

**CALL TO ORDER**

IN REGULAR SESSION Monday, April 15, 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**

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

**APPROVAL OF THE AGENDA**

**Moved** Miller, supported Reed, to approve the agenda with the addition of item 12F – Additional Legal Counsel. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Williams, supported Metzger, to approve the Consent Agenda:

- A. Approve the recommendation to issue licenses to Schuler's Inc. and Pastrami Joe's to operate an outdoor restaurant/café;
- B. Approve retaining Nelson Tree Service, Inc. to perform tree trimming and authorize the City Clerk to sign the Agreement for a not to exceed amount of \$80,000;
- C. Accept the low bid from Balkema excavating Inc. of Kalamazoo, MI for the amount of \$267,183.50 for the Storm Sewer Improvement Project;
- D. Accept the low bid from Concord Excavating and Grading of Concord, MI for the amount of \$149,355.20 for the Rice Creek Culvert Replacement project contingent on MDEQ permit approval;
- E. Approve a resolution authorizing staff to execute a purchase order with Survalent Technology for \$35,080 for the RTU purchase and Utility Instrumentation Services for \$10,000 for installation;
- F. Accept the low bid from J Allen and Co. Inc. of Galesburg, MI for the amount of \$31,742 for the N. Ketchum Park Parking Lot Paving project contingent on MDNR bid approval;

- G. Approve a resolution authorizing staff to execute a purchase order with Stantec Consulting Inc. for \$90,600 for construction engineering services for W. Mansion Street reconstruction, N. Ketchum Park culvert replacement, and Drainage improvements;
- H. Approve minutes of the City Council Regular Session held on Monday, April 1, 2013;
- I. Approve city bills in the amount of \$ 894,690.44.

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

### **PRESENTATIONS AND RECOGNITIONS**

#### **A. Marshall Area Conservation Committee Recognition:**

Mayor Dyer presented the Marshall Area Conservation Committee with the following resolution:

**CITY OF MARSHALL  
COUNTY OF CALHOUN, STATE OF MICHIGAN  
RESOLUTION # 2013-18**

A RESOLUTION TO EXPRESS CONGRATULATIONS  
AND PUBLIC APPRECIATION TO THE  
**MARSHALL AREA CONSERVATION COMMITTEE**  
ON THE OCCASION OF PLANTING THEIR 500<sup>TH</sup> TREE AND FOR  
THEIR OVERALL STEWARDSHIP OF MARSHALL'S NATURAL  
RESOURCES.

WHEREAS, the City Council of the City of Marshall is aware that the Marshall Area Conservation Committee has through it's "Greening of Marshall" program planted 500+ trees, and has made a significant contribution to Marshall's urban forest, supporting the city's Tree City USA designation; and

WHEREAS, The Marshall Area Conservation Committee has distinguished itself as an outstanding volunteer organization and has over 10 years made significant contributions to the preservation and protection of Marshall's natural resources; and

WHEREAS, the Marshall Area Conservation Committee has also provided the community, through their efforts, environmental education and awareness, and encouragement of community action by means of hosting River Clean Up & Conservation Day, as well as the "Greening of Marshall" tree planting events, and

WHEREAS, the Marshall Area Conservation Committee embodies the spirit of exemplary environmental stewardship,

NOW, THEREFORE LET IT BE RESOLVED that the City Council of the City of Marshall hereby recognizes and congratulates the Marshall Area Conservation Committee on their significant achievements, and thanks the committee for their time and effort spent to better their community and the world, and wishes the committee well on all future endeavors.

BE IT FURTHER RESOLVED that the City Council of the City of Marshall encourages its citizens to consider the Marshall Area Conservation Committee as an example of one of Marshall's finest volunteer community service organizations.

This Resolution shall take effect upon adoption.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jim Dyer, Mayor

**B. Regional Law Enforcement Center Project – Lease Discussion:**

William Danhof, Bond Counsel from Miller Canfield, provided information and answered questions regarding the project building leases.

**INFORMATIONAL ITEMS**

An event report was provided for the Blues Fest.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. Building Authority:**

**Moved** Metzger, supported Williams, to approve the Marshall Building Authority Amendments to the Articles of Incorporation and the Resolution as recommended by the City's bond counsel. On a roll call vote – ayes: Miller, Reed, Revore, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none.

**MOTION CARRIED.**

**City of Marshall**  
**RESOLUTION #2013-21**  
**County of Calhoun, State of Michigan**

RESOLUTION APPROVING  
AMENDMENTS TO  
ARTICLES OF INCORPORATION OF  
MARSHALL BUILDING AUTHORITY

WHEREAS, the City of Marshall, County of Calhoun, State of Michigan (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"); and

WHEREAS, the City Council deems it advisable and necessary and in the best interests of the City to amend the Articles of Incorporation of the Authority; and

WHEREAS, the Amendments to Articles of Incorporation of the Authority have been prepared and carefully reviewed by the Council.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Amendments to Articles of Incorporation of the Authority are hereby approved and adopted.
2. The Mayor and the City Clerk of the City are hereby authorized and directed to execute the Amendments to Articles of Incorporation.
3. The City Clerk of the City shall cause the Amendments to the Articles of Incorporation to be published in *The Marshall Advisor/Chronicle*, together with a statement that the right exists to question the Amendments to the Articles of Incorporation in court as provided in Act 31.
4. The City Clerk shall file a certified copy of the Amendments to Articles of Incorporation with the Calhoun County Clerk and the Michigan Secretary of State Office of the Great Seal along with a certificate of the date and newspaper of publication.
5. The City Clerk is hereby authorized and directed to file a certified copy of the Amendments to Articles of Incorporation with the recording secretary of the Authority, when selected, and to take such steps as are necessary under the provisions of Act 31 for the Amendments to the Articles of Incorporation to be valid.
6. 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 April 15, 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 Metzger moved for adoption of the resolution and that Member Williams supported the motion.

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

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City Clerk

AMENDMENTS TO  
ARTICLES OF INCORPORATION OF  
MARSHALL BUILDING AUTHORITY

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These Amendments to Articles of Incorporation of the Marshall Building Authority, County of Calhoun, State of Michigan (the "Authority") are adopted, signed and acknowledged by the City of Marshall, County of Calhoun, State of Michigan (the "Incorporating Unit"), for the purpose of amending the Articles of Incorporation of the Authority originally adopted by the Incorporating Unit on February 6, 1967, and amended on February 6, 1978. The Authority was formed by the Incorporating Unit as a nonprofit municipal building authority under the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31").

1. Section 1 and Section 2 of Article V of the Articles of Incorporation are amended to read as follows:

ARTICLE V

GOVERNING BODY - OFFICERS:

Section 1. The Authority shall be directed and governed by a Board of Commissioners of three (3) members known as the "Commission." The three members shall be the persons holding the offices of City Manager, Finance

Director, and Director of Public Services of the Incorporating Unit. No member of the legislative body of the Incorporating Unit shall be eligible for membership or appointment to the Authority.

Section 2. The term of the each member of the Board of Commissioners shall continue while the member holds office as City Manager, Finance Director, or Director of Public Services. In the event of vacancy in office of the City Manager, Finance Director, or Director of Public Services, the Mayor of the Incorporating Unit shall appoint a person to serve as a member of the Board of Commissioners, such appointment to be subject to confirmation by the City Council, for a term ending when a new person is appointed to office.

2. The City Clerk of the Incorporating Unit shall publish these Amendments to Articles of Incorporation once in *The Marshall Advisor/Chronicle*, a newspaper circulated within the Incorporating Unit, as required by Act 31, such publication to be accompanied by a statement that the right exists to question the Amendments to the Articles of Incorporation in court as provided in Act 31.

3. The City Clerk shall file a certified copy of the Articles of Incorporation with the Calhoun County Clerk and the Michigan Secretary of State, together with a certificate of the date and newspaper of publication, as required by Act 31.

4. These Amendments to Articles of Incorporation shall become effective and be in full force and effect upon publication.

IN WITNESS WHEREOF, the Incorporating Unit has adopted these Amendments to Articles of Incorporation and authorized execution by its Mayor and City Clerk.

CITY OF MARSHALL

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
City Clerk

The foregoing Amendments to the Articles of Incorporation were adopted by the City Council of the City of Marshall, Calhoun County, Michigan, at a meeting duly held on April 15, 2013.

\_\_\_\_\_  
City Clerk

Dated: \_\_\_\_\_, 2013

**B. 3<sup>rd</sup> Quarter Financial Report:**

**Moved** Williams, supported Metzger, to receive and place on file the 3<sup>rd</sup> Quarter Financial Report. On a voice vote – **MOTION CARRIED.**

**C. 3<sup>rd</sup> Quarter Investment Portfolio:**

**Moved** Miller, supported Reed, to receive and place on file the 3<sup>rd</sup> Quarter Investment Portfolio. On a voice vote – **MOTION CARRIED.**

**D. Fire Department Financial Report:**

**Moved** Reed, supported Mankerian, to receive and place on file the Fire Department Financial Report. On a voice vote – **MOTION CARRIED.**

**E. East Prospect Street Vacation Request:**

**Moved** Metzger, supported Reed, to schedule a public hearing for Monday, May 20, 2013 to hear public comment on the vacation of East Prospect Street between North Madison Street and High Street.

**F. Additional Legal Counsel:**

**Moved** Miller, supported Reed, to retain Miller Canfield as additional Legal Counsel for the Hospital Campus Overlay District lawsuit. On a voice vote – **MOTION CARRIED.**

**APPOINTMENTS / ELECTIONS**

None.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

**ADJOURNMENT**

The meeting was adjourned at 7:55 p.m.

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James L. Dyer, Mayor

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Trisha Nelson, City Clerk