

**CALL TO ORDER**

IN REGULAR SESSION Monday, July 6, 2009, 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 Smith.

**ROLL CALL**

Roll was called:

Present: Council Members: Metzger, K. Miller, Mayor Smith, Traver, and Williams.

Also Present: Interim City Manager Tarkiewicz and Clerk-Treasurer Bird.

Absent: Council Members: Dyer and L. Miller.

**Moved** K. Miller, supported Williams, to excuse the absence of Members Dyer and L. Miller. On a voice vote: **MOTION CARRIED.**

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Smith led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Williams, supported Metzger, to approve the agenda with the addition of item 11E. North Kalamazoo Avenue Road Closure. On a voice vote: **MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITIONS**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC COMMENT ON AGENDA ITEMS**

John LaPietra of 386 Boyer Court had questions regarding the addition of item 11E.

Gardy Berezonski of 19150 B Drive North questioned the names of the attorneys in item 11D.

**PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. Jones Street Sanitary Sewer Backup Claims:**

**Moved** Williams, supported Traver, to approve a good-faith payment to Leah Knapp at 815 Jones Street in the amount of \$1,719.02 and to Certi-Pro for Ron & Gail Morgan at 820 Jones Street in an amount of \$4571.17. On a roll call vote - ayes: Metzger, K. Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED.**

**B. Extension of Agreements with Marshall Historical Society and Martin Overhiser (Byways Grant):**

**Moved** K. Miller, supported Williams, to approve the resolution to extend the Agreements with the Marshall Historical Society and Martin Overhiser through June 30, 2012. On a roll call vote - ayes: K. Miller, Mayor Smith, Traver, Williams, and Metzger; nays: none. **MOTION CARRIED.**

City of Marshall  
RESOLUTION # 09-

**RESOLVED** that the October 16, 2006 agreement between the City and the Marshall Historical Society for museum improvements with money from a second National Scenic Byways Grant is extended to June 30, 2012, and

**FURTHER RESOLVED** that the July 1, 2003 agreement between the City and Martin Overhiser is extended to June 30, 2012 with fees paid to Overhiser not exceeding \$5,000 in any one-budget year.

AYES:

NAYS:

ABSTAIN:

Dated: July 6, 2009

RESOLUTION DECLARED ADOPTED.

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Bruce R. Smith, Mayor

CERTIFICATE:

I, Bruce R. Smith, being duly sworn as the Mayor 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 July 6, 2009 and that said meeting was conducted in accordance with the Open Meeting Act and that the minutes of said meeting were kept and will be or have been made available to the public.

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Bruce R. Smith, Mayor

**C. Purchase a Bob Cat Tool Car with Accessories to Replace the 1999 Trackless:**

**Moved** Williams, supported Metzger, to approve the recommendation to accept the bid from Bob of Lansing, Michigan for a Bob Cat Tool Cat with attachments in the amount of \$54,121. On a roll call vote - ayes: Mayor Smith, Traver, Williams, Metzger, K. Miller; nays: none. **MOTION CARRIED.**

**D. Assignment of Rights and Assets to the Motorola/City of Marshall Agreement to the Calhoun County Consolidated Dispatch Center Authority:**

**Moved** K. Miller, supported Traver, to authorize the Clerk-Treasurer to sign the Assignment of Rights and Assets to the Motorola/City of Marshall Agreement to the Calhoun County Consolidated Dispatch Center Authority. On a roll call vote - ayes: Traver, Williams, Metzger, K. Miller, and Mayor Smith; nays: none. **MOTION CARRIED.**

City of Marshall  
RESOLUTION # 09-

RESOLUTION ESTABLISHING FEES UNDER CHAPTER 92: HEALTH AND SANITATION: NUISANCES, SECTION 92.07 OF THE MARSHALL CITY CODE.

**WHEREAS**, the City of Marshall may adopt an appeal fee to defray the City's expenses for inspection and violation notice such as; staff time, publication of notices, owner notices, as well as other overhead cost; and

**WHEREAS**, the City of Marshall now wishes to establish those fees in accordance with City policy;

**NOW THEREFORE, BE IT RESOLVED**, that the following fees shall be established.

**Claim of Appeal under Chapter 92, Section 92.07, shall be:  
\$25.00 Residential and Commercial**

A copy of this Schedule as amended from time to time shall be maintained by the Marshall City Clerk.

AYES:

NAYES:

ABSTAIN:

Dated:

RESOLUTION DECLARED ADOPTED.

**CERTIFICATE:**

The foregoing is a true and a complete copy of the resolution adopted by the City Council and the City of Marshall at a regular meeting on June 15, 2009. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976, as amended). Minutes of the meeting will be available as required by the Act.

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Clerk-Treasurer

**E. Road Closure Request:**

**Moved** Williams, supported Metzger, to approve the closure of south bound North Kalamazoo Avenue at Mansion Street on July 11, 2009 between 4:00 p.m. . 5:30 p.m. On a voice vote -- **MOTION CARRIED.**

**APPOINTMENTS / ELECTIONS**

None.

**CONSENT AGENDA**

**Moved** Williams, supported Traver, to approve the consent agenda as presented:

- A.** Approve the request to schedule a public hearing for Monday, July 20, 2009 at 7:00 p.m. to hear comments on an application for an Industrial Facilities Tax Exemption Certificate for AGC Flat Glass North America.
- B.** Authorize Sandra Bird, Clerk-Treasurer to sign all contracts and forms as required by the Farm Services Agency.
- C.** Adopt a resolution authorizing Sandra Bird, Clerk-Treasurer and Tom Tarkiewicz, Interim City Manager as legal signers for accounts belonging to the City of Marshall;

City of Marshall  
RESOLUTION # 09-

**WHEREAS**, all financial institutions require a resolution to change persons authorized to act for a corporation or voluntary association on checking, savings, pool funds or share accounts; and

**WHEREAS**, Cassandra Heitfeld is Payroll/Accounting Clerk and currently an authorized person on all City of Marshall bank accounts and will be removed as an authorized signer effective July 6, 2009;

**WHEREAS**, Sandra E. Bird has accepted the roll of Clerk-Treasurer effective June 29, 2009.

**THEREFORE, BE IT RESOLVED**, that the Marshall City Council certifies to all financial institutions where accounts are held in the name of and on behalf of the City of Marshall that the following persons are authorized to transact business on said bank accounts effective July 6, 2009:

Sandra E. Bird, Clerk-Treasurer  
Tom Tarkiewicz, Director of Utilities & Infrastructure

AYES:

NAYS:

ABSTAIN:

Dated: July 6, 2009

RESOLUTION DECLARED ADOPTED.

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Bruce R. Smith, Mayor

**CERTIFICATE:**

I, Bruce R. Smith, being duly sworn as the Mayor 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 July 6, 2009 and that said meeting was conducted in accordance with the Open Meeting Act and that the minutes of said meeting were kept and will be or have been made available to the public.

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Bruce R. Smith, Mayor

- D. Minutes of the Regular City Council meeting held Monday, June 15, 2009 and minutes of the Special City Council Meeting held Monday, June 29, 2009.
- E. Approve city bills in the amount of \$1,358,279.45.

On a roll call vote . ayes: Williams, Metzger, K. Miller, Mayor Smith, and Traver;  
nays: none. **MOTION CARRIED**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Creighton Burrows of 19254 B Drive North gave thanks for the patching of the holes near the fairground and expressed some concerns with the DDA.

Jerry Baremor of 902 Verona Road gave roses to Carl Fedders and the DNR for the work on Ketchum Park and gave raspberries to the Kempf Funeral home and the home situation.

Duane Cowgill of 624 North Kalamazoo encouraged the three words of Progress, Preservation, and Compromise for the hospital situation.

Marshall City Council, Regular Session  
Monday, July 6, 2009

Diane Larkin of Marshall Main Street gave a reminder of the 2<sup>nd</sup> Saturday Art Festival and the Blues Festival on Saturday, July 18, 2009.

Gardy Berezonski of 19150 B Drive North stated the fountain looks good, but he feels there needs to be a fence around the new electrical panels.

John LaPietra of 386 Boyer Court feels the city should follow the master plan they spent so much time and money on.

**ADJOURNMENT**

The meeting was adjourned at 7:58 p.m.

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Bruce R. Smith, MAYOR

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Sandra Bird, Clerk-Treasurer