

CALL TO ORDER

IN REGULAR SESSION Monday, December 5, 2016 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 Reed.

ROLL CALL

Roll was called:

Present: Council Members: Gerten, McNeil, Metzger, Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Members: Miller.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Gail Monsma of First Presbyterian Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Gerten, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

James Coury, member of the Brooks Nature Area Advisory Board, spoke in support of Cheryl Vosburg and urged City Council to reconsider her job reassignment.

Deborah Stuart, spoke in support of Cheryl Vosburg and feels she is a valuable asset to the City.

CONSENT AGENDA

Moved Williams, supported McNeil, to approve the Consent Agenda:

- A. Received the dates for the 2017 City Council Meetings;
- B. Received the listing of the 2017 Boards and Commissions positions that are scheduled to expire and the term of office;
- C. Scheduled a public hearing for January 3, 2017 to hear public comment regarding the proposed July 1, 2017 through June 30, 2023 Capital Improvement Program;
- D. Minutes of the City Council Work Session and Regular Session held on Monday, November 21, 2016;

- E. Approve city bills in the amount of \$ 170,773.64.

On a roll call vote – ayes: McNeil, Metzger, Miller, Mayor Reed, Schurig, and Gerten; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

A. Certificates of Appreciation:

Mayor Reed presented Certificates of Appreciation to past Boards and Commissions members.

B. 2016 Comprehensive Annual Financial Audit:

Joe Verlin of Gabridge & Co. presented the 2016 Comprehensive Annual Financial Audit (CAFR) for the City of Marshall for the year ending June 30, 2016.

Moved Williams, supported Metzger, to accept and place on file the 2016 Comprehensive Annual Financial Audit Report and the 2016 Single Audit for the City of Marshall. On a voice vote – **MOTION CARRIED.**

C. Brooks Nature Area Presentation:

Patti Hoch-Melluish provided an update on the activities at the Brooks Nature Area.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Changes to §150.120 - §150.124: Demolition of Building or Structures:

Natalie Dean summarized the suggested changes to §150.120-§150.124, which will clarify the ordinances.

Mayor Reed opened the public hearing to hear comment regarding the proposed changes to §150.120 - §150.124: Demolition of Building or Structures.

Hearing no public comment, the hearing was closed.

Moved McNeil, supported Metzger, to approve the proposed changes for §150.120-§150.124: Demolition of Building or Structures. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2016-09**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTIONS 150.121 and 150.122 of DEMOLITION OF BUILDING STRUCTURES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§150.121** of the Marshall City Code, is hereby modified to add the language in bold:

The city shall require a letter of credit, **performance bond, or such other assurances**, in an amount determined by city staff to cover the cost of restoring the lot to its preconstruction state as well as any other required work needed to protect the health, safety, and welfare of the citizens of the City of Marshall including those items listed in § 150.122 STANDARDS.

Section 1a. That section **§150.122 (A) (2) and (D)** of the Marshall City Code, are hereby modified to read:

(A)(2) Soil sedimentation and erosion permit if applicable-contact Calhoun County Road Department.

(D) Any concrete floor and footings shall be removed in accordance with plans submitted to city staff.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 5th day of December, 2016.

Jack Reed, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 5, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

B. Amendment to Chapter §53: RATES:

Kristin Bauer provided background regarding the proposed amendments to Chapter 53. The amendments will allow for future changes to rates be completed without an ordinance revision.

Mayor Reed opened the public hearing to hear public comment regarding the proposed amendments to Chapter 53: Rates.

Hearing no public comment, the hearing was closed.

Moved Gerten, supported Williams, to adopt the amendments to the City of Marshall Ordinance Chapter 53: Rates. On a voice vote: **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2016-10**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE §53 RATES OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That the Marshall City Code §53 be amended as follows:

CHAPTER 53: RATES

§ 53.01 WATER RATES.

(A) All metered water shall be charged to a two-part rate consisting of a readiness to serve charge plus a commodity charge.

(B) Water Readiness to Serve Charge shall be billed by meter size. The effective rates shall be as established by resolution and published in the Utility Rules and Regulations.

(1) The Readiness to Serve Charge outside the corporate limits of the City of Marshall shall be 200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(2) When a battery of more than one meter is used in the place of a large single meter, then the readiness to serve charge shall be the charge of the single sized meter times the number of meters composing the battery.

(3) The "Readiness to Serve Charge" covers the cost necessary to keep the Water Works in good operating condition, and other fixed costs as designated by Council and is the amount of the minimum bill.

(C) Water Commodity Charges shall be based on actual consumption. The effective rates shall be as established by resolution and published in the Utility Rules and Regulations.

(1) Commodity Charge outside the corporate limits of the City of Marshall shall be:

200% of the rate as established for use within the corporate limits of the City of Marshall, Michigan.

(D) Automatic sprinkler services or hose connections for fire protection services only shall be charged per year the rates as established by resolution and published in the Utility Rules and Regulations.

(E) The City may provide a fire hydrant connection for Circuses, Tent Shows, Carnivals, Exhibitions, and for Construction purposes. Fees and charges shall be established by resolution. The Meter Security Deposit will be returned when the hydrant meter is returned without damage. Any loss or damage to the reducing connection, valve, hydrant, meter or operating wrench will be charged to the person making application for the use of the hydrant. On large construction projects, the Water Department may require the setting of an appropriate meter and to charge for water and service as for regular service supply.

(F) All service taps to water mains shall be made by the Water Department except when approved by the Water Superintendent. Additional information is available in the City's Utility Rules and Regulations. The charge for the water main tapping shall be paid by the customer and shall include, but not be limited to, all materials, equipment, and contracted costs incurred by the City.

(G) The City may provide meter testing. The meter testing fees shall be established by resolution. If, after testing, the meter is found to be in error above allowable percent, which is two percent (2%) plus or minus, then the amount deposited will be refunded, but if the water meter is found to be registering within the test limits, then the amount deposited will be retained to cover the cost of the testing.

(H) A turn-on fee for the restoration of service during business hours or after business hours will be charged to a customer in order to reconnect his service if service has been interrupted. A turn-on fee shall be established by resolution.

(I) Anyone seeking to make a connection to any public water main within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Water Connection Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Water Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Sewer Connection Fee contained further in this Section and the number of units charged to a premise shall be the same for both water and sanitary sewer. The Water Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 150% times the in-city rate.

(J) Designated irrigation meters will only be billed between the months of May to September.

(K) The Charges for water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

§ 53.02 SEWER RATES.

(A) Monthly Rates for sewer service inside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations.

(B) Monthly Rates for sewer service outside the corporate limits of the City of Marshall shall be as established by resolution and published in the Utility Rules and Regulations.

(C) The Sewer commodity charge shall be as established by resolution and published in the Utility Rules and Regulations.

(D) Flat rate customer shall pay the rates as established by resolution and published in the Utility Rules and Regulations.

(E) The sewer commodity may be reduced for residential customers because of lawn sprinkling. The procedure and policy for the sewer discount will be part of the Rules and Regulations.

(F) Anyone seeking to make a connection to any sanitary sewer system within the City of Marshall shall first obtain a permit to make such connection from the offices of the City of Marshall. Prior to the issuance of said permit, the applicant must pay to the City a Sanitary Sewer Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(1) The Sanitary Sewer Connection Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Sewer Connection Fee shall be established by resolution. The fee for premises connected from outside the corporate limits of the City of Marshall shall be 1.5 times the in-city rate.

(G) The Charges for waste water services set forth in this ordinance and furnished to any premises are a lien on the premises to which this service is provided and those charges which are delinquent for six (6) months or more shall be certified by the City Treasurer to the City Assessor who shall enter the charges on the next tax roll against the premises to which the services have been rendered. Said charges shall be a lien as of the date services are provided and shall be enforced in the same manner as provided for by the collection of the taxes assessed upon the tax roll and the enforcement of the lien for taxes. The City Treasurer may certify all charges delinquent for six (6) months or more at any time prior to the date on which the City tax roll is approved.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the Marshall Chronicle, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 5th day of December, 2016.

Jack Reed, MAYOR

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on December 5, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being

Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CITY CLERK

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Marshall House Elevator Modernization:

Moved Schurig, supported Williams, to approve and award the contract for the Elevator Modernization Project at Marshall House Apartments to McNally Elevator of Kalamazoo in the total amount of \$441,295.00 and authorize the City Clerk to sign the agreement only in the event HUD has released the funds from the Marshall House Replacement Reserve Account. On a roll call vote – ayes: McNeil, Metzger, Mayor Reed, Schurig, Williams, and Gerten; nays: none. **MOTION CARRIED.**

B. Update to the City of Marshall Utilities Rate Classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees:

Moved Gerten, supported Metzger, to accept the updates to the City of Marshall Utilities Rate Classifications and Standard Rules and Regulations, Water and Sewer Rates and Fees. On a voice vote – **MOTION CARRIED.**

C. FY 2018 General Fund Budget Parameters:

Moved McNeil, supported Williams, to approve the FY 2018 General Fund budget parameters as presented. On a voice vote - **MOTION CARRIED.**

D. City Assessor Wage:

Moved Gerten, supported Williams, to approve the recommendation to increase the Assessor's salary to \$56,733 effective December 12, 2016. On a roll call vote – ayes: Metzger, Mayor Reed, Schurig, Williams, Gerten, and McNeil; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

Marshall City Council, Regular Session
Monday, December 5, 2016

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:48 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk