green St.

BACKGROUND: On April 13, 2012, Staff received a Special Land Use application from Amanda Hagenbarth, occupant of 720 E. Green Street, to run a Beauty Salon business from her home. She currently rents the home from her parents, Joseph & Ellen Hagenbarth, who have signed the application as owners. The neighborhood is zoned entirely R-3 except for the south side that abuts Ketchum Park.

The applicant is not asking for signage, she will not hire any employees and she plans on placing a single chair in a room off the back entrance to the house. The applicant's planned hours of operation will be: Monday, Wednesday & Friday from 9:00 am to 2:00 pm; Tuesday & Thursday from 2:00 pm to 7:00 pm and Saturday 9:00 am to 4:00 pm. The property's driveway will accommodate up to three cars.

Due to the fact that the property in question is zoned residentially in the R-3 district, a home occupation in which customers visit the site is classified as a Special Land Use. During their meeting and public hearing held on June 13, 2012, the Planning Commission felt the applicant met the guidelines set forth in §156.195 Home Occupations:

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

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

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

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

(E) There shall be no change in the exterior appearance of the structure or premises to accommodate the home occupation, or the other outdoor visible

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evidence of conduct of the home occupation and there shall be no external or internal alterations not customary in residential areas.

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

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

(H) A home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises. For the purposes of this section, a commercial vehicle shall be defined as one with any sign, markings, address, telephone number, or other form of display that advertises or is associated with a home occupation on that premises.

Motion by Banfield, supported by Burke Smith, to recommend for approval of a Special Land Use permit to have a beauty salon at 720 E. Green St., under the conditions set forth in the application, to City Council. On a voice vote; **MOTION CARRIED.**

RECOMMENDATION: The Planning Commission recommends approval of a Special Land Use Permit for a Beauty Salon at 720 E. Green St., under the conditions set forth in the application, to City Council.

FISCAL EFFECTS: None

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Natalie Huestis
Director of Community Services



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
July 2, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Tom Tarkiewicz; City Manager
SUBJECT: Marshall Economic Development Alliance

BACKGROUND: Over the past year, representatives of the Chamber of Commerce, Downtown Development Authority, Local Development Financing Authority, the Mayor, and the City Manager have been meeting to discuss a collaboration of services. On June 21st, a presentation was given to the three Boards and the City Council. A copy of the presentation was sent to the Councilmembers on June 22nd.

The Marshall Economic Development Alliance (MEDA) committee is requesting the participating Boards and the Council approve the Alliance. To fund the initial start-up, the Committee is requesting initial seed funds to accomplish the following:

- To develop and file legal documents to form a non-profit charitable corporation
- To retain an Executive Director
- Administrative system setup
- Planning and development

The suggested seed funding is \$50,000 from the City and \$15,000 each from the DDA, LDFA, and Chamber of Commerce. All three Boards have unanimously approve support and funding for MEDA.

RECOMMENDATION: It is recommended that the City Council approve the support for the Marshall Economic Development Alliance and approve the initial seed funds in the amount of \$50,000.

FISCAL EFFECTS: To appropriate and amend the FY 2013 budget and increase funding by \$50,000 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 initial seed funds for the MEDA start-up costs.

ALTERNATIVES: As suggested by the Council.

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Respectfully submitted,

Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
JULY 2, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Charter Amendments Ballot Language Resolution

BACKGROUND: The City Attorney has prepared the attached resolution for the proposed Charter Amendments. The resolution lists the ten questions which will be on the November 2012 ballot. The State of Michigan Attorney General's office has accomplished a preliminary review of the November 2012 ballot questions. The following questions are recommended to be on the ballot.

Question #1 – Shall Article II, Section 2.02(b) of the City of Marshall Charter be amended to change the citation to Const 1963, art 11, Section 1 to conform to the proper constitutional citation?

Yes _____ No _____

Question #2 – Shall Article II, Section 2.04 of the City of Marshall Charter be amended to provide that members of the city council, who are currently paid \$300 annually and the mayor who is currently paid \$500 annually, shall receive no compensation for their services?

Yes _____ No _____

Question #3 – Shall Article II, Section 2.10 of the City of Marshall Charter be amended to provide for the City Manager to appoint the Clerk, and Treasurer instead of the Mayor with the confirmation by the City Council?

Yes _____ No _____

Question #4 - Shall Article II, Section 2.11 of the City of Marshall Charter be amended to eliminate the provision that the City Manager become a resident of the city once they are appointed?

Yes _____ No _____

Question #5 – Shall various sections of the City of Marshall Charter be amended to correct spelling and state law citations?

Yes _____ No _____

Question #6 – Shall Article II, Section 2.15 of the City of Marshall Charter be amended to provide that the City Council regularly meet every month rather than twice a month as currently provided for in the Charter?

Yes _____ No _____

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Question #7 – Shall Article II, Section 2.27 of the City of Marshall Charter be amended to provide that the City Council will set the salaries of all administrative officials, department heads and salaried personnel by June 30 of each year, and that these salaries be included in the annual budget adopted not later than the first meeting of the Council in June of each year?

Yes _____ No _____

Question #8 – Shall Article III, Section 3.01 of the City of Marshall Charter be amended to provide that a city clerk and city treasurer be added as administrative officials of the city? The Charter currently provides that the Clerk-Treasurer is one office, and the amendment would recognize that the positions of Clerk and Treasurer are two separate offices. This amendment is tie-barred to the passage of an amendment to Article III, Sections 3.05 and 3.06 of the Charter.

Yes _____ No _____

Question #9 – Shall Article III, Section 3.03 of the City of Marshall Charter be amended to provide that when the City Manager is absent from the city or disabled, a qualified city employee will designated by the City Manager to exercise the powers and duties of the City Manager in their absence or disability?

Yes _____ No _____

Question #10 – Shall Article III, Section 3.05 and 3.06 of the City of Marshall Charter be amended to reflect that the positions of Clerk and Treasurer are separate and state the duties of each office in the corresponding Section? The Charter currently provides that the Clerk-Treasurer is one office, and this amendment would allow the position to be split into two separate offices along with their relevant duties. This amendment is tie-barred to the passage of an amendment to Article III, Section 3.01 of the Charter.

Yes _____ No _____

Questions #1 & #5 could be eliminated and leave the sections as is, as there is no question as to the constitutional provision that refers to the oath of office and would eliminate two ballot questions. The City Attorney will be present at the Council meeting to answer any questions.

RECOMMENDATION: It is recommended that the City Council adopt the attached resolution for the November 2012 ballot language for the City Charter amendments.

FISCAL EFFECTS: There will be no additional cost for the November ballot proposal.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,



Tom Tarkiewicz
City Manager

CITY OF MARSHALL
RESOLUTION NO. _____
CHARTER AMENDMENTS

The City of Marshall has determined that with the passage of time it is in the best interests of the City to redefine the organizational structure between the City Council, the City Manager, the clerk-treasurer, and the assessor by amending the City Charter to provide that the City Manager shall appoint a clerk, a treasurer and an assessor, who thereafter shall be immediately responsible to the City Manager for the administration of their respective duties.

Further, because the Marshall District Library has been organized under the District Library Establishment Act, Public Act 24 of 1989, the references to a public library contained within the City Charter are obsolete.

IT IS HEREBY RESOLVED:

- A. That the existing City of Marshall Charter Article II, Section 2.02(b) shall be amended to read as follows:

Section 2.02, Qualifications

(b) Oath and Bond of Office. Every elected officer, before entering upon the duties of office, shall take the oath of office prescribed in Section 1 of ~~ARTICLE-II~~ 11 of the Constitution of 1963 of the State of Michigan, and shall file the same with the clerk together with any bond which may be required by this charter or by the council. In the case of failure to comply with the provisions of this section within ten (10) days from the date of election, such officers shall be deemed to have declined the office and such office shall thereupon become vacant unless the council shall, by resolution, extend the time which such officer may qualify as above set forth.

- B. That the existing City of Marshall Charter Article II, Section 2.04 shall be amended to read as follows:

Section 2.04, Compensation and Expenses

~~The salary of the members of the council, with the exception of the mayor, shall be \$300.00 per year. Salary of the mayor shall be \$500.00 per year. These salaries shall constitute the only remuneration which shall be paid to the members of the council and mayor for the discharge of their official duties; The members of the council, including the mayor, shall receive no salary or other compensation for their services except that expenses incurred on behalf of the city shall be paid if authorized by the council.~~

- C. That the existing City of Marshall Charter Article II, Section 2.10 shall be amended to read as follows:

Section 2.10, Appointment of City Officials.

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

(a) Clerk, treasurer and assessor. The clerk, the treasurer and the assessor shall each hold office by virtue of appointment by the City Manager. The compensation of the clerk, the treasurer and the assessor shall be set by the council.

(b) Attorney. The city attorney shall hold office by virtue of appointment by the mayor and subject to confirmation of two-thirds (2/3) of the council, which body shall also set the attorney's compensation. The city attorney may be removed for cause by a two-thirds (2/3) vote of the council. The appointment shall be made at the first regular meeting of the Council in May following each regular city election, and the person so appointed shall hold office for terms of two (2) years from the first day of June following the appointment.

- D. That the existing City of Marshall Charter Article II, Section 2.11 shall be amended to read as follows:

Section 2.11, Appointment of City Manager.

The city manager shall be appointed by a two-thirds (2/3) vote of the entire council for an indefinite term. The appointment shall be primarily on the basis of executive and administrative qualifications. The council shall fix the city manager's compensation. The city manager, once appointed, shall become a resident of the city.

- E. That the existing City of Marshall Charter Article II, Section 2.12 shall be amended to read as follows:

Section 2.12, Removal of City Manager

- (a) The council, at a regular meeting, shall adopt, by affirmative vote of two-thirds (2/3) of all its members, a preliminary resolution which must state the reasons for removal and may suspend the ~~manger~~ manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.
- (b) Within five (5) days after a copy of resolution is delivered to the manager, the city manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than thirty (30) days after the request is filed. The manager may ~~filed~~ file with the council a written reply not later than ten (10) days before the hearing.
- (c) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of two-thirds (2/3) of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the manager, if the manager has not requested a public hearing, or at any time after the public hearing if the manager has requested one.
- (d) The manager shall continue to receive the same salary until the effective date of a final resolution of removal. The ~~manger~~ manager serves at the pleasure of the council, and the reason or reasons for removal need not necessarily be for cause, but may be for any reason or reasons which the council at its sole discretion deems to be sufficient.

F. That the existing City of Marshall Charter Article II, Section 2.15 shall be amended to read as follows:

Section 2.15, Procedure

- (a) Meetings. The council shall meet regularly ~~at least twice in~~ every month at such time and places as the council may prescribe by resolution. Special meetings shall be called by the clerk upon written request by the mayor or four (4) members of the council. All meetings shall be open to the public, except as provided by State law, and notice of all meetings shall be made in accordance with State law.

G. That the existing City of Marshall Charter Article II, Section 2.27 shall be amended to read as follows:

Section 2.27, Annual Compensation

The city council shall set the salaries of all administrative officials, department heads and salaried personnel by June ~~+~~ 30 of every year, except as provided by

State law. Such salaries shall be included in the annual budget to be adopted by ~~June 1~~ not later than the first meeting of the council in June.

H. That the existing City of Marshall Charter Article III, Section 3.01 shall be amended to read as follows:

(a) **Administrative Officials.** The administrative officials of the city shall be the city manager, city clerk, city treasurer, city assessor and city attorney. The council may create additional administrative offices combine, or separate administrative offices in any manner not inconsistent with law or this charter and shall prescribe the duties thereof in order to insure the proper operation of the city government.

(b) **Oath and Bond of Office.** Every appointed officer, before entering upon the duties of office, shall take the oath of office prescribed by Section 1 of ARTICLE II 11 of the Constitution of 1963 of the State of Michigan, and shall file the same with the clerk together with any bond which may be required by this charter or by the council. In case of failure to comply with the provisions of this section within ten (10) days from the date of appointment, such officers shall be deemed to have declined the office and such office shall thereupon become vacant unless the council shall, by resolution, extend the time in which such officer may qualify as above set forth.

I. That the existing City of Marshall Charter Article III, Section 3.03 shall be amended to read as follows:

(a) **Appointment.** When the city manager is absent from the city, or disabled, a qualified city ~~administrative official~~ employee shall be designated by the city manager, to exercise the powers and perform the duties of the city manager during this absence or disability. The city manager shall file with city clerk ~~treasurer~~ a list, by name and title, of three qualified city ~~administrative officials~~ employees to exercise such powers and perform such duties. The city ~~administrative officials~~ employees shall be listed in the order by which each shall be designated to temporarily assume the city manager's duties. During this absence of disability, the council may revoke such designation at any time and appoint another city ~~administrative official~~ employee or ~~department head~~ to serve until the city manager shall return or the city manager's disability shall cease.

J. That the existing City of Marshall Charter Article III, Section 3.05 shall be amended to read as follows:

Section 3.05, Duties of the City Clerk-Treasurer

The clerk-~~treasurer~~ shall:

(a) be clerk of the council and shall attend all meetings of the council and keep a permanent journal of its proceedings.

(b) have power to administer all oaths required by law, this charter or the ordinances of the city.

(c) be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, attest the same, and shall also be custodian of all papers, documents, and records pertaining to the City of Marshall, the custody of which is not otherwise provided for by this charter and shall attest the same whenever required to do so.

(d) give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.

(e) ~~examine and audit all accounts and claims against the city, perform such other duties as may be prescribed in the capacity of clerk of the city, by law or this charter.~~

~~(f) be the general accountant of the city and shall keep the books of account of the assets, receipts and expenditures of the city except as otherwise provided by state law or by this charter; the system of accounts of the city shall conform to such uniform system as may be required by law.~~

~~(g) have the custody of all moneys of the city, and all evidences of value belonging to the city, or held in trust by the city.~~

~~(h) receive all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges, belonging to and payable to the city and shall in all cases give a receipt therefore.~~

~~(i) keep and deposit all moneys or funds in such manner and only in such places as the council may determine, and report the same to the city manager, and to the council.~~

~~(j) have such powers, duties and prerogatives in regard to the collection and custody of State, County, School District and City taxes and moneys as are conferred by law to enforce the collection of State, County, Township, School District, and City taxes upon real and personal property.~~

~~(k) perform such other duties as may be prescribed in the capacity of clerk-treasurer of the city, by law or this charter.~~

K. That the existing City of Marshall Charter Article III, Section 3.06 shall be amended to read as follows:

Section 3.06, Duties of the Deputy Clerk- City Treasurer

~~—The clerk-treasurer may appoint a deputy subject to the written confirmation by the city manager. The clerk-treasurer may terminate the status of the deputy upon written notice to the city manager. The deputy clerk-treasurer shall have the authority to assume the duties of the clerk-treasurer in the clerk-treasurer's absence.~~

The treasurer shall:

- (a) be the general accountant of the city and shall keep the books of account of the assets, receipts and expenditures of the city except as otherwise provided by state law or by this charter; the system of accounts of the city shall conform to such uniform system as may be required by law.
- (b) have the custody of all moneys of the city, and all evidences of value belonging to the city, or held in trust by the city.
- (c) receive all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges, belonging to and payable to the city and shall in all cases give a receipt therefore.
- (d) keep and deposit all moneys or funds in such manner and only in such places as the council may determine, and report the same to the city manager, and to the council.
- (e) have such powers, duties and prerogatives in regard to the collection and custody of State, County, School District and City taxes and moneys as are conferred by law to enforce the collection of State, County, Township, School District, and City taxes upon real and personal property.
- (f) perform such other duties as may be prescribed in the capacity of treasurer of the city, by law or this charter.

L. That the existing City of Marshall Charter Article VII shall be abrogated:

ARTICLE VII, LIBRARY

~~—The Marshall Public Library shall be continued and maintained as a public library and reading room pursuant to the governing state statutes. The manner of selection of the board of directors and officers thereof, the duties of the board of directors and officers, the control of moneys collected to the credit of the library fund, the acquisition and disposal of real and personal property, the construction and leasing of buildings and property, the appointment and removal of a librarian, library assistants and staff, the fixing of salaries and all other matters pertaining to the operation of the public library and reading room shall be as provided by state law.~~

IT IS FURTHER RESOLVED that the proposed Amendments to the City Charter relating to organizational structure shall be submitted to the electors in the following form:

Question #1 – Shall Article II, Section 2.02(b) of the City of Marshall Charter be amended to change the citation to Const 1963, art 11, Section 1 to conform to the proper constitutional citation?

Yes _____ No _____

Question #2 – Shall Article II, Section 2.04 of the City of Marshall Charter be amended to provide that members of the city council, who are currently paid \$300 annually and the mayor who is currently paid \$500 annually, shall receive no compensation for their services?

Yes _____ No _____

Question #3 – Shall Article II, Section 2.10 of the City of Marshall Charter be amended to provide for the City Manager to appoint the Clerk, and Treasurer instead of the Mayor with the confirmation by the City Council?

Yes _____ No _____

Question #4 - Shall Article II, Section 2.11 of the City of Marshall Charter be amended to eliminate the provision that the City Manager become a resident of the city once they are appointed?

Yes _____ No _____

Question #5 – Shall various sections of the City of Marshall Charter be amended to correct spelling and state law citations?

Yes _____ No _____

Question #6 – Shall Article II, Section 2.15 of the City of Marshall Charter be amended to provide that the City Council regularly meet every month rather than twice a month as currently provided for in the Charter?

Yes _____ No _____

Question #7 – Shall Article II, Section 2.27 of the City of Marshall Charter be amended to provide that the City Council will set the salaries of all administrative officials, department heads and salaried personnel by June 30 of each year, and that these salaries be included in the annual budget adopted not later than the first meeting of the Council in June of each year?

Yes _____ No _____

Question #8 – Shall Article III, Section 3.01 of the City of Marshall Charter be amended to provide that a city clerk and city treasurer be added as administrative officials of the city? The Charter currently provides that the Clerk-Treasurer is one office, and the amendment would recognize that the positions of Clerk and Treasurer are two separate offices. This amendment is tie-barred to the passage of an amendment to Article III, Sections 3.05 and 3.06 of the Charter.

Yes _____ No _____

Question #9 – Shall Article III, Section 3.03 of the City of Marshall Charter be amended to provide that when the City Manager is absent from the city or disabled, a qualified city employee will designated by the City Manager to exercise the powers and duties of the City Manager in their absence or disability?

Yes _____ No _____

Question #10 – Shall Article III, Section 3.05 and 3.06 of the City of Marshall Charter be amended to reflect that the positions of Clerk and Treasurer are separate and state the duties of each office in the corresponding Section? The Charter currently provides that the Clerk-Treasurer is one office, and this amendment would allow the position to be split into two separate offices along with their

relevant duties. This amendment is tie-barred to the passage of an amendment to Article III, Section 3.01 of the Charter.

Yes _____ No _____

IT IS FURTHER RESOLVED that the proposed Amendment to the City Charter relating to a municipal library shall be submitted to the electors in the following form:

Question #11 -- Shall the Charter of the City of Marshall, Article VII be deleted; to remove the requirement of a City-operated library and the remaining chapters in the Charter be renumbered?

Yes _____ No _____

IT IS FURTHER RESOLVED that the City Clerk shall forthwith transmit a copy of the proposed Amendments to the City Charter to the Governor of the State of Michigan for his approval, and transmit a copy of the proposed Amendments to the City Charter to the Attorney General of the State of Michigan for his approval, as required by law.

IT IS FURTHER RESOLVED that the proposed Amendments to the City Charter shall be, and the same are hereby ordered, to be submitted to the qualified electors of this City at the general election to be held in the City on Tuesday, November 6, 2012, and the City Clerk is hereby directed to give notice of the election and notice of registration, therefore, in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such Amendments to the City Charter to the vote of the electors as required by law.

IT IS FURTHER RESOLVED that the proposed Amendments to the City Charter shall be published in full together with the existing Charter provision altered thereby in the Marshall Advisor/Chronicle (Election Notice) not less than ten (10) days prior to the election.

IT IS FURTHER RESOLVED that the canvass and determination of the votes on said question shall be made in accordance with the laws of the State of Michigan.

CERTIFICATION

I, Sandra Bird, Clerk-Treasurer for the City of Marshall, Calhoun County, Michigan do hereby certify that the foregoing Resolution No. _____ was offered by Councilperson _____ and supported by Councilperson _____, and the same was duly passed at a regular meeting of the City Council in Town Hall held on the _____, day of _____, 2012 and that the vote was as follows:

Yeas: _____

Nays: _____

Absent: _____

Sandra Bird



ADMINISTRATIVE REPORT
JULY 2, 2012 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: Downtown Parking Lot Improvement Program

BACKGROUND: At the June 27th DDA/Main Street Board meeting, the Board approved a downtown parking lot improvement project. In the FY 2013 budget, the DDA budgeted \$23,225 for some improvements to the parking lots. The City's General Fund allocated \$23,225 to assist in the project. This budgeted project would have made "band aid" repairs to selected parking lots.

Attached is a recommendation from Mike Hackworth, Public Works Superintendent to make improvements to all the lots and to two alleyways. These improvements will have an estimated 10-15 year life. To reach the life, the City would fund a sealing and striping program every three years. The alley work will be funded from the FY 2013 General Fund allocation.

To fund the \$198,275 improvement project, the City would combine the needed funds with the \$4,500,000 water and wastewater bond. This will reduce dramatically the issuance cost and the interest cost for the DDA.

RECOMMENDATION: It is recommended that the City Council approve the 2012 Downtown Parking Lot Improvement Program.

FISCAL EFFECTS: To appropriate \$23,225 from the General Fund-Capital Outlay budgeted expenditure line item 101-900-970.00 and the remainder from the bond proceeds.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written in a cursive style.

Tom Tarkiewicz
City Manager

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2012 City Parking Lot Review for Asphalt Repairs

Carl,

I have reviewed each parking lot and compiled numbers for each that are what I consider the minimum that should be done to extend the life of each lot for 10 years. I addressed every asphalt issue in each lot including small potholes. Some minimal patching will be ongoing as the asphalt continues to age. Crack filling, sealcoating, and striping should be done on a three to five year cycle.

I priced each lot individually leaving us some flexibility to do a partial RFP and still have confidence in our numbers. While there are less expensive ways to make improvements, they tend to have a short duration and don't provide good return on investment.

The total is \$198,275. If these repairs were let in their entirety we could expect a 15 percent reduction in cost.

Crack filling, sealcoating, and striping on a four year cycle would cost \$64,000.00 per cycle. You could spread this over three years by letting 1/3 of the lots in the third year out, 1/3 in the fourth year out, and 1/3 in the fifth year out.

Mike Hackworth

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Lot 1. (Corner of Eagle and Mansion)

Mill and pave to a depth of 2 inches 1200sqft. of asphalt at one location. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....1200sqft. x 2.50 = \$3,000.00

Clean and fill 500 lft. Of 3/8 inches or larger cracks With 3405 hot rubber.....500lft x .85 = \$425.00

Clean lot and apply 2 coats coal tar sealer.....5700sqft. x .22 = \$1254.00

Re-stripe lot in yellow to existing layout.....= \$ 300.00

TOTAL = \$4,979.00

Lot 2. (Behind Hemmingsens)

Remove and dispose of 1840sqft. of existing sidewalk.....= \$800.00

Mill to a depth of 2 inches 24,000sqft. of existing asphalt.....= \$5000.00

Wedge any areas that need repair or leveled including where the sidewalk was removed to manage water flow.

Pave and compact at a depth of 2 inches 24,000sqft. of 36A MDOT approved Hot mix asphalt.....= \$32,000.00

Layout and stripe in yellow.....= \$600.00

TOTAL = \$38,400.00

Lot 3. (Fountain Clinic)

Install leaching basin in low area of lot.....= \$4,000.00

Mill and pave to a depth of 2 inches 11,900sqft. of asphalt at one location. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....11,900sqft x \$2.00.= \$23,800.00

Layout and stripe lot.....= \$400.00

TOTAL = \$28,200.00

Lot 4. (Bell Telephone)

Mill and pave to a depth of 2 inches 65sqft. of asphalt at two locations. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....65sqft. x 2.50 = \$165.00

Clean and fill 1200ft. Of 3/8 inches or larger cracks With 3405 hot rubber..... 1,200ft x .85 = \$1020.00

Clean lot and apply 2 coats coal tar sealer.....14,016sqft. x .22 = \$3085.00

Re-stripe lot in yellow to existing layout.....= \$300.00

TOTAL = \$4,570.00

Lot 6. (Farmers Market)

Repair catch basin and enclose in 8' x 8' x 6" steel reinforced 5500 psi concrete.....= \$1,850.00

Clean and fill 350ft. Of 3/8 inches or larger cracks With 3405 hot rubber.....350ft x .85 = \$300.00

Clean lot and apply 2 coats coal tar sealer.....7,168sqft. x .22 = \$1,600.00

Re-stripe lot in yellow to existing layout.....= \$450.00

TOTAL = \$4,100.00

Lot 7. (Brooks building South)

Repair catch basin and enclose in 8' x 8' x 6" steel reinforced 5500 psi concrete.....= \$1,850.00

Mill and pave to a depth of 2 inches 65sqft. of asphalt at one location. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....65sqft. x 2.50 = \$165.00

Clean and fill 350ft. Of 3/8 inches or larger cracks With 3405 hot rubber.....700ft x .85 = \$595.00

Clean lot and apply 2 coats coal tar sealer.....9,728sqft. x .22 = \$2,140.00

Re-stripe lot in yellow to existing layout.....= \$350.00

TOTAL = \$5,100.00

Lot 8. (Post office)

Mill and pave to a depth of 2 inches 2,800.00sqft. of asphalt at two locations. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....2,800sqft. x 2.50 = \$5,600.00

Clean and fill 1,200ft. Of 3/8 inches or larger cracks With 3405 hot rubber.....1,200ft x .85 = \$1,020.00

Clean lot and apply 2 coats coal tar sealer.....10,900sqft. x .22 = \$2,398.00

Re-stripe lot in yellow to existing layout.....= \$350.00

TOTAL = \$9,368.00

Lot 9. (Doc Heidenreich)

Mill and pave to a depth of 2 inches 4,800sqft. of asphalt at six locations. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....4,800sqft. x 2.00 = \$4,500.00

Clean lot and apply 2 coats coal tar sealer.....17,860sqft. x .22 = \$4,000.00

Clean and fill 1,200ft. Of 3/8 inches or larger cracks With 3405 hot rubber.....1,200ft x .85 = \$1,020

Re-stripe lot in yellow to existing layout.....= \$350.00

TOTAL = \$9,870.00

Lot 10. (Library)

Mill and pave to a depth of 2 inches 500sqft. of asphalt at ten locations. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....500sqft. x 2.50 = \$1250.00

Overlay 1060sqft at entryway with 1 1/2" 36A MDOT approved hot-mix asphalt.....1,060sqft x 2.00 = \$900.00

Clean and fill 2,000ft Of 3/8 inches or larger cracks With 3405 hot rubber.....2,000ft x .85 = \$1,700.00

Clean lot and apply 2 coats coal tar sealer.....29,610sqft. x .22 = \$6,500.00

Re-stripe lot in yellow to existing layout.....= \$600.00

TOTAL = \$10,950.00

Lot 11. (Zion Evangelical)

Repair 2 catch basins and enclose in 8' x 8' x 6"
steel reinforced 5500 psi concrete.....= \$3,700.00

Mill and pave to a depth of 2 inches 108sqft. of
asphalt at two locations. Place and compact 2 inches
of 36A MDOT approved hot-mix asphalt.....108sqft. x 2.50 = \$270.00

Clean and fill 2,600ft of 3/8 inches or larger cracks
With 3405 hot rubber.....2,600ft x .85 = \$2,210.00

Clean lot and apply 2 coats coal tar sealer.....35,000sqft. x .22 = \$7,666.00

Re-stripe lot in yellow to existing layout.....= \$600.00

TOTAL = \$14,446.00

Lot 12. (Shulers)

Remove 6768sqft of existing asphalt in alleyway
Prep and pave 5" of 13A MDOT approved hot-mix
asphalt in 3 lays.....= \$37,224.00

Mill and pave to a depth of 2 inches 1760sqft. of
asphalt at two locations. Place and compact 2 inches
of 36A MDOT approved hot-mix asphalt.....1760sqft. x 2.50 = \$4,400.00

Clean and fill 1,000ft of 3/8 inches or larger cracks
With 3405 hot rubber.....1,000ft x .85 = \$850.00

Clean lot and apply 2 coats coal tar sealer.....30,940sqft. x .22 = \$6,806.00

Re-stripe lot in yellow to existing layout.....= \$600.00

TOTAL = \$49,880.00

Lot 13. (Peace Park)

Mill and pave to a depth of 2 inches 850sqft. of asphalt at four locations. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....850sqft. x 2.50 = \$2,125.00

Clean and fill 200ft of 3/8 inches or larger cracks With 3405 hot rubber.....200ft x .85 = \$170.00

Clean lot and apply 2 coats coal tar sealer.....6,750sqft. x .22 = \$1,485.00

Re-stripe lot in yellow to existing layout.....= \$600.00

TOTAL = \$4,380.00

Lot 14. (Heritage Cleaners)

Clean and fill 200ft of 3/8 inches or larger cracks With 3405 hot rubber.....200ft x .85 = \$170.00

Clean lot and apply 2 coats coal tar sealer.....4,960sqft. x .22 = \$1,092.00

Re-stripe lot in yellow to existing layout.....= \$300.00

TOTAL = \$1,562.00

Lot 15. (City Hall)

Mill and pave to a depth of 2 inches 2,838sqft. of asphalt at eight locations. Place and compact 2 inches of 36A MDOT approved hot-mix asphalt.....2,838sqft. x 2.50 = \$7,100.00

Clean and fill 1000ft of 3/8 inches or larger cracks With 3405 hot rubber.....1,000ft x .85 = \$850.00

Clean lot and apply 2 coats coal tar sealer.....18,500sqft. x .22 = \$4,070.00

Re-stripe lot in yellow to existing layout.....= \$450.00

TOTAL = \$12,470.00



**ADMINISTRATIVE REPORT
JULY 2, 2012 - CITY COUNCIL MEETING**

REPORT TO: Honorable Mayor and City Council Members

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Downtown Parking Meters

BACKGROUND: At the June 27th DDA/Main Street Board meeting, the Board reviewed options on the fate of the parking meters. It has been a frustration for the visitors to the downtown. Many of the meters do not work and visitors are fearful that they will get a ticket. The revenue has declined dramatically, since the enforcement moratorium was invoked.

**PARKING METER REVENUE BY BUDGET
YEAR**

2005	\$15,300.91
2006	\$16,095.60
2007	\$16,923.57
2008	\$10,047.31
2009	\$12,970.21
2010	\$12,885.77
2011	\$4,624.61
2012	\$4,142.35

The Board reviewed several options.

OPTION A: No change. Parking meters would remain but would not be enforced. Meter money would be collected as needed.

OPTION B: Complete removal of the meters.

OPTION C: Reinstate full enforcement of violations. This would require the replacement of the malfunctioning meters. Since the current meter style is unavailable, new electronic style parking meters would be purchased. This would be a long term investment, so a capital bond would be sold and repaid from the meter revenues, which would also require a rate increase.

OPTION D: No enforcement change but the coin slot would be covered with a plate inscribed with a welcome statement of "WELCOME TO HISTORIC MARSHALL- FREE PARKING".

The Board decided that Option D would be the best plan for the downtown parking meters. Also, the posts will be painted black through a volunteer program.

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RECOMMENDATION: It is recommended that the City Council accept the DDA/Main Street Board recommendation to continue to not enforce the parking meters and place a plate across the coin slot with a welcome plate.

FISCAL EFFECTS: The General Fund will lose an estimated \$4,000 annually. The post paint would be purchased from the DDA budget.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

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

Tom Tarkiewicz
City Manager