MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

April 1, 2013

1) **CALL TO ORDER**

2) **ROLL CALL**

3) **INVOCATION** – David Good, First Baptist Church

4) **PLEDGE OF ALLEGIANCE**

5) **APPROVAL OF AGENDA** – Items can be added or deleted from the Agenda by Council action.

6) **PUBLIC COMMENT ON AGENDA ITEMS** – Persons addressing Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes on any agenda item.

7) **CONSENT AGENDA**

A. **Recognition of the Marshall United Way as a Charitable Organization**

City Council will consider the recommendation to approve a resolution allowing the Marshall United Way to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license.

B. **City Council Minutes**

Regular Session..... Monday, March 18, 2013

C. **City Bills**

Regular Purchases	$ 120,813.17
Weekly Purchases –3/15/13	$257,402.52
Weekly Purchases –3/22/13	$93,117.32
Total	**$ 471,333.01**

8) **PRESENTATIONS AND RECOGNITIONS**

9) **INFORMATIONAL ITEMS**

A. **Event Report – Hospitality Classic**

10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

A. **Hospital Campus Overlay District Ordinance Public Hearing**

City Council will hear public comment on the proposed Hospital Campus Overlay District Ordinance (HCOD) and consider staff's recommendation to approve the HCOD ordinance as well as the HCOD map amendment.

11) **OLD BUSINESS**

12) **REPORTS AND RECOMMENDATIONS**

A. **Leaf Loader Repair**

City Council will consider the recommendation to approve the resolution authorizing staff to execute a purchase order with Marshall Welding and Fabricating for $20,134.27 to refurbish the leaf loader.

Mayor:

James Dyer

Council Members:

Ward 1 - David Revore

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Jack Reed

Ward 5 - Jody Mankerian

At-Large - Kathy Miller

B. **Bid Award – North Drive and Pierce Drive Rehabilitation**

City Council will consider the recommendation to accept the low bid from Lakeland Asphalt of Battle Creek, MI for the amount of $126,334.55 for the North Drive and Pierce Drive Rehabilitation Project.

C. **Schedule Council Work Session**

City Council will consider the recommendation to schedule a work session for review and discussion of the FY 2014 Proposed Budget.

D. **Marshall Area Farmer's Market**

City Council will consider the request from Jane Dadow for the use of the Brooks Parking Lot on South Hamilton Street for the Marshall Area Farmer's Market.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

Respectfully submitted,

Tom Tarkiewicz
City Manager

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
April 1, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Recognition of the Marshall United Way as a Charitable Organization

BACKGROUND: The Marshall United Way desires to obtain a Gaming License from the State of Michigan. In order to do this, they are required to apply to the Michigan Lottery Charitable Gaming Division with a resolution passed by the Marshall City Council, recognizing them as a Charitable Organization

RECOMMENDATION: It is recommended that the City Council approve the attached resolution allowing the Marshall United Way to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

March 27, 2013

Marshall United Way
P.O. Box 190
Marshall, MI 49068
269-781-3325
marshallunitedway@sbcglobal.net

Mr. Tom Tarkewicz
Marshall City Manager
City Hall
Marshall, MI 49068

Dear Mr. Tarkewicz:

In order for the Marshall United Way to obtain a Gaming License from the State of Michigan, we are required to be recognized by the City of Marshall as a charitable organization.

I have enclosed the appropriate form (Local Governing Body Resolution for Charitable Gaming Licenses) needed by the State showing Marshall's approval of the Marshall United Way. Also enclosed is a copy of our 501(C) (3) letter.

I would appreciate it, if you would bring this matter before your City Council at your next meeting on Monday, April 1, 2013.

If you require any additional information, I can be reached at the above number or you may contact Catherine Yates.

Thank you for your timely attention to this matter.

Sincerely,

Patricia J. Franke
Executive Director
Marshall United Way

Enc

MICHIGAN LOTTERY
Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL — TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from Marshall United Way of Marshall,
NAME OF ORGANIZATION — CITY

county of Calhoun,
COUNTY NAME

asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for _____.
APPROVAL/DISAPPROVAL

APPROVAL		DISAPPROVAL	
Yeas:	_____	Yeas:	_____
Nays:	_____	Nays:	_____
Absent:	_____	Absent:	_____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD — REGULAR OR SPECIAL

meeting held on _____.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

_____
PRINTED NAME AND TITLE

_____
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

IRS Department of the Treasury
Internal Revenue Service
P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248421964
Feb. 14, 2008 LTR 4168C E0
23-7161104 000000 00 000
00014870
BODC: TE

MARSHALL UNITED WAY
311 E MANSION ST
MARSHALL MI 49068-1152112

015849

Employer Identification Number: 23-7161104
Person to Contact: Ms. Mitchell
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Feb. 07, 2008, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in January 1973, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Michele M. Sullivan

Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations I

CALL TO ORDER

IN REGULAR SESSION Monday, March 18, 2013 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: Mayor Dyer, Mankerian, Metzger, Miller, Reed, Revore and Williams.
Also Present:	City Manager Tarkiewicz.
Absent:	None.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Williams, to approve the agenda with the addition of the MSCPA invoice and item 18 Closed Session to discuss pending litigation. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Miller, supported Mankerian, to approve the Consent Agenda:

A. Adopt resolutions in support of the submittal of a grant from the Michigan Department of Transportation Local Bridge Program for the Monroe Street over Rice Creek and Marshall Avenue Bridge over the Kalamazoo River;
B. Approve the request by the American Legion to conduct their Annual Poppy Sales on May 17 and 18,, 2013;
C. Approve minutes of the City Council Regular Session held on Monday, March 18, 2013;
D. Approve city bills in the amount of $1,046,569.20.

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

PRESENTATIONS AND RECOGNITIONS

A. Airport Board Update:

David Mead, Airport Board Chair, provided an update on the airport activities.

INFORMATIONAL ITEMS

City Manager Tarkiewicz provided an update on the Cronin Building Redevelopment.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Calhoun County Consolidated Dispatch Authority Funding Resolution:

Moved Metzger, supported Reed, to support the presentation of the resolution to support the placement of a telephone surcharged based funding mechanism for the CCCDA on the August 2013 Countywide ballot. On a voice vote – **MOTION DEFEATED.**

B. Memorandum of Understanding with the Marshall Area Firefighters Ambulance Authority:

Moved Metzger, supported Mankerian, to authorize the Clerk to sign the Memorandum of Understanding with the Marshall Area Firefighters Ambulance Authority. On a voice vote – **MOTION CARRIED**.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MARSHALL, MICHIGAN
AND THE MARSHALL AREA FIREFIGHTERS AMBULANCE AUTHORITY

WHEREAS, The Marshall Area Firefighters Ambulance Authority (MAFAA) provides emergency medical services to the City of Marshall;

WHEREAS, The Calhoun County Consolidated Dispatch Authority (CCCDA) provides dispatch services for the City and MAFAA;

WHEREAS, On July 1, 2013 the City will be billed on a "call for service" formula which will include emergency medical service calls;

WHEREAS, The City of Marshall supports the concept that local municipalities participating in the Marshall Area Firefighters Ambulance Authority (MAFAA) will be responsible for fees related to EMS "calls for service" and assessed by the Calhoun County Consolidated Dispatch Authority (CCCDA) as authorized by the Calhoun County 911 plan;

WHEREAS, The fees are based upon the number of calls received by CCCDA from the public requesting emergency pre-hospital care and/or transport from within the boundaries of each participating municipality.

NOW, THEREFORE, The City of Marshall and the Marshall Area Firefighters Ambulance Authority agree:

That the City of Marshall will not be responsible for any costs incurred by CCCDA or another entity as a result of requests from a licensed acute care hospital for the services of MAFAA, or any other licensed ambulance service provider, to transport a patient from that facility to another licensed hospital facility; and

Any "call for service" or dispatch fees related to this type of "inter-facility transport" service provided by MAFAA or any other licensed ambulance service are the responsibility of the ambulance service.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed on this 18th day of March, 2013.

_____

For the City of Marshall
Trisha Nelson, City Clerk

_____

For the Marshall Area Firefighters Ambulance Authority

C. Regional Law Enforcement Center and Fire Station/City Hall Renovations Project:

Moved Miller, supported Mankerian, to adopt the resolution initiating the forty five day referendum period prior to the sale of the bonds and the resolution of intent of entering into limited tax-supported contracts of lease. On a roll call vote – ayes: Metzger, Miller, Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

City of Marshall
County of Calhoun, State of Michigan

RESOLUTION #2013-14

RESOLUTION APPROVING
BUILDING AUTHORITY CONTRACTS AND NOTICE

A RESOLUTION TO PROVIDE FOR:

- Up to $5,500,000 of Building Authority Bonds to finance:
- the City's share of the Law Enforcement Center,
- Fire Station / City Hall Renovation;

- Publication of Notice of Intent to enter into Contracts with Building Authority to issue Bonds;
- City Payments to be Limited Tax Full Faith and Credit General Obligation.

WHEREAS, it is necessary for the public health, safety and welfare of the residents of the City of Marshall, County of Calhoun, State of Michigan (the "City") to acquire and construct a new facility to jointly house the City of Marshall Police Department and the Michigan State Police (the "Law Enforcement Center"); and

WHEREAS, the City has previously established the Marshall Building Authority (the "Authority") under the provisions of Act 31, Public Acts of Michigan (First Extra Session), 1948, as amended ("Act 31"), with full powers to acquire, construct, equip and finance buildings such as the Law Enforcement Center; and

WHEREAS, the Authority is willing to acquire and construct the Law Enforcement Center and lease it to the City; and

WHEREAS, the City anticipates that the State of Michigan (the "State") will sublease the portion of the Law Enforcement Center to be occupied by the Michigan State Police, and pay rental to the City in an amount sufficient to pay for the State's share of the Law Enforcement Center; and

WHEREAS, the Authority intends to prepare two contracts of lease for the Law Enforcement Center: (1) a lease of the City's share of the Law Enforcement Center which will pledge the City's limited tax full faith and credit, and (2) a lease of the State's share of the Law Enforcement Center which will pledge only sublease payments to be made by the State; and

WHEREAS, under the provisions of Act 31, the Authority can finance costs of acquiring, constructing and equipping buildings such as the Law Enforcement Center through issuance of building authority bonds to be repaid from rental payments made by the City to the Authority under a contract of lease; and

WHEREAS, the Authority anticipates issuance of two series of bonds to finance the Law Enforcement Center: (1) a series of bonds which pledge lease payments secured by the City's limited tax full faith and credit pledge, and (2) a series of revenue bonds which pledge lease payments secured solely by sublease payments received from the State; and

WHEREAS, it is necessary for the public health, safety and welfare of the residents of the City to acquire and construct improvements to Fire Station and City Hall including, but not limited to, replacement of the existing fire apparatus bay and quarters and renovation of City Hall offices (the "Fire Station / City Hall Improvements"); and

WHEREAS, the Authority is willing to acquire and construct the Fire Station / City Hall Improvements for lease to the City under a contract of lease pledging the City's limited tax full faith and credit, and to finance the Fire Station / City Hall Improvements through the issuance of building authority bonds; and

WHEREAS, the Authority intends to finance the City's share of the Law Enforcement Center and the Fire Station / City Hall Improvements (collectively, the "Projects") through issuance of its bonds in one or more series in the aggregate principal amount of not-to-exceed $5,500,000 (the "Bonds") in anticipation of rentals secured by the City's limited tax full faith and credit pledge; and

WHEREAS, the City and the Authority will enter into one or more Limited Tax Full Faith and Credit General Obligation Contracts of Lease (collectively, the "Contracts") to provide for the financing of the Projects through the issuance of the Bonds, and a proposed form of the Contracts has been prepared; and

WHEREAS, the City Council will adopt a separate resolution to approve the contract of lease for the State's share of the Law Enforcement Center; and

WHEREAS, this City Council desires to publish a notice of its intention of entering into the Contracts so as to begin the statutory referendum period; and

NOW, THEREFORE, BE IT RESOLVED THAT:

Necessity. The City Council hereby determines it to be necessary for the public health, safety and welfare of the City to acquire and construct the Projects for the use of the City.

Building Authority Financing. The City Council deems it to be in the best interest of the City to finance the cost of the Projects through the Authority in accordance with the provisions of Act 31, which cost is not expected to exceed Five Million Five Hundred Thousand Dollars ($5,500,000).

Publication of Notice of Intent. The City Clerk is hereby authorized and directed to publish a Notice of Intention of Entering into Limited Tax-Supported Contracts of Lease in *The Marshall Advisor/Chronicle*, a newspaper of general circulation in the City. The Notice shall appear as a display advertisement at least one-quarter (1/4) page in size and shall be in substantially the following form:

NOTICE OF INTENTION OF ENTERING INTO LIMITED TAX-SUPPORTED CONTRACTS OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON

TO THE TAXPAYERS AND ELECTORS OF THE CITY OF MARSHALL, MICHIGAN:

PLEASE TAKE NOTICE that the City of Marshall intends to approve and execute one or more Limited Tax Full Faith and Credit General Obligation Contracts of Lease with the Marshall Building Authority pursuant to Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. The Contracts will provide, among other things, that the Building Authority will acquire and construct a new facility to jointly house the City of Marshall Police Department and the Michigan State Police, including the site therefor (the "Law Enforcement Center"), and acquire and construct improvements to the Fire Station and City Hall including, but not limited to, replacement of the existing fire apparatus bay and quarters, and renovation of City Hall offices (the "Fire Station / City Hall Improvements") and WILL ISSUE ITS BONDS to finance the estimated cost of the City's share of the Law Enforcement Center and the Fire Station / City Hall Improvements (collectively, the "Projects") FOR THE BENEFIT OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $5,500,000. The bonds may be issued in one or more series, and each series when issued will mature in not to exceed 30 annual installments and will bear interest on the outstanding principal balance at interest rates not exceeding the maximum rates permitted by law.

The Contracts will further provide that the City will lease the Projects from the Building Authority and WILL PAY AS RENTAL TO THE BUILDING AUTHORITY ALL SUMS NECESSARY TO RETIRE THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH ALL COSTS OF OPERATING AND MAINTAINING THE PROJECTS AND ALL COSTS of the Building Authority in connection therewith regardless of whether the Projects are tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of charter, statutory and constitutional debt limitations. The State's share of the Law Enforcement Center will be paid only from sublease payments to be made by the State under a separate contract of lease and will not be an obligation of the City.

CITY'S CONTRACT OBLIGATION

BY VIRTUE OF THE PROPOSED CONTRACTS AND ACT 31, ALL OF THE CITY'S REQUIRED PAYMENTS UNDER THE CONTRACTS TO THE BUILDING AUTHORITY WILL BE A LIMITED TAX FULL FAITH AND CREDIT GENERAL OBLIGATION OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES

TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE, AND AS LIMITED BY LAW. THE OBLIGATION TO LEVY TAXES IS LIMITED BY APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS.

IN THE EVENT THAT A VALID PETITION REQUIRING AN ELECTION WITH RESPECT TO THE CONTRACTS IS FILED AS DESCRIBED BELOW, AND THE CONTRACTS ARE APPROVED BY VOTE OF THE ELECTORS, THE OBLIGATION TO LEVY AD VALOREM TAXES TO PAY THE PART OF THE CITY'S RENTAL OBLIGATION THAT WILL BE USED TO PAY DEBT SERVICE ON THE BUILDING AUTHORITY'S BONDS SHALL BE WITHOUT LIMITATION AS TO RATE OR AMOUNT.

THE PROPOSED CONTRACTS SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY, AS PERMITTED BY LAW, 60 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A VALID PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER SUCH CONTRACTS SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE. If a valid petition is so filed, the Contracts described in such petition shall not be effective without an approving vote by a majority of electors of the City voting on the question.

This Notice is given pursuant to the requirements of Section 8b of the Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Further information concerning the details of the Contracts, the Projects being financed and the matters set out in this Notice may be secured from the City Clerk's office. A copy of the Contracts will be on file in the office of the City Clerk for public inspection.

Trisha Nelson, City Clerk

4. Sufficiency of Notice and Designated Newspaper. The City Council hereby determines that the designated newspaper is a newspaper of general circulation within the City which can and does publish legal notices and which reaches the largest number of persons to whom the Notice is directed, and that publication of the Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the Projects and the financing thereof. A copy of the form of the Contracts shall be placed on file in the office of the City Clerk and shall be available for public examination.

5. Approval of Contracts. The City Council hereby approves the form of Contract. The Mayor and the City Clerk are authorized to execute one or more Contracts for the Projects and deliver each executed Contract to the City. The Contracts shall become effective upon the expiration of sixty (60) days following the date of publication of the Notice, unless, under the provisions of Section 8b of Act 31, the effectiveness of the Contracts is stayed by reason of the filing of a petition for referendum thereon within forty-five (45) days after such publication and the resultant necessity of prior approval thereof by the qualified electors of the City.

The Mayor and the City Clerk are authorized to make such changes and insertions to the form of Contract in consultation with bond counsel as may be necessary or desirable to effectuate the sale and delivery of the Bonds, permitted by Act 31 and otherwise by law, and not materially adverse to the City.

6. Limited Tax Full Faith and Credit General Obligation. All of the City's required payments under the Contracts will be a limited tax full faith and credit general obligation of the City payable from any available funds of the City. The City Council does hereby ratify and confirm its covenant in the Contracts to levy ad valorem taxes against all taxable property in the City to the extent necessary to meet the obligations of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rentals under the Contracts shall be limited as to rate or amount in the manner provided by law.

7. IRS Required Declaration of Intent. The City hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"):

(1) The City reasonably expects to reimburse itself or the Authority with proceeds of debt to be incurred by the Authority for certain costs associated with acquisition of the Projects which were or will be paid subsequent to sixty (60) days prior to the date hereof from the general funds or capital fund of the City or the Authority.

(2) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is $5,500,000, which debt may be issued in one or more series and/or together with debt for other purposes.

(3) A reimbursement allocation of the expenditures described in paragraph (1) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Projects are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the use of the proceeds of the debt to be issued for the Projects to reimburse the City or the Authority for a capital expenditure made pursuant to this Resolution.

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

(5) No proceeds of the borrowing paid to the City or the Authority in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (3) above.

8. IRS Required Covenant. The City hereby covenants to take all action within its control to the extent permitted by law necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code, including but not limited to, actions relating to the rebate of arbitrage earnings and the expenditure and investment of proceeds of the Bonds and moneys deemed to be proceeds of the Bonds. The Finance Director or the City Manager are hereby authorized and directed to execute and deliver such documents, instruments and certificates, including without limitation documents, instruments and certificates necessary or desirable to satisfy the requirements of the Internal Revenue Code in relation to arbitrage or rebate.

9. Financial Advisor. The City hereby approves the request by the Authority to retain Bendzinski & Co., Registered Municipal Advisors with the Municipal Securities Rulemaking Board, to act as Financial Advisor to the Authority for the Bonds.

10. Bond Counsel. The City hereby approves the request by the Authority that Miller, Canfield, Paddock and Stone, P.L.C. continue to serve the Authority as bond counsel for the Bonds. The City recognizes that Miller, Canfield, Paddock and Stone, P.L.C. has represented from time to time, and currently represents, various underwriters, financial institutions, and other potential participants in the bond financing process, in matters not related to the issuance and sale of the Bonds, and approves them notwithstanding the potential concurrent representation of any other participant in the bond financing process in any unrelated matters.

11. Continuing Disclosure Required by SEC Rules. In order to enable underwriters of the Bonds to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, the City hereby agrees to undertake Continuing Disclosure on behalf of itself as an obligated person of the Bonds, and on behalf of the Authority as the issuer of the Bonds. Either the Finance Director or the City Manager shall execute such Continuing Disclosure Undertaking on behalf of the City in such form as he or she shall, in consultation with bond counsel, determine to be appropriate.

12. Other Actions. Any officer of the City is hereby authorized to take such actions, including preparation and circulation of an Official Statement describing the Bonds, and preparation of applications for a rating on the Bonds and, if recommended by the Financial Advisor, insurance on the bonds, and any officer of the City is hereby authorized to execute any and all agreements, certificates and documents necessary to effectuate issuance of the Bonds.

13. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan, at a Regular meeting held on March 18, 2013, at 7:00 p.m., Eastern Time, and that the meeting was conducted and public notice of the 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 the meeting were kept and will be or have been made available as required by the Act 267.

I further certify that the following Members were present at the meeting: Mayor Dyer, Mankerian, Metzger, Miller, Reed, Revore, and Williams and that the following Members were absent: None.

I further certify that Member Miller moved for adoption of the resolution and that Member Mankerian supported the motion.

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

Trisha Nelson
City Clerk

D. Michigan Department of Transportation Agreement – Mansion Street:

Moved Williams, supported Reed, to approve the resolution authorizing the Clerk to sign the contract with the Michigan Department of Transportation for the Reconstruction of Mansion Street from Plum Street to N. Kalamazoo Avenue. On a roll call vote – ayes: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION 2013-15

WHEREAS, the City Council of the City of Marshall has reviewed attached Contract 13-5044 for federal project STP 1313(356) for job number 117002 with the Michigan Department of Transportation for the reconstruction of Mansion Street from Plum Street to N. Kalamazoo Avenue.

WHEREAS, the City Council agrees to utilize the combination of federal, state and local funding to cause paving and other related improvements as stated within contract 13-5044 to be performed; and

WHEREAS, the estimated expense of the project is $442,100 and the Michigan Department of Transportation is willing to provide a maximum of $361,900, or 80% of the overall project, whichever sum is less; and

WHEREAS, the City will be responsible for a match estimated at $80,200, or 20% of the project, whichever is applicable with bid costs; and

WHEREAS, the City Council understands and agrees to the contract and its attached conditions.

NOW THEREFORE BE IT RESOLVED that based upon a motion made by Wiliams, and supported by Reed that the Clerk be authorized to sign contract 13-5044 for federal project STP 1313(356).

Voting for: Mayor Dyer, Mankerian, Metzger, Miller, Reed, Revore, and Williams.

Voting Against: None.

Absent: None.

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 18th day of March, 2013.

_____ _____

City Clerk Date

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

None.

APPOINTMENTS / ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

CLOSED SESSION

Moved Williams, supported Mankerian, to enter into closed session under the Michigan Open Meetings Act section 8(e)(h) to discuss attorney client privileged communication from the City Attorney. On a roll call vote – ayes:

Reed, Revore, Williams, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED**

Moved to closed session at 8:17 p.m.

Returned to open session at 9:05 p.m.

Moved, Metzger, support Williams, to approve the settlement agreement between the City of Marshall vs. POMA Glass and Specialty Windows as presented by the City Attorney in closed session. On a voice vote – **MOTION CARRIED.**

ADJOURNMENT
The meeting was adjourned at 9:06 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
19402	A & D LIGHTING SUPPLY	F3258 FULL COLOR	85.00
116573	ADRIAN COMMUNICATIONS	STREET MAPPING SOFTWARE	1,090.00
116572	ADRIAN COMMUNICATIONS	INSTALL SOFTWARE FOR BUS	1,220.75
116574	ADRIAN COMMUNICATIONS	SOFTWARE INSTALLATION	1,540.00
9908132985	AIRGAS USA LLC	CYLINDER RENTAL	83.02
7603878	APPLIED INDUSTRIAL TE	ELASTOMERIC COUPLING	(197.34)
76000920	APPLIED INDUSTRIAL TE	METALLIC COUPLINGS	314.75
105256-2013	APWA	MEMBERSHIP - FEDDERS & HACKWORTH	284.00
11-887151	ARROW UNIFORM	CUST #010198-02	54.56
11-887153	ARROW UNIFORM	CUST #010198-03	135.58
11-879527	ARROW UNIFORM	CUST #010198-02	54.56
11-879529	ARROW UNIFORM	CUST #010198-03	135.58
11-894801	ARROW UNIFORM	CUST #010198-03	135.58
11-894799	ARROW UNIFORM	CUST #010198-02	54.56
11-887147	ARROW UNIFORM	CUST #010198-01	26.37
11-887152	ARROW UNIFORM	CUST #010198-04	62.30
11-887155	ARROW UNIFORM	CUST #010198-05	20.00
11-879523	ARROW UNIFORM	CUST #010198-01	26.37
11-879528	ARROW UNIFORM	CUST #010198-04	62.30
11-879531	ARROW UNIFORM	CUST #010198-05	20.00
11-894800	ARROW UNIFORM	CUST #010198-04	62.30
11-894795	ARROW UNIFORM	CUST #010198-01	26.37
11-894803	ARROW UNIFORM	CUST #010198-05	20.00
120812	ATHENS TWP FD	FF I & II COURSE	300.00
28350	ATOMIC CLEANING SYSTE	TRIGGER GUN, WAND, PUMP NOZZLE	184.14
388-103816-02	AUSTIN-BATTERIES PLUS	150 W HPS LAMP	695.76
388-151832	AUSTIN-BATTERIES PLUS	BATTERIES	312.50
I018966	AUTO GLASS SOLUTIONS,	#402 WINDSHIELD	180.00
225-320695	AUTO VALUE MARSHALL	FILTERS, DEXRON MERCON	96.58
225-320022	AUTO VALUE MARSHALL	BALL JOINT RETURN	(34.69)
225-320602	AUTO VALUE MARSHALL	IMPORT STARTER	158.99
225-319819	AUTO VALUE MARSHALL	BLUE UTILITY KNIFE	15.38
225-319827	AUTO VALUE MARSHALL	IDLER ARM, FILTER, KIT, OIL	179.16
031313	BAKER TOOL RENTAL & S	UPS CHARGE FOR RADAR	25.05
489471	BANDIT INDUSTRIES INC	CAP	30.84
590039447	BROTHER MOBILE SOLUTI	CAR ADAPTER	26.20
13-011	CALHOUN COUNTY CONS D	2ND QTR DISPATCH SERVICE	50,483.50
031513	CARL COMMUNICATIONS	MAEDA OFFICE TELEPHONES	75.00
71632	CARON CHEVROLET OLDSM	KEY, TRANSMITTER	35.53
44687	CARON CHEVROLET OLDSM	2011 TAHOE	483.60
44635	CARON CHEVROLET OLDSM	2011 TAHOE	19.95
52854	COGITATE INC	MMS STATE TRUNKLINE SUPPORT	155.00
6004506/1	COLE CHRYSLER DODGE J	2000 DODGE INTREPID	524.00
032013	COLLINS PROFESSION TR	GRIND STUMP @ 612 KALAMAZOO	340.00
81998	CRT, INC	PRINTER, CABLE	763.00
724778	CRYSTAL FLASH ENERGY	PROPANE CYLINDERS - FORK TRUCK	24.52
364290	CUMULUS - BATTLE CREE	WINTER FEST ADVERTISING	176.00
113048	D & D MAINTENANCE SUP	CARPETMASTER REPAIR PARTS	272.00
100304	D & D MAINTENANCE SUP	ROLLER KIT CARPETMASTER	(17.25)
112985	D & D MAINTENANCE SUP	ICE MELT	164.25
425458	DARLING ACE HARDWARE	CAULK, FASTENERS	17.47
424203	DARLING ACE HARDWARE	KEYS	7.96
424906	DARLING ACE HARDWARE	BAR KIT GROUND	6.49
424872	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS	5.70
424646	DARLING ACE HARDWARE	SCRUBBER PADS	2.49
424804	DARLING ACE HARDWARE	CHAIN SAW FILES	9.98
425054	DARLING ACE HARDWARE	SPCKL, PUTTY KNIFE, SANDSPONGE	7.97
424961	DARLING ACE HARDWARE	WOODCUTTER BAR & SAW CHAIN OIL	19.98
424935	DARLING ACE HARDWARE	RUST REMOVER	49.98
425154	DARLING ACE HARDWARE	BATTERIES	14.99
425150	DARLING ACE HARDWARE	CM RTCHNG SCRDRV/W BITS	21.99
425156	DARLING ACE HARDWARE	C&K INT PP1	225.93
031913	DEPPE ENTERPRISES, LL	GOTHIC STORM WINDOW #25	488.58
16786	DRAIN DOCTORS	FIRE DEPT SERVICE CALL	125.00
3056790	EDWARDS INDUSTRIAL SA	PD LIQ FILLED GAUGE	70.50
12215	EMERGENCY VEHICLE SER	SERVICE CALL	914.92
9250	ERIC DALE HEATING & A	SERVICE CALL AT POWERHOUSE	111.00
S100668540.001	ETNA SUPPLY	THROAT FLANGED GASKET	46.00
031113	EXACTITUDE LLC	HONOLULU HOUSE FENCE	7,000.00
MIMA144446	FASTENAL COMPANY	COVERALLS	9.13
MIMA144476	FASTENAL COMPANY	STAINLESS STEEL HARDWARE	17.58
MIMA144481	FASTENAL COMPANY	RETURNED MERCHANDISE	(13.25)
MIMA144453	FASTENAL COMPANY	FOR VALVE @ LIBERTY & HANOVER	16.92
MIMA144410	FASTENAL COMPANY	PB FLT	105.30
MIMA144185	FASTENAL COMPANY	EAR PLUGS	92.46
13-2334	FIRST DUE FIRE SUPPLY	RED SHELL HELMET	297.89
031113	FIRST PITCH	PITCHING MACHINE	1,298.00

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5015948	GEORGE INSTRUMENT CO	CHROMALOX CONTROLLER, RELAY	459.94
67770	HERMANS MARSHALL HARD	TAPE, BRUSHES	32.30
67763	HERMANS MARSHALL HARD	CEILING PAINT	28.49
67762	HERMANS MARSHALL HARD	PAINT, TAPE, BRUSHES, LINERS, ETC	180.86
67773	HERMANS MARSHALL HARD	SPADE SHOVELS	29.98
67768	HERMANS MARSHALL HARD	PICTURE HANGERS	12.85
68194	HERMANS MARSHALL HARD	PVC CAP	12.99
68145	HERMANS MARSHALL HARD	PAINT & SUPPLIES	17.86
68181	HERMANS MARSHALL HARD	ELECTRICAL TAPE	2.99
68159	HERMANS MARSHALL HARD	GUTTER SEAL	6.29
68026	HERMANS MARSHALL HARD	WAX RING, SWIFFER REFILL	9.98
67772	HERMANS MARSHALL HARD	VELCRO, KEYS, RINGS	19.91
67774	HERMANS MARSHALL HARD	BRUSHES, GLASS, GALV NIPPLE, SPRAY	84.39
65479	HERMANS MARSHALL HARD	BUCKET, SALT	13.98
53102	HUNTER PRELL COMPANY	RPLC 2 LEAKING FIRE HOSE VALVES	560.00
53239	HUNTER PRELL COMPANY	REPLACED LINK SEAL	1,079.00
81793	J & K PLUMBING SUPPLY	HOLE SAW	10.97
80725	J & K PLUMBING SUPPLY	TOILET REPAIR APT 204	626.47
81618	J & K PLUMBING SUPPLY	PIPECONX	4.31
81385	J & K PLUMBING SUPPLY	SUPPLIES	33.82
81517	J & K PLUMBING SUPPLY	POWERWASHER REPAIR	12.25
W38909	JACK DOHENY SUPPLIES	REPAIR OF ROOT CUTTER	799.52
92	JOHN D BRUNDAGE &	JANUARY SERVICES	3,260.00
131568	KAR LABORATORIES INC	MERCURY ANALYSIS	260.00
131565	KAR LABORATORIES INC	CYANIDE ANALYSIS	100.00
131567	KAR LABORATORIES INC	BIO-SOLIDS ANALYSIS	305.00
S101430911.001	KENDALL ELECTRIC INCO	PANEL LAMPS	29.76
3238	L.E.O.R.T.C.	STREET SURVIVAL SEMINAR - LEE FRIEND	179.00
25762	LAKELAND ASPHALT CORP	COLD PATCH	747.26
25738	LAKELAND ASPHALT CORP	COLD PATCH	177.63
100978	LARRY'S FLOOR COVERIN	ADHESIVE, BLADES	6.54
8	MAGIC MAIDS	MARCH SERVICES	950.00
N3858707	MAILFINANCE INC	01/12/13 TO 04/11/13 LEASE	608.97
12513MMS-PRINT	MARSHALL CIVIC CENTER	WINTER BLUES FEST POSTER	15.00
1025698	MARSHALL LUMBERTOWN	R-13 3 5/8 X 15X94 UF BATTS 88.12	29.99
1025704	MARSHALL LUMBERTOWN	RETURNED SPF	(12.10)
1025694	MARSHALL LUMBERTOWN	SCREWS, MAG NUT SETTER, PAINTERS PLUS	113.27
1025693	MARSHALL LUMBERTOWN	2X4X8 PREM, 2X4X14 SPF, DRYWALL SCREWS	78.33
031213	MARSHALL SCHOOL FOOD	COOKIES FOR MOTHER/SON DANCE	112.50
5982	MARSHALL WELDING & FA	FABRICATE WALL MOUNT HOSE HOLDERS	612.00
46904528	MCMASTER-CARR	ENCLOSER & THERMOMETER	161.46
S3360160.001	MEDLER ELECTRIC COMPA	CODING TAPE	9.02
88546	MICHIGAN METER TECHNO	WATER METERS	5,800.00
9299	MICHIGAN TASER DISTRI	EXT DIG PWR MAG, AIR CARTRIDGES	231.15
63613	MIDWEST TRANSIT EQUIP	VALVE DRAIN	12.49
1199049	MILLER CANFIELD PADDO	FEBRUARY SERVICES	82.50
INV64957	MUNICIPAL SUPPLY CO.	WATER INVENTORY	2,485.45
RINV01953021	MY ALARM CENTER	614 HOMER MONITORING	75.00
318465	NORTH CENTRAL LABORAT	GENESYS 20 SPEC	2,100.61
318466	NORTH CENTRAL LABORAT	LABORATORY SUPPLIES BLANKET FOR FY2013	132.31
413807	NYE UNIFORM COMPANY	PANTS	(96.50)
52623	O'LEARY WATER CONDITI	SALT	322.50
AR1/51002931	PARKSON CORPORATION	THICKENER WHEELS	2,625.36
AR1/51002966	PARKSON CORPORATION I	RDT PARTS	1,264.98
5713422	POWER LINE SUPPLY	MED WEDGE DEAD END	175.00
5713424	POWER LINE SUPPLY	40 A FUSE LINK	96.31
5713425	POWER LINE SUPPLY	75A FUSE LINK	136.50
5713427	POWER LINE SUPPLY	60 A FUSE LINK	115.00
5713428	POWER LINE SUPPLY	ELBOW	160.20
5713295	POWER LINE SUPPLY	GLOVES	92.00
5713413	POWER LINE SUPPLY	10 A FUSE LINK	86.25
5713416	POWER LINE SUPPLY	15A FUSE LINK	97.50
5713417	POWER LINE SUPPLY	50A FUSE LINKS	99.00
5713419	POWER LINE SUPPLY	30A FUSE LINK	91.75
5713420	POWER LINE SUPPLY	25A FUSE LINK	91.75
5716447	POWER LINE SUPPLY	LED COBRA HEAD	1,119.80
5714923	POWER LINE SUPPLY	METER COVER	179.34
5714925	POWER LINE SUPPLY	OPTICAL ASSY	27.60
5714922	POWER LINE SUPPLY	M BOLT	53.70
347190	PURITY CYLINDER GASES	OXY-ACETYLENE TORCH	71.63
173423	PVS TECHNOLOGIES	FERRIC CHLORIDE BLANKET PO FOR FY2013	4,226.74
5762	QUALITY ENGRAVING SER	NAME PLATES	27.00
9214226	QUILL CORPORATION	ENVELOPES, FOLDERS	81.40
19200	RADIO SHACK	DUAL MIC ADAPTERS	10.98
19231	RADIO SHACK	25' 1/4 EXT-MONO	11.49
70471115	ROSE PEST SOLUTIONS	PEST CONTROL @ MH	55.00
60004	SCHULER'S RESTAURANT	02/14 THRU 03/04/13 CHARGES	142.92

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5912	SCHULER'S RESTAURANT	VISIONING SESSION	225.00
80643	SMORACY LLC	TEETH, NUTS, BOLTS, SQUARE INSERTS	1,908.62
16824	SPECTRUM ENGINEERING	MAR AIRPORT LINE SWGR RPLCMNT	1,353.00
26164	STANDARD PRINTING & O	DELIVERY CHARGE	7.00
174704	STANLEY LAWN & GARDEN	RPR POLE SAW	137.63
671862	STANTEC CONSULTING MI	2012 WATER MAIN-MANSION/NORTH	1,992.25
671866	STANTEC CONSULTING MI	2012 WATER MAIN IMPROVEMENTS	2,064.00
7000532766	STAPLES CONTRACT & CO	TONER, INK CART, PAPER	521.84
551-375574	STATE OF MICHIGAN	UNDERCOVER NARCOTICS--PHILPOTT	230.00
551-388001	STATE OF MICHIGAN	REG FEE - ANTHONY PHILPOTT	475.00
535327	UNDERGROUND PIPE & VA	SWIVEL ANCHOR COUPLINGS	975.00
530340865	UTILITIES INSTRUMENTA	SWITCHGEAR PROJECT	4,337.89
530340876	UTILITIES INSTRUMENTA	PROTECTIVE RELAY PROJECT	561.87
			120,813.17

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
269789261503-13	A T & T	269 789-2615 963 4	70.12
269789467103-13	A T & T	269 789-4671 266 9	178.02
269789463003-13	A T & T	269 789-4630 541 5	295.64
269781981503-13	A T & T	269 781-9815 267 0	1,796.32
269789280603-13	A T & T	269 789-2806 635 7	63.55
269781907003-13	A T & T	269 781-9070 573 1	40.96
269781444703-13	A T & T	269 781-4447 749 4	135.08
6100458-000-0313	AD-VISOR & CHRONICLE	FEBRUARY CHARGES	789.59
7016312/0009-0413	BLUE CROSS BLUE SHIEL	PPO GROUP #7016312/0009	7,755.56
7016312/0008-0413	BLUE CROSS BLUE SHIEL	PPO GROUP #7016312/0008	63,096.15
7016312/0005-0413	BLUE CROSS BLUE SHIEL	BCBS GROUP #7016312/0005	1,813.15
022813-1	CALHOUN COUNTY TREASU	02/15/13--02/28/13 SUMMER - REAL AD VAL	3,222.88
022813-2	CALHOUN COUNTY TREASU	02/15/13--02/28/13 SUMMER - REAL AD VAL	2,888.72
022813-3	CALHOUN COUNTY TREASU	02/15/13--02/28/13 SUMMER - PERS AD VAL	30.78
022813-4	CALHOUN COUNTY TREASU	02/15/13--02/28/13 SUMMER - PERS AD VAL	27.56
022813-5	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - REAL AD VAL	0.29
022813-6	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - REAL AD VAL	1,098.48
022813-7	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - REAL AD VAL	0.88
022813-8	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - REAL AD VAL	3,298.55
022813-9	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - PERS AD VAL	52.37
022813-10	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - PERS AD VAL	157.59
022813-11	CALHOUN COUNTY TREASU	02/15/13--02/28/13 SUMMER - PERS AD VAL	69.37
022813-12	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - REAL IFT	433.54
022813-13	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - REAL IFT	1,301.60
022813-14	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - PERS IFT	1,661.84
022813-15	CALHOUN COUNTY TREASU	02/15/13--02/28/13 WINTER - PERS IFT	4,989.54
022813-16	CALHOUN COUNTY TREASU	2012 PENALTIES - AD VAL & BLDG ON LIEN	1,455.51
022813-1	CALHOUN INTERMEDIATE	02/15/13--02/28/13 SUMMER - REAL AD VAL	1,681.22
022813-2	CALHOUN INTERMEDIATE	02/15/13--02/28/13 SUMMER - PERS AD VAL	16.02
022813-3	CALHOUN INTERMEDIATE	02/15/13--02/28/13 WINTER - REAL AD VAL	3.67
022813-4	CALHOUN INTERMEDIATE	02/15/13--02/28/13 WINTER - REAL AD VAL	13,615.35
022813-5	CALHOUN INTERMEDIATE	02/15/13--02/28/13 WINTER - PERS AD VAL	650.94
022813-6	CALHOUN INTERMEDIATE	02/15/13--02/28/13 SUMMER - PERS IFT	1.64
022813-7	CALHOUN INTERMEDIATE	02/15/13--02/28/13 WINTER - REAL IFT	173.17
022813-8	CALHOUN INTERMEDIATE	02/15/13--02/28/13 WINTER - PERS IFT	718.58
030813	COULTER, JOHN	EXPENSE REIMBURSEMENT	586.15
031113	CRITCHLOW ALLIGATOR S	ALLIGATORS FOR MOM/SON NIGHT	30.00
030613			
030713			
030713	DOHERTY HOTEL	LODGING - GERALD HUTCHISON	132.60
030813	EGNATUK, ALEC	EXPENSE REIMBURSEMENT	53.10
27-084100-02	FRETTER, LISA	REFUND UTILITY OVERPAYMENT	25.26
022813-1	KELLOGG COMMUNITY COL	02/15/13--02/28/13 SUMMER - REAL AD VAL	996.54
022813-2	KELLOGG COMMUNITY COL	02/15/13--02/28/13 SUMMER - PERS AD VAL	9.51
022813-3	KELLOGG COMMUNITY COL	02/15/13--02/28/13 WINTER - REAL AD VAL	2.21
022813-4	KELLOGG COMMUNITY COL	02/15/13--02/28/13 WINTER - REAL AD VAL	8,212.80
022813-5	KELLOGG COMMUNITY COL	02/15/13--02/28/13 WINTER - PERS AD VAL	392.61
022813-6	KELLOGG COMMUNITY COL	02/15/13--02/28/13 SUMMER - PERS IFT	23.93
022813-7	KELLOGG COMMUNITY COL	02/15/13--02/28/13 WINTER - REAL IFT	3,240.49
022813-8	KELLOGG COMMUNITY COL	02/15/13--02/28/13 WINTER - PERS IFT	12,422.30
4-014600-05	KEVIN ARQUETTE	REFUND UTILITY DEPOSIT	38.98
022813-1	MARSHALL DISTRICT LIB	02/15/13--02/28/13 SUMMER - REAL AD VAL	897.59
022813-2	MARSHALL DISTRICT LIB	02/15/13--02/28/13 SUMMER - PERS AD VAL	8.55
022813-3	MARSHALL DISTRICT LIB	02/15/13--02/28/13 WINTER - REAL AD VAL	0.47
022813-4	MARSHALL DISTRICT LIB	02/15/13--02/28/13 WINTER - REAL AD VAL	1,770.58
022813-5	MARSHALL DISTRICT LIB	02/15/13--02/28/13 WINTER - PERS AD VAL	84.68
022813-6	MARSHALL DISTRICT LIB	02/15/13--02/28/13 SUMMER - PERS IFT	21.55
022813-7	MARSHALL DISTRICT LIB	02/15/13--02/28/13 WINTER - REAL IFT	554.84
022813-8	MARSHALL DISTRICT LIB	02/15/13--02/28/13 WINTER - PERS IFT	2,351.55
022813-2	MARSHALL FIREFIGHTER	02/15/13--02/28/13 WINTER - REAL AD VAL	2,138.29
022813-3	MARSHALL FIREFIGHTER	02/15/13--02/28/13 WINTER - PERS AD VAL	102.07
022813-4	MARSHALL FIREFIGHTER	02/15/13--02/28/13 WINTER - REAL IFT	843.82
022813-5	MARSHALL FIREFIGHTER	02/15/13--02/28/13 WINTER - PERS IFT	3,234.60
022813-1	MARSHALL FIREFIGHTER	02/15/13--02/28/13 WINTER - REAL AD VAL	0.57
022813-1	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - REAL AD VAL	1,349.22
022813-2	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - REAL AD VAL	1,847.76
022813-3	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - REAL AD VAL	268.56
022813-4	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - PERS AD VAL	15.39
022813-5	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - PERS AD VAL	17.61
022813-6	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - PERS AD VAL	2.56
022813-7	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL AD VAL	10.74
022813-8	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL AD VAL	17,732.02
022813-9	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL AD VAL	4.10
022813-10	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL AD VAL	15,228.12
022813-11	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL AD VAL	0.59
022813-12	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL AD VAL	2,213.30
022813-13	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - PERS AD VAL	535.46

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022813-14	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - PERS AD VAL	728.08
022813-15	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - PERS AD VAL	105.84
022813-16	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - PERS IFT	44.37
022813-17	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 SUMMER - PERS IFT	6.45
022813-18	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL IFT	4,771.58
022813-19	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - REAL IFT	693.52
022813-20	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - PERS IFT	19,800.23
022813-21	MARSHALL PUBLIC SCHOO	02/15/13--02/28/13 WINTER - PERS IFT	2,877.92
031213	MARSHALL ROTARY CLUB	2013 MEMBERSHIP--JOHN COULTER	60.00
030613	MICHIGAN PUBLIC TRANS	MANGERS WORKSHOP--GERALD HUTCHISON	75.00
340684	NAPA OF MARSHALL	BATTERY CHARGER	342.02
7900044055829307-0	NEOFUNDS BY NEOPOST	ACCT #7900 0440 5582 9307	3,000.00
20-001000-23	PRESTON, WHITNEY	REFUND UTILITY DEPOSIT	85.39
031113	STATE OF MICHIGAN	LMTD TREATMENT CERT--ZACHARY MASON	70.00
022813-1	STATE OF MICHIGAN	02/15/13--02/28/13 SUMMER - PERS IFT	38.73
022813-2	STATE OF MICHIGAN	02/15/13--02/28/13 WINTER - REAL IFT	4,093.06
022813-3	STATE OF MICHIGAN	02/15/13--02/28/13 WINTER - REAL IFT	12,483.90
022813-4	STATE OF MICHIGAN	02/15/13--02/28/13 WINTER - PERS IFT	16,984.73
030813	TRUDEAU, TERI	EXPENSE REIMBURSEMENT	46.76
9700864282	VERIZON WIRELESS	ACCT #387146080-00001	76.04
			$257,368.92
		PRESCRIPTION REIMBURSEMENT	33.60
		TOTAL CASH DISBURSEMENTS	$257,402.52

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OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
Z1406436NC	AMERICAN MESSAGING	ACCT #Z1-406436	152.73
287238047810X03111	AT&T MOBILITY	ACCT #287238047810	45.86
30-029700-31	BENNETT-HOLBROOK, CAS	REFUND UTILITY OVERPAYMENT	31.41
7016312/0007-0413	BLUE CROSS BLUE SHIEL	GROUP #007016312/0007	49,185.70
031813	CHEMICAL BANK SOUTH	TOM TARKIEWICZ - HSA - 2550568915	104.00
598681	COMMERCIAL OFFICE PRO	OFFICE SUPPLIES	174.16
APR 2013	DELTA DENTAL PLAN OF	CUST #MI022820001	4,949.89
7018274-0313	EARTHLINK BUSINESS	ACCT #0007018274	2,134.72
27-025000-03	EGGERS L/T, JOAN	REFUND UTILITY OVERPAYMENT	220.55
032013	EGNATUK, ALEC	PICTURE FRAMES	153.90
030613	FISHER, CHARLIE	SCHOOL LUNCH	8.46
388773	HUB INTERNATIONAL MID	POLICY NO. BINDERMAP00001657	5,745.78
2113-0313	MARSHALL COMMUNITY CU	2113 - TRUDEAU	1,359.52
4570-0313	MARSHALL COMMUNITY CU	4570 - FEDDERS	3,178.72
3648-0313	MARSHALL COMMUNITY CU	3648 - KIESSLING	186.90
7681-0313	MARSHALL COMMUNITY CU	7681 - TARKIEWICZ	1,213.00
24-028000-07	MARSHALL COMMUNITY CU	REFUND UTILITY DEPOSIT	42.72
2998-0313	MARSHALL COMMUNITY CU	2998 - DIXON	1,141.41
M 02-13	MICHIGAN SOUTH CENTRA	NATURAL GAS	3,568.00
28-078400-01A	MLCFC-2006-4 MARSHALL	REFUND UTILITY OVERPAYMENT	362.91
032213	OAKLAWN HOSPITAL	PARKING STRUCTURE - 2012 LEASE	17,530.00
30-053600-25	POWERS, JOSHUA	REFUND UTILITY DEPOSIT	60.68
030613	TICE, LUCAS	SCHOOL LUNCH	12.76
9701021970	VERIZON WIRELESS	ACCT #683169426-00001	88.50
32-032600-12	WESTSIDE EQUITIES LLC	2009 TAX CERT REFUND	105.24
10040764-0313	WOW! BUSINESS	ACCT #010040764	1,359.80
			93,117.32

EVENT REPORT

EVENT: HOSPITALITY CLASSIC

EVENT LOCATION: MICHIGAN AVENUE, MANSION STREET, NORTH LINDEN STREET, VERONA ROAD, WEST DRIVE, F DRIVE NORTH & NORTH KALAMAZOO AVENUE

SPONSOR: OAKLAWN HOSPITAL

EVENT DATE: SATURDAY, MAY 18, 2013

EVENT TIMEFRAME: 7:30 AM – 11:00 PM

MDOT PERMIT REQUIRED: YES [x] NO [ ]

MDOT PERMIT GRANTED: YES [x] NO [ ]

LANE CLOSURE TIMEFRAME: 7:00 AM – 11:00 AM

EVENT STREETS AFFECTED: Michigan Avenue from Kalamazoo Avenue to Liberty Street, Mansion Street, Verona Road from Mansion Street to West Drive, West Drive from Verona Road to F Drive North, F Drive North from West Drive to Kalamazoo Avenue and Kalamazoo Avenue from F Drive North to Michigan Avenue. (INTERMITTENT LANE CLOSURES)

DETOUR DETAIL: Eastbound Michigan Avenue lanes will not be detoured or closed. Westbound Michigan Avenue will have intermittent lane closures with a signed detour as follows: South on Lincoln Street to Green Street to Sycamore Street to Michigan Avenue.

EVENT DETAIL: Police escort for runners, with assistance from cyclist club. Race route starts on North Kalamazoo Avenue between Michigan Avenue and Prospect Street, than east on Michigan Avenue to Mansion Street, then west to Verona Road to West Drive, then north on West Drive to F Drive North, then east to North Kalamazoo Avenue, then south to the start in front of the Honolulu House. Some of the shorter legs turn from Mansion Street north onto Linden Street, then south on Kalamazoo Avenue to the finish line.

COUNCIL NOTIFICATION DATE: April 1, 2013

OaklawnHospital

200 North Madison
Marshall, Michigan 49068
269 781-4271
Fax 269 781-7117

Advancing medicine.
Compassionate care.

April 12, 2012

Mr. Carl Fedders, Director of Public Services
Public Services Building
900 S. Marshall Avenue
Marshall, MI 49068

Dear Carl:

This year the Oaklawn Hospital Hospitality Classic celebrates its 31st year of bringing the health and enjoyment of running and walking to Marshall. As we have done every year, we again seek your assistance in garnering the support of the Marshall City Council.

As you may be aware, we like to hold the race on the first Saturday of Michigan Week, which will fall on Saturday, May 18, this year. We are hoping for another record- breaking turn out of runners, walkers, and their families enjoying the beauty of Marshall in the springtime.

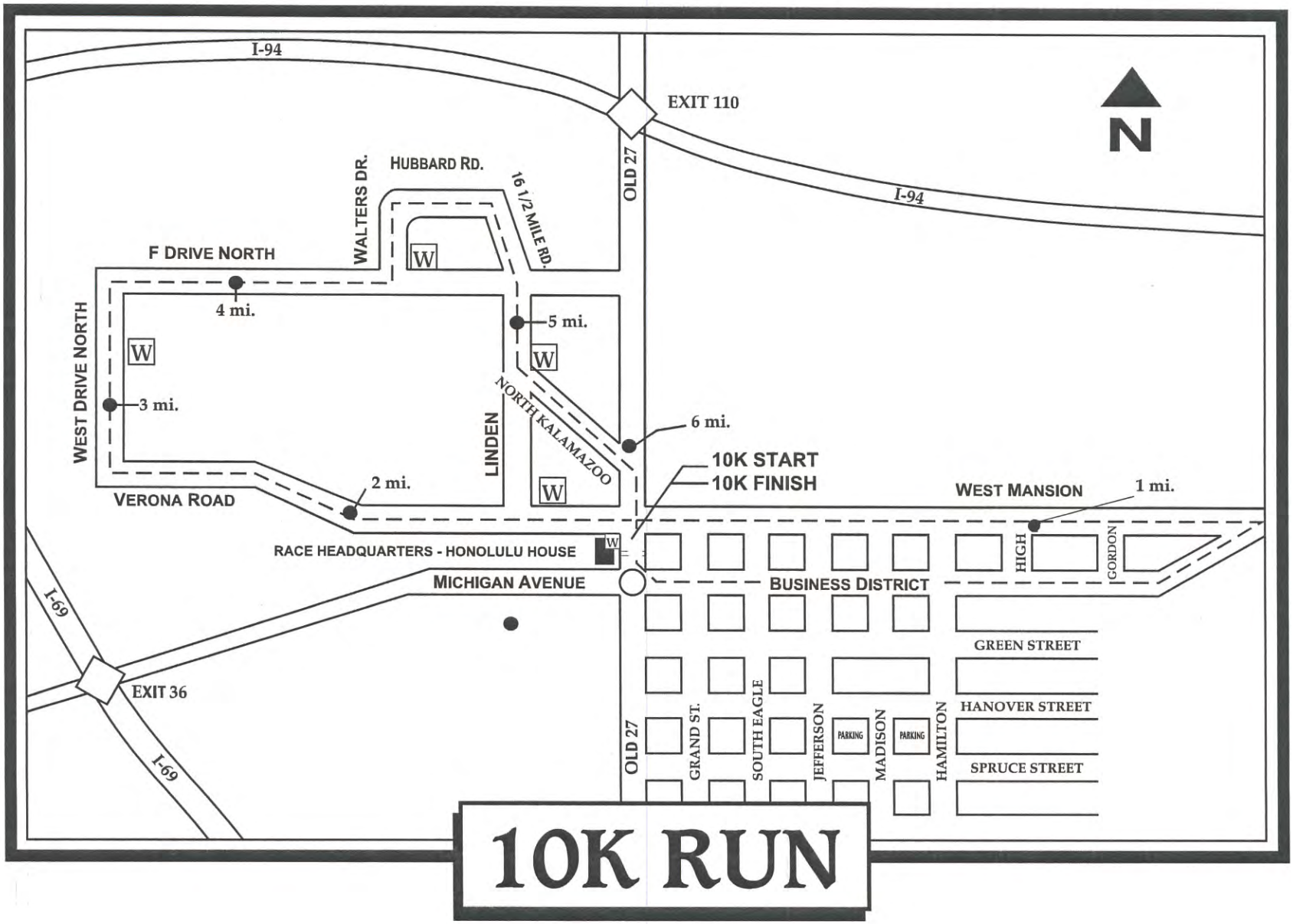
The Hospitality Classic unifies the community in an atmosphere of fun and fitness, with participation available at all ages and fitness levels. Our events include a 10K and 5K race, the one-mile fun run, and the non-competitive walk. The first race will start at 7:30am and the awards ceremony should be over by 11am. The tents and all litter will be cleared by 1pm.

If you have any questions or concerns, please feel free to contact me at Oaklawn Hospital. My direct number is 789-8134.

Thank you for your consideration and assistance.

Sincerely,

Theresa Chaney-Huggett, MBA
Race Director
Manager, Marketing & PR


I-94
EXIT 110
N
I-94
HUBBARD RD.
WALTERS DR.
16 1/2 MILE RD.
OLD 27
F DRIVE NORTH
4 mi.
5 mi.
WEST DRIVE NORTH
3 mi.
LINDEN
NORTH KALAMAZOO
6 mi.
10K START
10K FINISH
2 mi.
VERONA ROAD
WEST MANSION
1 mi.
RACE HEADQUARTERS - HONOLULU HOUSE
HIGH
GORDON
MICHIGAN AVENUE
BUSINESS DISTRICT
I-69
GREEN STREET
EXIT 36
HANOVER STREET
OLD 27
GRAND ST.
SOUTH EAGLE
JEFFERSON
PARKING
MADISON
PARKING
HAMILTON
SPRUCE STREET
I-69
10K RUN

I-94
EXIT 110
N
HUBBARD RD.
WALTERS DR.
16 1/2 MILE RD.
OLD 27
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F DRIVE NORTH
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VERONA ROAD
RACE HEADQUARTERS – HONOLULU HOUSE
HIGH
GORDON
MICHIGAN AVENUE
BUSINESS DISTRICT
I-69
GREEN STREET
EXIT 36
HANOVER STREET
OLD 27
GRAND ST.
SOUTH EAGLE
JEFFERSON
PARKING
MADISON
PARKING
HAMILTON
SPRUCE STREET
I-69
5K RUN & MAY WALK

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
April 1, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council Members

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

SUBJECT: Public Hearing and Approval of Hospital Campus Overlay District (HCOD) Ordinance with HCOD Map Amendment

BACKGROUND: The Hospital Campus Overlay District ordinance (HCOD) has been in continuous creation and drafting form since the Hospital Neighborhood Committee first met on July 13, 2010. City Council received the first version of the HCOD on May 7, 2012 and it has gone through a number of revisions since that point in time. Council received Planning Commission's second set of recommendations to the overlay on December 3, 2012. On January 31, 2013, the City Attorney made final revisions to the HCOD.

On March 4, 2013, City Council held a public hearing on the HCOD and heard concerns regarding the proper noticing of the hearing. Therefore, the public hearing was re-noticed for April 1, 2013, according to Michigan Zoning Enabling Act Standards.

In the newest version of the HCOD, Council will see the following changes:

- A basic renumbering of the ordinance to fall completely under Chapter and Section §156.184 of the Zoning Ordinance.
- §156.184 (A) Purpose statement now includes informative language regarding the legislative action taken by City Council regarding the properties appropriate for hospital expansion.
- §156.184 (C) (1-3) outlines the process/procedure for including these same 8 properties into the overlay.
- §156.184 (F) Uses permitted in designated area (4 parcels on west side of High Street).
- §156.184 (G) Identifies Special Land Uses within the HCOD
- §156.184 (H)(3) Addition of special building height with HCOD area north of Prospect Street.

Included with the ordinance amendment is the accompanying map amendment which declares the HCOD district boundaries. Once approved, the map amendment will become part of the City's official zoning map.

RECOMMENDATION: After hearing public comment, staff recommends that City Council approve the proposed Hospital Campus Overlay District (HCOD) ordinance as well as the HCOD map amendment.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Natalie Huestis
Director of
Community Services

Tom Tarkiewicz
City Manager

Paul Beardslee
City Attorney

323 W. Michigan Ave.
Marshall, MI 49068
p 269.781.5183
f 269.781.3835
cityofmarshall.com

CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN

An Ordinance to Amend the City of Marshall Zoning Ordinance

Ordinance No. _____

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

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

Section 1.
Amend Section 156.003 Definitions to add the following:

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

Section 2.
Add a HOSPITAL CAMPUS OVERLAY DISTRICT as follows:

Section 156.184 HCO HOSPITAL CAMPUS OVERLAY DISTRICT

(A) PURPOSE

The Hospital Campus Overlay (HCO) District is designed to establish and define an overlay district. The HCO District is established for the purpose of accommodating a concentration of health care uses, retail uses associated with principal Hospital uses, and residential dwellings within a campus-like setting. The goal is that expansion of health care services and related structures will take place within the boundary of the HCO District which the Marshall City Council has determined to be appropriate for Hospital expansion; and to adopt procedures by which properties identified by the Marshall City Council as appropriate for future Hospital growth may be utilized in a manner consistent with this ordinance. The Marshall City Council desires to, by adoption of this ordinance, encourage growth and viability of the hospital, which is expected to provide related employment, growth and expansion of the tax base, and

provision of high quality health care for the residents of the City of Marshall and surrounding areas.

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

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

(B) HCO District Definitions

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

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

(C) INCLUSION OF ADDITIONAL PROPERTIES TO HCO DISTRICT

(1) The owner of any parcel identified on the City of Marshall's Zoning Map as an "area appropriate for future Hospital growth" may apply to the City Council for one or more of those parcels to obtain the benefits of the uses permitted within the HCO District. Each such application shall include the following information:

(a) A legal description and street address of the subject property, a tax parcel identification number, and a location map identifying the subject property in relation to surrounding properties.

(b) The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.

(c) A written description of the current use of the subject property and the proposed use of the subject property.

(d) A statement of the square footage of any building currently on the subject property and of any building proposed to be built on the subject property.

(e) A timeline indicating when any physical alterations to the subject property would take place.

(2) City Council consideration and further action. The City Council will act upon the request by granting approval, disapproval, or referral to the Planning Commission for additional study. If City Council approval is granted then the subject property shall be considered to be in the HCO District. The applicant shall, within 28 days of approval by the City Council, apply to the City's Planning Commission for Site Plan Review under §156.380 and following.

(3) The owner of any parcel not identified as an "area appropriate for future Hospital growth" who desires to have such property included within the Hospital Campus Overlay District may apply for an amendment of the City of Marshall's Zoning Map according the provisions of §156.030.

(D) PRINCIPAL PERMITTED USES IN THE HCO DISTRICT

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

1. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists, home health services, therapy, diagnostic or treatment centers, hospital related services and other health care providers.

2. Nursing homes, retirement homes and other residential uses dependent upon or directly related to medical care such as convalescent care, skilled nursing, group homes for the disabled and overnight accommodations, and licensed daycare facilities.

3. Off-street parking.

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

(E) PERMITTED ACCESSORY USES

Accessory structures and uses that are customarily incidental to any principal use permitted by this section shall be permitted. Accessory uses specifically include restaurants and food

service within health care buildings and retail trade, including gift stores, florists, and other retail ancillary to and located within a hospital campus.

(F) USES PERMITTED IN DESIGNATED AREA

Any parcel along High Street between Mansion Street and Prospect Street and identified on the City of Marshall's Zoning Map as an "area appropriate for future hospital growth" may be used for any of the Principal Permitted Uses in the HCO District, or for any Permitted Accessory Uses identified in Paragraphs "D" and "E", above, other than off-street parking. Provided, however, that any use allowed under this paragraph shall be allowed only so long as the exterior of any structure located thereon is maintained by the Hospital consistent with the historical and residential use of such structure, subject to accessibility requirements created by state or federal law.

(G) LAND USES SUBJECT TO SPECIAL CONDITIONS IN THE HCO DISTRICT

In the HCO District, the following uses shall be considered conditional and shall require special land use approval and shall comply with any applicable special land use permit requirements of §§ 156.340 et seq.

1. Pharmacies

2. Home health services,

3. Home medical equipment facilities

(H) DIMENSIONAL REQUIREMENTS

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

1. Surface Parking Setbacks

Lots abutting residentially used property:
Minimum yard setbacks

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

Lots abutting non-residentially used property:
Minimum yard setbacks

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

See Section 156.184(J) DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY for parking lot screening requirements.

2. Minimum Yard Setbacks (for buildings and structures)

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

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

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

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

Front 0 feet
Side 0 feet
Rear 0 feet

3. Building Height

Building Height and Grade are defined by §156.003.

Maximum building height for any building constructed within that area of the Hospital Campus Overlay District north of the location of Prospect Street upon the adoption of this section shall be 35 feet.

Maximum building height for any building constructed within that area of the Hospital Campus Overlay District south of Prospect Street shall be sixty-five (65) feet and shall not exceed 5 stories.

At any location within the Hospital Campus Overlay District, an additional building height of no more than fifteen (15) feet may be permitted for mechanical equipment and roof appurtenances. All rooftop mechanical equipment shall be screened from view by a parapet wall or other decorative screening method based on the goal of completely obscuring the view of the rooftop equipment by a 5'10" tall person standing at grade level within 100' of the building.

4. Maximum Lot Coverage

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

(I) APPLICATION OF REGULATIONS

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

(J) DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY

1. DEFINITION NOTE: For the purpose of this subsection 156.184 only, the term "abutting" does not apply to property that is across a street, alley or road easement from the subject property, except as otherwise noted below.

2. LANDSCAPING AND BUFFER TREATMENT

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

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

      (1) The objective of the garden edge/buffer is to screen hospital structures, noise, and light that emanates from vehicles, buildings and site lighting fixtures, while providing an aesthetically pleasing, diversely vegetated viewscape and safe walking environment for pedestrians.

      (2) Site amenities and landscape features shall be designed to be compatible with abutting neighborhood character.

      (3) Landscaping shall provide tree canopy shading of paved surfaces in accordance with subsection 156.307, supplemented with additional plantings along internal walkways, and landscaping or walls or fence to screen views of driving and parking surfaces in accordance with subsection 156.305.

      (4) A tiered height screening approach shall be provided on the side of a lot within the HCO District facing residential property located outside of the

HCO District. A minimum of 1) an evergreen buffer of closely spaced trees, 2) a decorative six-foot (6') high fence or 3) a six-foot (6') high decorative screen wall is required in the HCO District when abutting residentially zoned property. Large canopy deciduous trees spaced a minimum of forty lineal feet, on average, and sized at three-inch caliper or greater shall supplement evergreen and/or wall/fence requirements to provide screening at varying heights. When abutting a street, the street frontage edge requirements in subsection 156.184,(J)2.(b) shall be met.

(5) For locations where noise buffering is determined by the Planning Commission to be necessary, the use of a six-foot (6') high decorative screen wall instead of other screening options noted in (4) above shall be provided. The wall shall be supplemented with large canopy deciduous trees (three-inch minimum caliper) planted every forty (40) lineal feet, on average, along the perimeter where the wall is placed to improve the overall appearance and visual height of the screening. The Planning (1) Commission may approve a six-foot (6') high landscaped berm in lieu of a decorative wall when it determines that it would be a more appropriate screening technique directly adjacent to residentially-zoned property. The berm shall also include other plantings to provide an effective visual screen at varying heights.

(6) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.

(7) Full cut-off lighting at no more than a maximum height of 25 feet shall be used throughout the development site, and house-side shields shall be used to prevent light spillover onto residentially-zoned properties.

(8) If used, retaining walls should be designed to reduce their visual impact while maximizing safety elements. Masonry, concrete or other textured material with terracing and landscaping shall be used to reduce the visual impact of retaining walls.

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

(1) The objective of the street frontage edge is to minimize the visual impact of structures and parking in the HCO District from residential areas located across a street.

(2) Site amenities and landscape features shall be designed to be compatible with adjacent neighborhood character.

(3) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.

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

(5) Landscaping and signage are encouraged at HCO District entrances to provide visual emphasis and ease of identification for both drivers and pedestrians.

(6) Parking lots and vehicular circulation areas shall be screened by a hedgerow, decorative fence or decorative wall per Section 156.304. The area from the ground to a minimum height of three feet shall be totally obscured from the public street. If a wall or fence is provided, the setback area shall contain a planting strip abutting the wall or decorative fence. Small shrubs, ornamental grasses, and small, flowering plants are appropriate in these locations. Parking spaces directly abutting the perimeter of a street frontage edge shall have landscape islands planted with large (three-inch caliper minimum) deciduous trees. These islands, required by subsection 156.307 (B) (1), should be strategically placed within the parking lot to provide a dual benefit of shading parking spaces and enhancing the perimeter buffer of the HCO District.

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

(1) The objective of the transitional edge is to allow for minimally screened HCO District structures and parking.
(2) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.

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

(4) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304. Alleys are exempt from screening.

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

(1) The objective of the interior edge is to provide clear sight lines to publicly accessible spaces in a safe environment.

(2) Low shrubs and pruned trees shall be utilized to provide high visibility and accessibility near sidewalks, public entrances into buildings and parking areas.

(3) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304.

(4) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.

(5) Overhead walkways over streets may be permitted to interconnect buildings and parking structures and to enhance pedestrian safety, providing they are a minimum height of 15' clear from the road surface.

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

Section 3.
REPEALER
All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City Of Marshall City Code shall remain in full force and effect, amended only as specified above.

Section 4.
SEVERABILITY
If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision

declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5.
SAVINGS
All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6.
EFFECTIVE DATE
The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 7.
ENACTMENT
This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the ___ day of _____, 2013, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the ___ day of _____, 2013, the original of which is on file in my office.

_____

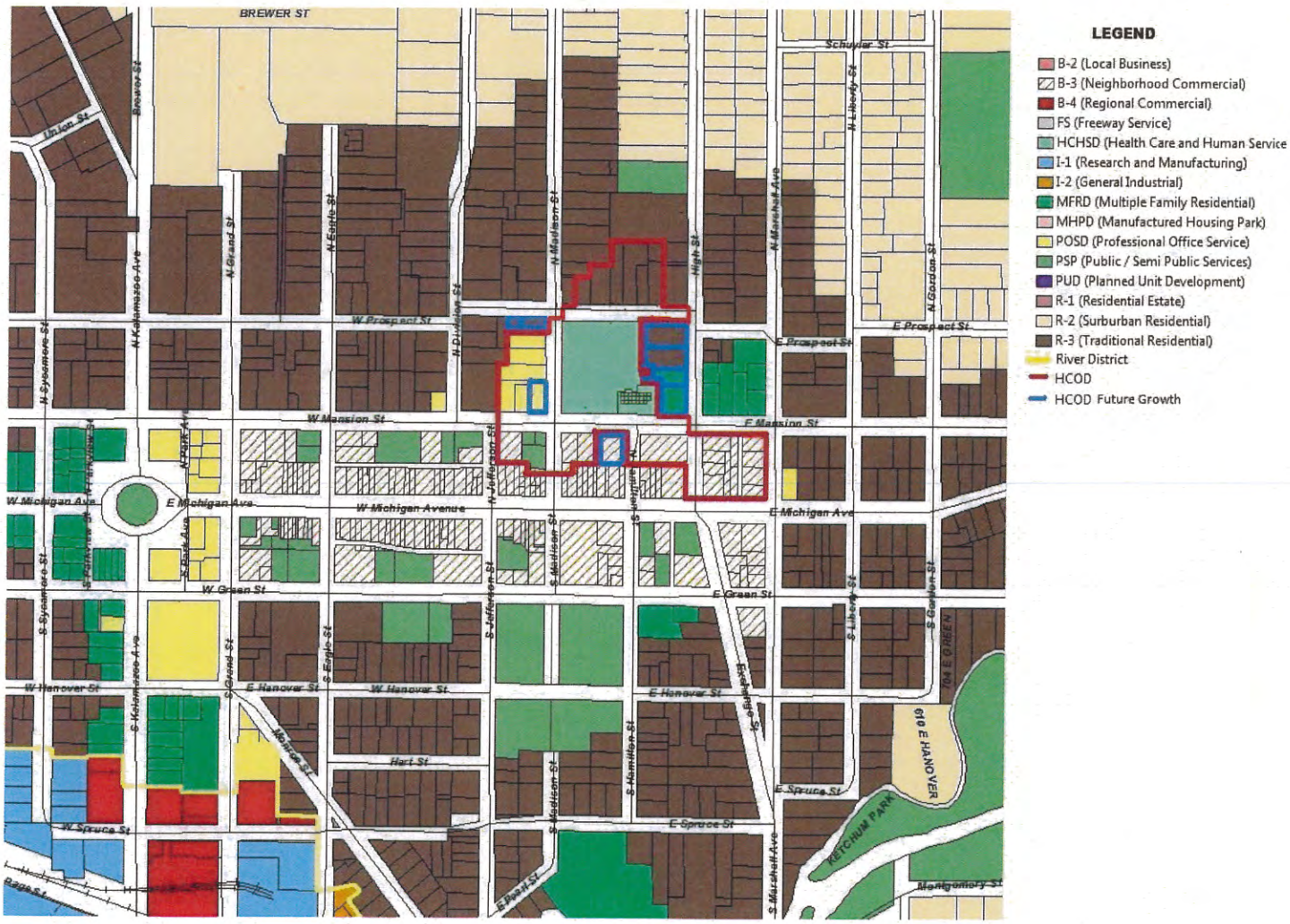
Adopted:
Published:

CITY OF MARSHALL
ORDINANCE ##-13

A MAP AMENDMENT TO ACCOMPANY THE HOSPITAL CAMPUS OVERLAY DISTRICT (HCOD) ORDINANCE

THE CITY OF MARSHALL ORDAINS:

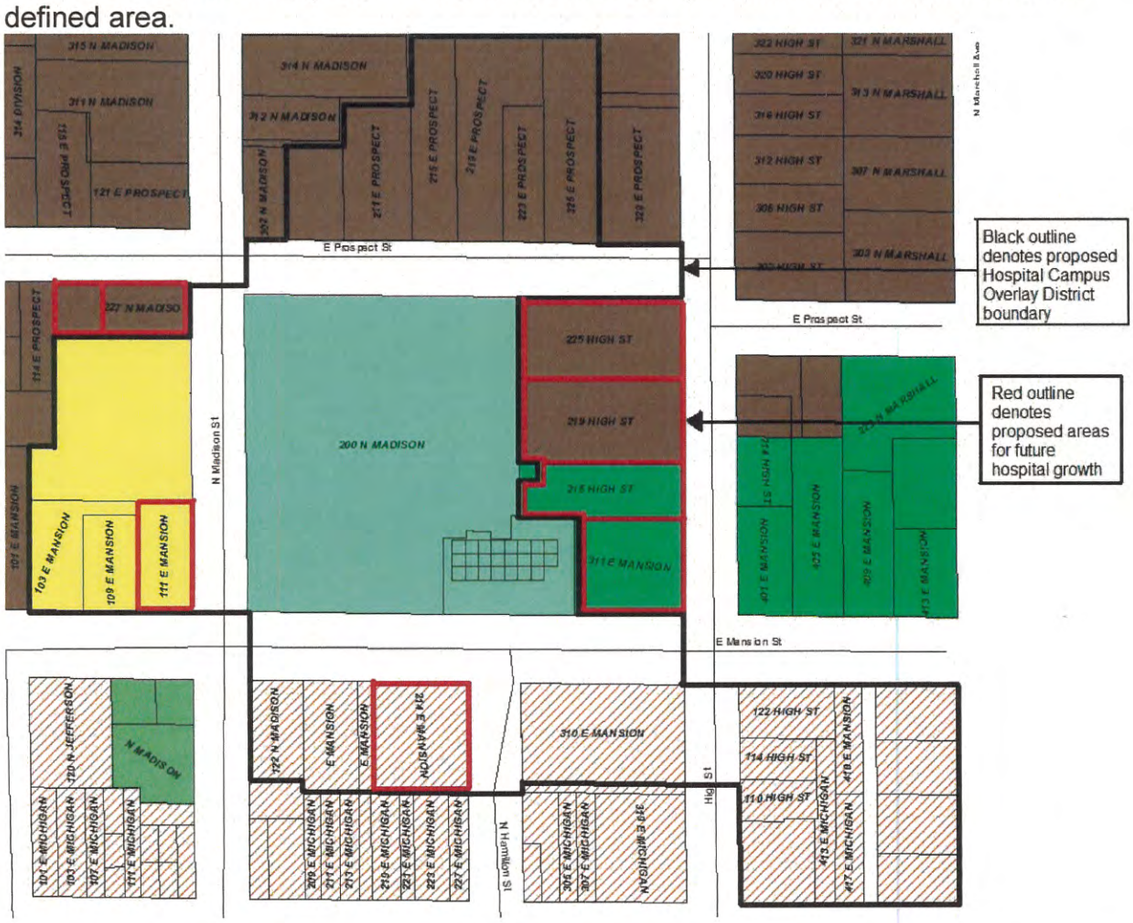
Section 1. The Zoning Map for the City of Marshall is revised to include the Hospital Campus Overlay District (HCOD) identified by the borders as shown:



Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Advisor 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.

CITY OF MARSHALL
PUBLIC HEARING NOTICE

The Marshall City Council will hold a Public Hearing on Monday, April 1, 2013, at 7:00 p.m. in the Council Chamber, Town Hall, 323 West Michigan Avenue, Marshall, MI 49068 to hear public comment on the proposed Hospital Campus Overlay District Ordinance Text and Map Amendments which would permit additional uses within a defined area.



A copy of this ordinance is available for public inspection in the Clerk's Office, Town Hall, 323 West Michigan Avenue or available for viewing on-line at http://www.cityofmarshall.com/departments/133. The Clerk will receive written comments until 5:00 p.m. on Monday, April 1, 2013 at 323 West Michigan Avenue, Marshall, MI 49068 or at tnelson@cityofmarshall.com.

AFFIDAVIT OF POSTING

State of Michigan)
:ss.
County of Calhoun)

I, Trisha Nelson, being first duly sworn, depose and say that I did, at 10 o'clock a.m. on March 14, 2013 post the Notice attached hereto and made a part hereof in the following place(s):

Bulletin board in entrance hallway of City Hall

Trisha Nelson

Trisha Nelson, CLERK

Subscribed and sworn to before me on
March 14, 2013

Tracy L Hall

Tracy L Hall
Notary Public, Calhoun County, Michigan
My Commission Expires

TRACY L. HALL
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF CALHOUN
My Commission Expires 10/19/2018
Acting in the County of Calhoun

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
April 1, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Mike Hackworth, DPW Superintendent
Tom Tarkiewicz, City Manager

SUBJECT: Leaf Loader Repair

BACKGROUND: The City of Marshall utilizes a unique piece of equipment to complete our leaf removal operation. The leaf loaders, that are currently being used, were originally purchased in the 1990's and are no longer manufactured. Staff has performed multiple product demonstrations for similar equipment and all have fallen short compared to the performance of these machines. Past practice was to send the machines on a bi-annual basis to Messick's Lancaster Tractor who owns the plans for the machines in Lancaster, PA for service. In an effort to reduce cost and have greater control over the repair process we contacted Marshall Welding and Fabricating with a list of itemized repairs from years past and allowed them to inspect the unit. Staff received a quote for $20,134.27 to service one of the two machines. This represents an approximate savings of $10,000 from previous years.

The quoted repairs fall below the level needed for council action but Chapter 32 of the City of Marshall's Code of Ordinances requires that at least three competitive quotes are received. Staff did not feel that it was advantageous to the city to solicit competitive quotes. As per Chapter 32.07 (A) and (C) of the City of Marshall's Code of Ordinance the City Council must adopt the attached resolution in order for staff to execute the purchase order.

The repairs are included in the current budget.

RECOMMENDATION: It is recommended that City Council approve the attached resolution authorizing staff to execute a purchase order with Marshall Welding and Fabricating for $20,134.27 to refurbish the leaf loader.

FISCAL EFFECTS: To appropriate $20,134.27 from the FY 2013 Motor Pool Equipment Maintenance expenditure budget line item 661-898-930.00.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Director of Public Services

Michael Hackworth
DPW Superintendent

Tom Tarkiewicz
City Manager

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CITY OF MARSHALL, MICHIGAN
RESOLUTION 2013-____

WHEREAS, the City of Marshall has a need to have equipment used for the purpose of leaf collection to be refurbished; and

WHEREAS, three informal quotes for this service were not received as required by the City of Marshall's Code of Ordinance, chapter 32.07; and

WHEREAS, Marshall Welding and Fabrication submitted a quote in the amount of $20,134.27; and

WHEREAS, the City of Marshall's Code of Ordinance chapter 32.07 allows exceptions to the informal competitive quote process; and

WHEREAS, the City Council agrees that there is no advantage to the city and the request for proposal for this type of work would be difficult to prepare for the purposes of collecting informal quotes.

NOW THEREFORE BE IT RESOLVED that based upon a motion made by _____, and supported by _____ that the purchasing agent may execute a purchase order to Marshall Welding and Fabricating for a not to exceed amount of $20,134.27 for the refurbishing of the leaf loading equipment.

Voting for:_____

Voting Against:_____

Absent:_____

CERTIFICATION OF CITY CLERK

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 1st day of April, 2013.

_____ _____
City Clerk Date

CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
April 1, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Carl Fedders, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Bid Award – North Drive and Pierce Drive Rehabilitation

BACKGROUND: Bids were received for North Drive and Pierce Drive Rehabilitation project on March 21, 2013. The project will include repaving North Drive from Brewer Street to N. Madison Street and Pierce Drive from North Drive to Chauncey Ct. Sidewalk ramps will also be updated as part of this project

This project is consistent with the plan set out by the 2012 Road Report and will utilize the MVH bond revenue as a funding source.

The following bids were received:

Lakeland Asphalt	Battle Creek	$126,334.55
Michigan Paving and Materials Co.	Kalamazoo	$135,155.75
Quality Asphalt Paving Inc.	Homer	$139,922.75
American Asphalt Inc.	Lansing	$153,504.70
Rieth Riley	Kalamazoo	$176,840.20
Asphalt Solutions Plus	Marshall	$181,207.60

Lakeland Asphalt has completed a number of projects in the past for the City.

The project is scheduled to be completed by mid-May.

Staff will be bringing a second project to the City Council for approval that will utilize the remaining portion of the annual capital expenditure.

RECOMMENDATION: It is recommended that the City Council accept the low bid from Lakeland Asphalt of Battle Creek, Michigan for the amount of $126,334.55 for the North Drive and Pierce Drive Rehabilitation project.

FISCAL EFFECTS: To appropriate $126,334.55 from the FY 2013 MVH Major Street Fund Capital Outlay expenditure budget line item 202-900-970.00. $136,150 was budgeted.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Carl Fedders
Director of Public Services

Tom Tarkiewicz
City Manager

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CITY OF Marshall Michigan

ADMINISTRATIVE REPORT

April 1, 2013 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Sandra Bird, Finance Director
Tom Tarkiewicz, City Manager

SUBJECT: FY 2014 Proposed Budget - Schedule a Council Work Session

BACKGROUND: At the April 1, 2013 Regular Council meeting, the FY 2014 Proposed Budget (including the FY 2015 Fiscal Plan) is to be distributed to the Mayor and Council Members. On April 2, the Proposed Budget will be available for public view on the City website home page. Council will be asked to bring their calendars and schedule a Council work session. If you have any questions prior to the work session, please feel free to contact the City Manager or Finance Director.

RECOMMENDATION: Schedule a Council work session for review and discussion of the FY 2014 Proposed Budget.

FISCAL EFFECT: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Sandra E. Bird

Sandra Bird
Finance Director

Tom Tarkiewicz
City Manager

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CITY OF Marshall Michigan

ADMINISTRATIVE REPORT
April 1, 2013 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Tom Tarkiewicz, City Manager

SUBJECT: Marshall Area Farmer's Market

BACKGROUND: Attached is the annual request from Jane Dadow, Marshall Area Farmer's Market Coordinator requesting use of the Brooks Parking Lot on South Hamilton Street. The DDA/Main Street Board has this request also on their March 28th agenda.

RECOMMENDATION: It is recommended that the City Council review the request and receive input if any from the DDA/Main Street Board.

FISCAL EFFECTS: None.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

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Date: March 4, 2013

To: The Honorable James Dyer, Mayor, City of Marshall
And Marshall City Council Members

From: Jane Dadow, Marshall Area Farmers' Market Coordinator

Re: Use of City Parking Lot for Marshall Area Farmers' Market

This is our annual request for the use of the city parking lot west of the Brooks Building/Oaklawn Dialysis Center to hold the Marshall Area Farmers' Market on Saturday mornings from 8 to noon beginning May 11, 2013 through October 26, 2013.

The City of Marshall has allowed a group of area growers and producers to offer locally grown agricultural products for the last nine years. Some of the items featured last year at the market included fresh fruits, vegetables, flowers, shrubs, herbs, eggs, honey, baked goods, nuts, dog treats and frozen meats. The only market rule was that all items offered must be raised or produced in Michigan by the vendor or vendor's family and all products must be agricultural or agriculturally related. This allowed the market to be local and focused.

We greatly appreciate your support and that of the many area residents who turn out on Saturdays to purchase items from our vendors.

Thank you for your time and consideration.

Jane Dadow

Jane Dadow
Marshall Area Farmers' Market Coordinator
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Marshall, MI 49068-9332