



**CITY COUNCIL
WORK SESSION AGENDA
Monday March 18, 2019
6:00 PM
City Hall Training Room**

- A. Michigan Marihuana Update**
City Attorneys David Revore and John Sullivan will give an update on Michigan Marihuana
- B. Other items**
- C. Future Work Sessions**
April 15th Marshall FiberNet update
- D. Future topics**

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Marshall, MI 49068

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cityofmarshall.com



MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

March 18, 2019

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Ralph McCarty, East Eckford Community 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. Schedule Public Hearing – Northeast Neighborhood Improvement Authority Development and Tax Incremental Financing Plan P. 5
City Council will consider the recommendation to schedule a public hearing for Monday, April 15, 2019 to hear public comment regarding the ordinance to adopt the Northeast Neighborhood Improvement Authority's Development Plan and Tax Incremental Financing Plan.
 - B. Schedule Public Hearing – Amendments to Chapter 51: WATER of the City of Marshall Code of Ordinances P.31
City Council will consider the recommendation to schedule a public hearing for Monday, April 15, 2019 to hear public comment on the proposed amendment to Chapter 51 of the Marshall City Code.
 - C. Traffic Control Order 107: Parking on Green Street P.36
City Council will consider the recommendation to approve Traffic Control Order 107 for No Parking Zones and signs installed on Green Street between Kalamazoo Ave and Exchange Street.
 - D. MDOT Contract for Monroe Street Bridge P.38
City Council will consider the recommendation to approve the resolution authorizing the City Clerk to sign MDOT Contract No. 19-5047 for the Monroe Street Bridge Reconstruction and associated estimated city project share costs.
 - E. Construction Oversight and Testing Services for Replacement of the Monroe Street Bridge P. 40
City Council will consider the recommendation to approve Rowe Professional Services of Flint, MI to complete the necessary Construction Field Management/Inspections and associated Testing for the Monroe Street bridge project.
 - F. Schedule Work Session P.41
City Council will consider the recommendation to schedule a work session for Saturday, April 27, 2019 for discussion of the FY 2020 proposed budget.

Mayor:

Joe Caron

Council Members:

Ward 1 - Scott Wolfersberger

Ward 2 - Nick Metzger

Ward 3 - Jacob Gates

Ward 4 - Michael McNeil

Ward 5 - Ryan Underhill

At-Large - Ryan Traver



G.	<u>City Council Minutes</u>	P.42
	Work Session.....	Monday, March 4, 2019
	Regular Session.....	Monday, March 4, 2019
H.	<u>City Bills</u>	P.46
	Regular Purchases.....	\$351,308.78
	Weekly Purchases – 3/1/19.....	\$ 574,035.75
	Weekly Purchases – 3/7/19.....	\$ 11,010.41
	Weekly Purchases – 3/14/19.....	\$199,880.58
	Total	\$ 1,136,235.52
 8) PRESENTATIONS AND RECOGNITIONS		
A.	<u>Farmers Market Annual Report</u>	
 9) INFORMATIONAL ITEMS		
A.	<u>Event Report – Fridays at the Fountain Music Series</u>	P.52
 10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION		
A.	<u>City of Marshall Code of Ordinances, Sections 137.04 Possession or Use of Marihuana and 137.05 Possession and Use of Drug Paraphernalia</u>	P. 53
	City Council will hear public comment regarding the amendments to Sections 137.04 and 137.05 of the Marshall City Code.	
 11) OLD BUSINESS		
 12) REPORTS AND RECOMMENDATIONS		
A.	<u>Resolution Authorizing Civil Fines Schedule for Municipal Civil Infractions</u>	P. 65
	City Council will consider the recommendation to adopt the resolution for approval of the proposed Municipal Civil Infraction Fine Schedule to be payable directly to the City of Marshall.	
B.	<u>Earthcom Labor Contract for FiberNet-Phase V</u>	P. 69
	City Council will consider the recommendation to approve the increase in the Earthcom contract to \$350,000 to allow the close out of the contract.	
C.	<u>2019 City Visioning, Goals, and Objectives</u>	P. 71
	City Council will consider the recommendation to adopt the 2019 City Visioning, Goals, and Objectives.	
D.	<u>Hydro Electric Dam Remediation Project</u>	P. 82
	City Council will consider the recommendation to approve the plan to remediate the earthen embankment through the use of a coffer dam and retain the hydroelectric dam/impoundment.	



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,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Tom Tarkiewicz
City Manager

March 18, 2019

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ADMINISTRATIVE REPORT
March 18, 2019 – CITY COUNCIL MEETING



TO: Honorable Mayor and City Council

FROM: Jon B. Bartlett, Finance Director
Kristin Bauer, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Establish a public hearing to approve the Northeast Neighborhood Improvement Authority's Development and Tax Incremental Financing Plan.

BACKGROUND: On December 17, 2018, Marshall City Council adopted an ordinance creating the Northeast Neighborhood Improvement Authority and set the boundaries of the Authority.

On January 15, 2019, the Northeast Neighborhood Improvement Authority Board, conducted its first meeting, and adopted its bylaws and meeting dates that City Council approved on February 19, 2019.

On February 19, 2019, the Northeast Neighborhood Improvement Authority Board adopted the Development Plan and the Tax Increment Plan for the district (see attached).

MCL 125.4818 Sec. 818 (1) states: The governing body, before adoption of an ordinance approving a development plan or tax increment financing plan, shall hold a public hearing on the development plan and TIF plan.

RECOMMENDATION: It is recommended that City Council establish a Public Hearing on April 15, 2019, to adopt an ordinance (see attached) approving the Northeast Neighborhood Improvement Authority's Development Plan and Tax Incremental Financing Plan.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by City Council.

CITY GOAL CLASSIFICATION:

GOAL AREA 1 – ECONOMIC DEVELOPMENT

Goal Statement: Sustain and intensity the economic vitality of the Marshall area.

GOAL AREA 4 – INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

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Respectfully Submitted,

Jon B. Bartlett
Finance Director

Kristin Bauer
Director of Public Works

Tom Tarkiewicz
City Manager

MARSHALL CITY ORDINANCE
CALHOUN COUNTY, MICHIGAN

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE III, ADMINISTRATION, OF THE CITY OF MARSHALL CODE OF ORDINANCES BY AMENDING CHAPTER 31: CITY ORGANIZATIONS

THE CITY OF MARSHALL ORDAINS:

Section 1. THAT TITLE III, ADMINISTRATION, CHAPTER 31: CITY ORGANIZATIONS BE AMENDED BY ADDING THE FOLLOWING SECTIONS TO READ AS FOLLOWS:

Section

- | | |
|-------|--|
| 31.78 | Establishment of Development Plan and TIF Plan |
| 31.79 | Amendments to Development Plan and TIF Plan |

31.78 ESTABLISHMENT OF DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN.

Pursuant to the provisions of and under the authority of Public Act 57 of 2018, as amended there is hereby created and approved the Northeast Neighborhood Improvement Plan and Tax Increment Financing Plan; an official copy of which shall be maintained by the Marshall City Clerk and available for copy or inspection at Marshall City Hall. The Marshall City Council does adopt by this section that the proposed Development Plan and Tax Increment Financing Plan is feasible and that the Northeast Neighborhood Improvement Authority Board has the ability to implement the plans with the consent and approval of the Marshall City Council.

31.79 AMENDMENTS TO DEVELOPMENT PLAN AND TIF PLAN.

No amendments to the Development Plan or the TIF Plan shall be made by the Northeast Neighborhood Improvement Authority Board without prior approval by the Marshall City Council.

Severability.

The various parts, sections and clauses of the Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Effective Date.

This Ordinance shall be effective on the day of publication.

Date Enacted: April 15, 2019

Date Published: _____, 2019

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 _____ day of _____, 2018.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the 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 April 15, 2019, 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



Northeast Marshall
Neighborhood Improvement Authority

Development Plan
And
Tax Increment Finance Plan

Adopted:

1

8

Marshall City Council

Joe Caron, Mayor

Nick Metzger, Mayor Pro-Tem/Ward 2

Scott Wolfersberger, Ward 1

Jacob Gates, Ward 3

Michael McNeil, Ward 4

Ryan Underhill, Ward 5

Ryan Traver, At-Large

NE Neighborhood Improvement Authority Board

Tom Tarkiewicz, City Manager

Krista Trout Edwards, Calhoun County Land Bank

Richard Lindsey, Oaklawn Hospital

David DeGraw, Resident

Scott Wolfersberger, City Council Ward 1

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I. OVERVIEW OF DEVELOPMENT AND TAX INCREMENT FINANCE PLAN

Introduction

The City of Marshall, founded in 1830, is located in the south-central part of the State of Michigan. It currently occupies approximately 7.5 square miles and, according to the 2010 US Census, serves a population of 7,088. The City of Marshall is empowered to levy a property tax on real and personal property located within its boundaries. It also is empowered by state statute to extend its corporate limits by annexation and PA 425 Conditional Land Transfers, which it has done from time to time.

The City of Marshall operates under the Mayor-Council form of government. Policy-making and legislative authority are vested in the governing council consisting of the Mayor and six other members whom serve four-year terms. The Mayor is elected for a two-year term. The Mayor, with Council approval, appoints the City Manager, who in turn appoints City department heads and directors.

The City of Marshall provides a full range of services, including police and fire protection; snow and leaf removal; traffic control; on- and off-street parking; building inspections; licenses and permits; the construction and maintenance of streets, and other infrastructure; recreational and cultural activities; Federal subsidized housing; and transit services. The City of Marshall is a public power community, providing electric, water, wastewater, and fiber optic internet services to the City

The proposed Development / TIF plan is for the Northeast Marshall neighborhood that is north of Michigan Ave, South of I-94, east of East Drive to the western boundaries of the City. The neighborhood generally includes typical suburban type homes on medium sized lots with sidewalks and paved streets.

The Neighborhood Improvement Authority is authorized under Public Act 61 of 2007, as amended, repealed and then replaced by Public Act 57 of 2018, the Recodified Tax Increment Financing Act. The Neighborhood Improvement Authority (NIA) is governed by a board consisting of the City Manager and not less than 5 other members. The board derives its powers per MCL 125.4810, as amended.

Benefits of a Neighborhood Improvement Authority include the following, but not limited to:

1. Use tax increment financing to complete improvement projects while leveraging other funding sources, such a private, state, and local.
2. Create a clear plan to improve the designated area, implemented through public/private partnerships
3. Encourage home ownership by bringing more people into the area to live, work, and play
4. Encourage property improvements and development, thus increasing the City's tax base
5. Promote interest in mixed use development
6. Create an enhanced neighborhood that retains residents

BACKGROUND AND NEED FOR THE PLAN

The City of Marshall Council, having determined that it is necessary and in the best interest of the community in order to promote economic growth, adopted a resolution on August 27, 2018, declaring its intention to create and provide for the operation of the Northeast Neighborhood Improvement Authority within the City of Marshall pursuant to and in accordance with the provisions of Public Act 61 of 2007, as amended, repealed and then replaced by Public Act 57 of 2018, the Recodified Tax Increment Financing Act.,. For the purpose of complying with the Act, the City Council designated, as the proposed development area, properties north of Michigan Avenue, south of I-94, east of East Drive to the western city boundaries as depicted in Exhibit A.

In accordance with Public Act 61 of 2007, as amended and before being repealed, the Marshall City Council held a public hearing on October 1, 2018, to introduce an ordinance that would create the Northeast Neighborhood Improvement Authority. On December 17, 2018, the Marshall City Council adopted an ordinance establishing the Northeast Neighborhood Improvement Authority and appointed a Board for the authority.

DEVELOPMENT PLAN PROCESS

To meet the requirements of Public Act 57 of 2018, as amended, the Recodified Tax Increment Financing Act, it is necessary to prepare a Development Plan and TIF Plan for the Northeast Neighborhood Authority to adhere to when implementing and financing improvements within the District.

The primary goals of the Neighborhood Improvement Authority is to:

Provide guidance for compatible land use development

Create a clear plan on how to improve the district and deter economic decline

Promote interest in mixed use development

Promote public/private partnerships

The organization of the Development Plan and TIF Plan are in accordance with the requirements and follow the format as outlined in Public Act 57 of 2018, the Recodified Tax Increment Financing Act. The Development Plan must include those items outlined in Section 817 of the Act.

TAX INCREMENT FINANCE PLAN PROCESS

The Tax Increment Finance (TIF) Plan provides a summary of methods proposed to generate revenue that is needed to fund the development projects. As outlined in the TIF Plan, funding for projects will be generated through tax incremental financing, grants, local funding, private funding, bond offering, and other funding eligible under Section 814 of Public Act 57 of 2018, as amended.

The TIF Plan has been prepared utilizing the base year 2018's taxable value for the District of \$15,851,128. The base year taxable value for real property is \$15,838,869 and personal property is \$12,259. Property value growth is calculated based on an annual 2% annual inflationary growth within the District. Over the 20 year development period, the estimated incremental tax revenues generated within the District is \$2,956,073.

The NIA will pursue all available grants and financing options to assist with covering all or a portion of the costs associated with the proposed projects.

II: THE DEVELOPMENT PLAN

The Development Plan must follow the statutory requirements of Public Act 57 of 2018, as amended, specifically Section 817(2)(a) through 817(2)(m). MCL 125.4817 Development Plan; preparation; contents.

Public Act 57 of 2018, as amended, requires that a development plan contain all of the following:

1. The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise
2. The location and extent of existing streets and other public facilities within the development area, designating the location, character and extent of the categories of public and private land uses currently existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses including a legal description of the development area
3. A description of existing improvements in the development area to be demolished, repaired or altered, a description of any repairs and alterations and an estimate of the time required for completion
4. The location, extent, character and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimated time required for completion
5. A statement of the construction or stages of construction planned and the estimated time of completion of each stage
6. A description of any parts of the development area to be left as open space and the use contemplated for this space
7. A description of any portions of the development area that the authority desires to sell, donate, exchange or lease to or from the municipality and the proposed terms

8. A description of desired zoning changes and changes in streets, street levels, intersection or utilities
9. An estimate of the cost of the development, a statement of the proposed method of financing, the development and the ability of the authority to arrange financing
10. Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority
11. The procedures for bidding, for the leasing, purchasing or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and person, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons
12. The requirement that amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection
13. Other material that the authority, local public agency or governing body considers pertinent

Following is the specific information required in each of the subsection of Section 817 of the Neighborhood Improvement Act for the Neighborhood Improvement Development Plan:

THE DESIGNATION OF BOUNDARIES OF THE DEVELOPMENT AREA IN RELATION TO HIGHWAYS, STREETS, STREAMS, OR OTHERWISE

At the December 17, 2018, Marshall City Council meeting, an ordinance was adopted creating the Northeast Neighborhood Improvement Authority and

establishing the boundaries of the development area, now identified as the District. A map is included as Exhibit A which outlines the boundaries of the District in relation to the adjacent highways, street, and streams. The boundaries of the District shall also be the boundaries of the Development Area.

THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE DEVELOPMENT AREA, DESIGNATING THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES THEN EXISTING AND PROPOSED FOR THE DEVELOPMENT AREA, INCLUDING RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES AND INCLUDING A LEGAL DESCRIPTION OF THE DEVELOPMENT AREA

Land Uses and Streets within the District:

The existing land use/zoning map for the Northeast Neighborhood Improvement Authority is included as Exhibit C and was last updated in 2015. The City of Marshall's Zoning Map is included as Exhibit D, and was adopted in 2015, and has since been amended. The City of Marshall's Future Land Use Map is included as Exhibit E, and was last updated in 2015.

The District currently is comprised of land zoned as the following:

B-2	Local Business
MFRD	Multi-Family Residential
MHPD	Manufactured Housing Park
POSD	Professional Office Services
PSP	Public/Semi-Public Services
PUD	Planned Unit Development
R-2	Suburban Residential
R-3	Traditional Residential

There currently are no parks, schools, or churches within the District.

It is highly likely that the two properties that are zoned Professional Office Services and Public/Semi-Public Services will be rezoned to residential class or a Planned Unit Development.

Existing Streets

The Development Area contains sections of the following streets under the authority of the City of Marshall:

STREET NAME	STREET TYPE	STREET CLASSIFICATION
East Michigan Ave	2 Lane	Major Streets
East Drive	2 Lane	Local Streets
Mann Road	2 Lane	Local Streets
18 ½ Mile Road	2 Lane	Local Streets
O’Keefe Road	2 Lane	Local Streets
Forest Street	2 Lane	Local Streets
Allen Road	2 Lane	Local Streets
Hill Road	2 Lane	Local Streets
Wooded Lane	2 Lane	Local Streets
N Wooded Lane	2 Lane	Local Streets
Hill Road Court	2 Lane	Local Streets
Forest Court	2 Lane	Local Streets
Julia’s Place	2 Lane	Local Streets
Grove Court	2 Lane	Local Streets
Comstock Drive	2 Lane	Local Streets
Colgrove Drive	2 Lane	Local Streets
Morningside Drive	2 Lane	Local Streets
Cathedral Parkway	2 Lane	Local Streets
Woodruff Drive	2 Lane	Local Streets

Public Facilities

The Development Area currently has no other public facilities but is served by municipal electric, water, FiberNet, and sanitary sewer.

Legal Description

The legal description of the District is attached as Exhibit F.

A DESCRIPTION OF EXISTING IMPROVEMENTS IN THE DEVELOPMENT AREA TO BE DEMOLISHED, REPAIRED, OR ALTERED, A DESCRIPTION OF ANY REPAIRS AND ALTERATIONS AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION

A summary of each proposed project, the location, extent, character, and estimated cost of proposed project improvements are presented below.

1. Oaklawn Hospital Property

The Oaklawn Hospital Property consists of 4 parcels of land. The larger parcel is zoned Professional Office Services and the 3 smaller parking lots are zoned Public/Semi-Public Services. Oaklawn Hospital has indicated that it is willing to sell or give away a portion of the property that they do not use for residential development. Marshall City Engineers believe that in order to develop this portion of the properties, a City owned and maintained street must be constructed from Michigan Ave. north to Mann Rd. as depicted in Exhibit G. This would allow for the construction of approximately 10 new residential structures. The street construction would include sidewalks, water and sewer, electric, and FiberNet service infrastructure.

2. Golden Rule Property

The Golden Rule Property consists of 8.23 acres and is currently zoned Professional Office Services and owned by the Calhoun County Land Bank. This property once housed a very large office complex with parking, but has recently been demolished for redevelopment of the property. The Golden Rule Property Project will consist of relocating water and sewer lines and increasing capacity of those lines in the general area as depicted in Exhibit H. This project will proceed when the property is in the process of being redeveloped.

3. Infrastructure Improvements

It will become necessary to repair and or upgrade roads, sidewalks, and utilities due to the increase in use when projects 1 & 2 are completed. The total project consists of the following:

- Full Depth Milling: Wooded Ln., Hill Rd., Hill Rd. Ct.
- Full Depth Milling: O’Keefe Rd., Julia’s Pl., Mann Rd. Ct.
- Full Depth Milling: Comstock Dr., Colgrove Dr.
- Full Depth Milling: Mann Rd. East to Allen, Allen/Mann to O’Keefe
- 2” Mill and Resurface: Woodruff Dr.
- 2” Mill and Resurface: East Dr. – Michigan Ave. to Sibley Ln.
- 2” Mill and Resurface: Forest Ct., Forest St. – East to End, Allen – Forest to O’Keefe
- New Street Extension: Forest St. Extended to O’Keefe

4. Pratt Park

The original Pratt Park, Planned Unit Development, called for 164 single-family residential condominium dwelling with a variety of structure styles such as cluster homes, duplex homes, town homes, and flats. The original PUD was approved by Marshall City Council on November 3, 2003 and renewed/revised on May 3, 2010. Phase 1 of the project called for approximately 25 units and remains incomplete. It is the hope, not only for the NIA Board and the City, which by having the Pratt Park PUD within the District there will be incentive to complete all five phases of the original PUD.

5. Planning and Economic Development Analysis

The Neighborhood Improvement Authority may prepare and or pay for studies and impact reports to analyze its efforts within the District. The impact may include, but is not limited to economic demands, vacancy rates, and/or master vision plans.

6. Administration

The Northeast Neighborhood Improvement Authority will reimburse the City of Marshall for costs associated with the administration of its development plan, TIF plan, and all associated projects.

7. Miscellaneous

The ability to authorize and approve expenses associated with the powers of the NIA Board as outlined in Public Act 57 of 2018, as amended.

ESTIMATED COST OF PROPOSED PROJECT IMPROVEMENTS

Project Description	Estimated Cost	Timeframe
Oaklawn Hospital Project	\$600,000	Short Term 1-2 Years
Golden Rule Project	\$375,000	Intermediate 1-5 Years
Infrastructure Improvements	\$1,709,900	Long Term 1-10 Years
Pratt Park Project	Unknown	Unknown
Administration	\$7,500	Annually
Miscellaneous	\$50,000	Short Term 1-2 Years
Total	\$2,684,900	
20% Const. Contingency	<u>\$536,980</u>	
Grand Total	\$3,279,380*	

*subject to inflationary cost increases

THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE IMPROVEMENTS INCLUDING REHABILITATION CONTEMPLATED FOR THE DEVELOPMENT AREA AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION.

Oaklawn Hospital Project

As depicted in Exhibit G, the project is located east of East Drive, north of Michigan Avenue, and South of Mann Road. The project consists of constructing a 60-66 ft. wide public street with sidewalks, to the same standards as all other public streets within the City of Marshall. The project could also consist of installing new water mains, storm and sanitary sewer lines, electric, FiberNet, and any other public facility deemed necessary. Oaklawn Hospital is partnering with the Calhoun County Land Bank to solicit grant funds for the removal of the parking lot asphalt that is not needed and removal should be completed in the summer of 2019. It is hoped that prior to, or during the asphalt removal, Oaklawn and the County Land Bank will have chosen the developer and design so that the NIA Board may issue a RFP for the construction of the road and other infrastructure in 2019 if necessary. The entire project should be completed in late 2019 or early 2020.

Golden Rule Project

This project is north of Mann Rd, east of East Drive and contains approximately 8.23 acres. This property contained the main campus of a large insurance company with over 1000 employees. All structures on the property were demolished in 2018 and final grading was done to help with the redevelopment of the property. The property is owned by the Calhoun County Land Bank and it is the District and City's understanding that a "request for proposals" will be issued in early 2019 for the redevelopment of this property. In 2018, the City of Marshall and the Land Bank asked neighboring residents to meet and discuss what type of redevelopment would work best and the result is a conceptual PUD as depicted in Exhibit H. The District's responsibility as envisioned, would be to increase infrastructure capacity such as water, sanitary and storm sewer, electric, and FiberNet in the area surrounding this project; and to provide extensions to the PUD itself. The cost of this project is estimated at \$375,000. The RFPs will be due mid 2019 with the hope that construction begins in 2020. The timeframe for this project is intermediate at 1-5 years.

Infrastructure Improvements

Most roads within the District have a PASR rating of Fair or Poor which clearly shows that many need some major rehabilitation in the coming years. If the previous mentioned projects are completed, there will be increased traffic which will cause even faster deterioration. There are 18 Local streets within the District and each will need some degree of maintenance or rehabilitation during the life of the Authority with an estimated cost of \$1,709,900. The roads nearest to the above mentioned projects will more than likely be repaired within the next 1-2 years with the other roads within the next 10 years. Infrastructure improvements are not limited to roads, but may include the repair or extension of sidewalks; increasing capacity of the water, sewer, and storm water; and other infrastructure improvements allowed under the Act.

Pratt Park Project

The scope and timeframe for this area of development is unknown at this time. The majority of the property to still be developed is currently under property tax forfeiture by the Calhoun County Treasurer. If the property does in fact get foreclosed due to non-payment of property taxes, the NIA or the City may get first right of refusal to the property in mid-2019.

A STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED AND THE ESTIMATED TIME FOR COMPLETION OF EACH STAGE

A statement of construction stages planned for the implementation of the district's projects is presented in the Table titled "**ESTIMATED COST OF PROPOSED PROJECT IMPROVEMENTS**" (page 14)

Projects are labeled as short term, intermediate, or long term. Short term projects are projects that are anticipated to begin within the first 1-2 years of the creation of the Authority. Intermediate projects are projects that should be completed within five (5) years. Long term projects are projects that consist of infrastructure improvements and are projected to be

completed within ten (10) years. All projects are dependent on the amount of tax incremental revenues generated in the District, securing of grants, issuance of bonds, and other local funds.

A DESCRIPTION OF ANY PARTS OF THE DEVELOPMENT AREA TO BE LEFT AS OPEN SPACE AND THE CONTEMPLATED USE FOR THAT SPACE

There are no public or City owned parks within the district. Any open space within a specific project will be based on the zoning for that particular parcel, with the same reasoning for any PUD that may be approved within the district. Open space preservation opportunities may occur in the future and such opportunities will be presented and evaluated by the Authority. Final decisions remain under the authority of the Marshall City Council.

A DESCRIPTION OF ANY PORTION OF THE DEVELOPMENT AREA THAT THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS

No sale, donation, exchange, or lease is anticipated at this time.

A DESCRIPTION OF DESIRED ZONING CHANGES, CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS, TRAFFIC FLOW MODIFICATIONS, AND UTILITIES

Zoning Changes

The City of Marshall, like all other municipalities in Michigan, must adhere to the Michigan Zoning Enabling Act, or Public Act 110 of 2006, and must adhere to the City of Marshall's Zoning Code of Ordinances, and to the Master Plan.

Zoning is the process of dividing land in a municipality into districts in which certain land uses are permitted or prohibited. Zoning also regulates the size of buildings, set backs of certain structures, and placement of buildings. The type of zoning (residential, commercial, industrial, etc.) determines whether Planning Commission permission for a given development is granted. Zoning usually specifies a variety of allowed and or conditional uses of land. The City's Zoning Ordinance and its administration are the legislative and administrative process for carrying out the goals and objectives of the Master Land Use Plan.

It is highly likely that the two properties that are zoned Professional Office Services and Public/Semi-Public Services will be rezoned to residential class or a Planned Unit Development.

Changes in Streets, Intersections, and traffic flow modifications

Oaklawn Hospital Project

As depicted in Exhibit G, the project is located east of East Drive, north of Michigan Avenue, and South of Mann Road. The project consists of constructing a 60-66 ft. wide public street with sidewalks, to the same standards as all other public streets within the City of Marshall. The project could also consist of installing new water mains, storm and sanitary sewer lines, electric, FiberNet, and any other public facility deemed necessary. Oaklawn Hospital is partnering with the Calhoun County Land Bank to solicit grant funds for the removal of the parking lot asphalt that is not needed and removal should be completed in the summer of 2019. It is hoped that prior to, or during the asphalt removal, Oaklawn and the County Land Bank will have chosen the developer and design so that the NIA Board may issue a RFP for the construction of the road and other infrastructure in 2019 if necessary. The entire project should be completed in late 2019 or early 2020.

Golden Rule Project

This project is north of Mann Rd, east of East Drive and contains approximately 8.23 acres. This property contained the main campus of a large insurance company with over 1000 employees. All structures on the property were demolished in 2018 and final grading was done to help with the redevelopment of the property. The property is owned by the Calhoun County Land Bank and it is the District and City's understanding that a "request for proposals" will be issued in early 2019 for the redevelopment of this property. In 2018, the City of Marshall and the Land Bank asked neighboring residents to meet and discuss what type of redevelopment would

work best and the result is a conceptual PUD as depicted in Exhibit H. The District's responsibility as envisioned, would be to increase infrastructure capacity such as water, sanitary and storm sewer, electric, and FiberNet in the area surrounding this project; and to provide extensions to the PUD itself. The cost of this project is estimated at \$375,000. The RFPs will be due mid 2019 with the hope that construction begins in 2020. The timeframe for this project is intermediate at 1-5 years.

Forest St. Extension

Depending on the current developer's plans, it is envisioned that Forest St. would be extended from the current dead-end to O'keefe Rd. that would open up an additional 10-12 buildable lots and would complete the original development's plans. The Authority could assist in some degree, with the construction of this extension.

Utilities

Necessary utility upgrades will be required for any future development in the district. The Authority would need to assist the City of Marshall with installing the necessary sewer, water, storm water mains; electric and streetlights, and FiberNet.

AN ESTIMATE OF THE COST OF THE DEVELOPMENT, A STATEMENT OF THE PROPOSED METHOD OF FINANCING ANY DEVELOPMENT, AND THE ABILITY OF THE AUTHORITY TO ARRANGE FINANCING

A statement of construction stages planned for the implementation of the district's projects is presented in the Table titled "**ESTIMATED COST OF PROPOSED PROJECT IMPROVEMENTS**" (page 14) shows an estimated total cost of all projects to be \$3,279,380, subject to inflation. Any bond issue for any of the proposed projects will be under the full faith and credit of the City of Marshall and the Authority.

Projects within the District will be financed through one of more of the following sources allowed under MCL 125.4813 or Public Act 57 of 2018, as amended:

- Donations
- Revenue Bonds as authorized under Sections 812 & 813
- Tax Increment Financing Revenue authorized under Sections 814 & 816
- Special Assessments as provided by law
- Grants
- Money obtained from other sources (possibly developers) approved by the Marshall City Council or otherwise authorized by law for use by the Authority.

DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE DEVELOPMENT IS TO BE LEASED, SOLD, OR CONVEYED IN ANY MANNER AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN IF THAT INFORMATION IS AVAILABLE TO THE AUTHORITY

No lease, sale, or conveyance is anticipated at this time.

THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING, OR CONVEYING IN ANY MANNER OF ALL OR A PORTION OF THE DEVELOPMENT UPON ITS COMPLETION, IF THERE IS NO EXPRESSED OR IMPLIED AGREEMENT BETWEEN THE AUTHORITY AND PERSONS, NATURAL OR CORPORATE, THAT ALL OR A PORTION OF THE DEVELOPMENT WILL BE LEASED, SOLD, OR CONVERTED IN ANY MANNER TO THOSE PERSONS

Any future transactions concerning the disposition of any development, will follow the adopted procedures of the City of Marshall.

THE REQUIREMENT THAT AMENDMENTS TO AN APPROVED DEVELOPMENT PLAN OR TAX INCREMENT PLAN MUST BE SUBMITTED BY THE AUTHORITY'S BOARD TO THE GOVERNING BODY FOR APPROVAL OR REJECTION

The NE Neighborhood Improvement Authority shall submit amendments for the Development Plan or Tax Increment Plan to the Marshall City Council for approval.

MATERIAL THE AUTHORITY, ANY PUBLIC AGENCY, OR MARSHALL CITY COUNCIL CONSIDERS PERTINENT AT THIS TIME

The Authority will repay the City of Marshall any startup costs such as engineering, legal, and advertising.

III. TAX INCREMENT FINANCING PLAN

The Development Plan’s various projects are intended to stimulate private investment within the District which in turn will encourage economic growth in the City’s Northeast area. Investments made by the Authority should stimulate additional development not only in the short-term but into the future due to the number of funding sources available to the Authority.

It is the Authority’s intention of the TIF Plan to capture tax increment revenues within the District and to match those revenues with ancillary funding sources, municipal participation, private investment, and other funding sources eligible under Section 811 of Public Act 57 of 2018 (MCL 125.4811), as amended.

Tax increment financing (TIF) is a funding mechanism that contributes to economic growth and development by dedicating a portion of the tax revenues associated the growth and increase in taxable value.

The Northeast Neighborhood Improvement Authority adopted by reference and incorporates the contents of the Development Plan contained herein to be adopted simultaneously with this TIF Plan.

1. TAX INCREMENT PROCEDURE

Tax increment financing (TIF) is an option of funding public improvement in the District in areas slated for redevelopment by capturing all or a portion of the incremental tax revenues that result from increased property values through new development, improvements to existing properties, and inflation. The captured revenues are generated and used only in the designated district for which a development plan has been approved by the Northeast Neighborhood Improvement Authority and the Marshall City Council. This plan contains both the Development Plan and the TIF Plan.

Public Act 57 of 2018, as amended, allows all increases in taxable values in the District whether or not they are directly related to the development plan to be captured by the Authority. The incremental tax revenues levied by other taxing jurisdictions are captured through and by this TIF Plan. The jurisdictions include:

- City of Marshall (including Recreation, Leaf & Brush, and DART millages)
- Calhoun County
- Marshall District Library (Opt-out)
- Kellogg Community College
- Marshall Area Ambulance Authority (Opt-out)
- Other millages that may be levied in the future

Marshall Public Schools, Calhoun Intermediate School District, and State Education Tax are not subject to capture pursuant to PA 57 of 2018 as amended. The amount of tax capture paid to the Authority is that portion of the tax levy of the above listed jurisdictions paid each year on real and personal property.

“Initial value” is the taxable value of all property within the District at the time the TIF Plan is approved by City Council as shown by the most recent assessment roll of the City of Marshall. The initial value will be shown for both real and personal property.

“Captured value” is the amount in any one year by which the current taxable value exceeds the initial value for real and personal property.

Tax dollars accrued from any incremental increase in taxable value as a result of development or inflation, above the initial value, will be captured and used by the Authority. TIF revenues for the Authority result from the general tax rates of the taxing jurisdictions.

The TIF Plan may provide for the capture of all or a portion of the increase in taxable value, as such the Authority may enter in to agreements with each taxing jurisdiction to share a portion of the captured revenues. The Authority anticipates capturing 65% of the tax revenues from Calhoun County and Kellogg Community College and passing thru 35% of the tax revenues. At this time, the Authority has agreed not to capture any tax revenues from Marshall District Library and the Marshall Area Ambulance Authority as both entities have opted out of capture.

Tables 1 & 2 represent the anticipated taxable values to be captured for the District through the year 2039. The base year taxable value (2018) for real property is \$15,838,869 and personal property is \$12,259. The basic assumption is for 2% annual inflationary growth and the estimated taxable value of the completed Oaklawn Hospital and Golden Rule Projects (project A and project B).

2. TOTAL POTENTIAL REVENUE

The total estimated Tax Increment Financing revenue captured by the Authority is shown in table 3. The Authority is projecting that it will capture TIF revenues for 20 years and the total dollars captured will be \$2,956,073 to be used towards projects in the Development Plan. The potential TIF revenue does not take into account projects other than the Oaklawn Hospital/Golden Rule Projects, or the uncapping of current property values.

3. BONDED INDEBTEDNESS TO BE INCURRED

As mentioned earlier, other financing option and funding sources will be pursued to fund projects approved for the District. The Development Plan can be financed through the issuance and sale of revenue bonds, general obligation bonds, or tax increment bonds. At no time will the Authority request or authorize indebtedness that would be more than the estimated tax capture. It is determined that annual debt payments will be no more that 75% of the Authority's estimated annual tax capture.

4. DURATION OF PLANS

The authorized duration of the Development Plan and TIF Plan is 20 years or until all debt issued is retired, whichever is later. The Plans adopted by the Marshall City Council in 2019 and terminating at the end of the Authority's fiscal year on June 30, 2039, unless the Development Plan and TIF Plan are amended to extend or shorten its duration.



ADMINISTRATIVE REPORT
March 18, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
Aaron Ambler, Water Superintendent
Tom Tarkiewicz, City Manager

SUBJECT: Establish a Public Hearing to hear comments on amendments to City Ordinance, Chapter § 51, WATER

BACKGROUND: In February 2019, City staff, along with Hydro Corp, reviewed the City's Cross-Connection Ordinance and found that updates were needed to protect the City and its water supply. Hydro Corp has inspected and maintained the City's Cross-Connection Control Program for several years. Rules and reporting agencies have changed over the years causing the need for updates.

As a result of this analysis, the attached amendment to the ordinance is recommended. This amendment will allow for rules and regulations to be enforced according to MDEQ and the Michigan Administrative Code.

RECOMMENDATION: It is recommended that the City Council establish a public hearing for April 15, 2019 to hear comments on amending of the City of Marshall Ordinance Chapter § 51, WATER.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Kristin Bauer

Director of Public Services

Tom Tarkiewicz

City Manager

Aaron Ambler

Water Superintendent

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**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2019-**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE §51: WATER, OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

Section 1. THAT CHAPTER 51: WATER BE AMENDED AS FOLLOWS:

Section

- 51.01 Regulations for connections
- 51.02 Water supply cross connections
- 51.03 Pollution of wells
- 51.04 Connection to city water supply system required
- 51.05 Installation of backup water wells

§ 51.01 REGULATIONS FOR CONNECTIONS.

All connections with the city water supply system shall be made in accordance with the rules and regulations prescribed by the Board of Public Utilities.
(Prior Code, § 27-11)

§ 51.02 WATER SUPPLY CROSS CONNECTIONS.

(A) The Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R. 325.11401 through R. 325.11407 of the Michigan Administrative Code, are hereby adopted.

(B) It shall be the duty of the Water Department of the City of Marshall to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water Department and as approved by the Michigan Department of Environmental Quality.

(C) The representative of the Water Department shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the city for the purpose of inspecting the piping system or systems thereof for cross connections.

(D) On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping

system or systems on the property. The refusal of the information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

(E) The Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to the property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

(F) (1) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the state's Plumbing Code.

(2) Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as: WATER UNSAFE FOR DRINKING.

(G) That all testable backflow prevention assemblies shall be tested upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be on an annual basis or as required by the City of Marshall and in accordance with Michigan Department of Environmental Quality requirements. Only individuals that hold an active ASSE 5110 tester's certification shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

(H) That any person or customer found guilty of violating any of the provisions of this ordinance or any written order of the City of Marshall Water Department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

(Prior Code, § 27-12)

§ 51.03 POLLUTION OF WELLS.

(A) It shall be unlawful for any person to construct or maintain, or permit to be constructed or maintained, within a radius of 200 feet from any of the municipal water wells within the city from which the city draws its water supplies, any source of possible contamination or pollution to the wells.

(B) It shall be unlawful for any person to do any act, or to allow to be done any act, that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water systems of the city.

(Prior Code, § 27-13)

§ 51.04 CONNECTION TO CITY WATER SUPPLY SYSTEM REQUIRED.

(A) The owner of any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes and for which the nearest point of any house, building or structure located on the property is not more than 200

feet away from the right-of-way line of any street, alley or right-of-way in which the public water supply system is available, shall be required, at the owner's expense, to install a suitable water supply system therein and to connect the water supply system to the city's water supply system upon the earlier of the following events:

(1) When any repair, improvement or replacement which would require a permit from the county's Health Department is required to be made to an existing well servicing any house, building, structure or property; and

(2) Upon any sale of the house, building, structure or property.

(B) Except as set forth in § 51.05 below, no new private well shall be installed serving any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes, and for which the nearest point of the house, building or structure located at the property is not more than 200 feet away from the right-of-way line of any street, alley or right-of-way in which the city has installed water mains as part of the city water supply system.

(Prior Code, § 27-14) (Ord. 96-7, passed 9-3-1996; Am. Ord. 04-07, passed 8-2-2004; Am. Ord. 2010-03, passed 7-19-2010)

§ 51.05 INSTALLATION OF BACKUP WATER WELLS.

The owner of any place of public accommodation may install a private water well when it can demonstrate to the reasonable satisfaction of the Director of Public Services each of the following:

(A) A private well is necessary or helpful in meeting the requirements of any county, state or federal law, regulation, accreditation standard or ordinance requiring a supply of water in addition to the city's municipal water supply:

(B) The additional well will not pose a danger to the city's municipal water supply, whether by way of contamination, depletion of water supply or other cause;

(C) The additional well will be used only as a secondary or backup source of water in the event of failure or contamination of the city's water supply system;

(D) Adequate mechanical and procedural safeguards exist that will prevent the well from being used except in the case of a water system failure, water system contamination, or for routine maintenance of the well;

(E) The well shall be installed in compliance with the regulations of the Calhoun County Health Department and the Michigan Department of Natural Resources and Environment, as well as all other applicable laws, ordinances and regulations; and

(F) The additional well will be metered for sewage return.
(Ord. 2010-03, passed 7-19-2010)

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 15th day of April, 2019.

Joe Caron, 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 April 15, 2019, 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



ADMINISTRATIVE REPORT
March 18, 2019 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Parking on Green Street between Kalamazoo Ave and Exchange Street.

BACKGROUND: The City of Marshall is continually looking at parking deficiencies through the city. As the downtown becomes more vibrant and attracts people to the area, we are discovering shortages of parking within the DDA Downtown. Parking on Green Street was suggested as means to address this parking shortage.

With the assistance of the Public Services Director and the City Manager we looked at all options that would best fit the parking while maintaining safety for pedestrian and vehicular traffic. Measurements of Green Street in this area of parking is less than the required 36 feet from curb face to curb face for parking on both sides of the roadway. Therefore, parking will only be allowed on one side of the roadway.

With considerations of Green Street being utilized as a detour route during events and construction, the submitted TCO will best serve the community and traffic on Green Street between Kalamazoo Ave and Exchange St.

RECOMMENDATION: It is recommended that the Council approve TCO 107, No Parking zones and signs installed on Green Street.

FISCAL EFFECTS: Cost of signs and labor of installation.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

James M. Schwartz
Police Chief

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

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**City of Marshall, Michigan
Traffic Control Order**

Order Number: 107 Effective Date: 03-18-2019

In according with the Uniform Traffic Code, as amended, adopted by the Marshall City Commission, April 13, 1959, as set forth under Section 2.53 thereof, it is hereby directed:

AMENDED:

To address parking on Green Street between Kalamazoo Ave east to Exchange St. It is required that all parking will be on one side of the street or other. The street is not within compliance to allow parking on both sides of the street. Therefore parking will be allowed on the south side of West Green Street in the 100 Block, 200 Block and the 300 Block of West Green. This is between Kalamazoo Ave. to Jefferson Street. There will be no parking signs posted on the north side of Green Street in this stated order. There will be parking allowed on the north side of East Green Street in the 100 Block. There will be no parking signs posted on the south side of the 100 Block of East Green. In the 200 Block of East Green there will be parking allowed on the south side beginning 25 feet east of Madison Street to the 300 Block of East Green ending at Exchange Street. On the north side of East Green Street in the 200 and 300 Blocks it shall be posted no parking.

Permanent Order

City Traffic Engineer
James M. Schwartz

Date: March 25, 2019

Date: _____
Adopted by the Marshall City Council

pc: Street Superintendent
City Manager's Office

Temporary Order

City Traffic Engineer
James M. Schwartz

Date: March 18, 2019



ADMINISTRATIVE REPORT
March 18, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council
FROM: Kristin Bauer, Director of Public Services
Tom Tarkiewicz, City Manager
SUBJECT: MDOT Contract for Monroe Street Bridge (#1416)
Job. No.-133087CON, MDOT Contract No. 19-5047

BACKGROUND: The City has received Michigan Department of Transportation (MDOT) Local Bridge Funds to fund the removal and replacement of structure #1416 carrying Monroe Street over the Rice Creek. Additionally, the city will be completing some "Force Account" work on relocation of the city's electrical system and some "non-participating" items beyond the bridge project limits for sidewalk upgrades. Below are the estimated contract costs:

- Total Engineers Estimate: \$1,812,200
- Local Bridge Funds (95%): \$1,386,500
- State Share of Electrical Department Work (95%): \$ 324,800
- City of Marshall Project Share: \$ 100,900

RECOMMENDATION: It is recommended that the City Council approve the attached resolution authorizing the City Clerk to sign MDOT Contract No. 19-5047 for Job Number: 133087CON – Monroe Street Bridge Reconstruction and associated estimated city project share costs.

FISCAL EFFECTS: Funds in the amount of \$100,900 are available in the Capital Outlay budget expenditure line item 202-900-970.00 within the Major Motor Vehicle Highway Fund.

CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

ALTERNATIVES: As suggested by the Council.

Respectfully submitted,

Kristin Bauer
Director of Public Services

Tom Tarkiewicz
City Manager

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**CITY OF MARSHALL, MICHIGAN
RESOLUTION # XXXXXX**

WHEREAS, the City Council of the City of Marshall has reviewed attached Contract #19-5047 for Control Section: MCS 13000, Job Number: 133087CON with the Michigan Department of Transportation (MDOT) for the removal and replacement of the structure #1416, which carries Monroe Street over Rice Creek, Section 25, T02S, R06W, City of Marshall, Calhoun County, Michigan; and

WHEREAS, the City Council agrees to utilize the combination of state Local Bridge Funds (95%) and the City's MVH Major & Trunkline Funds (5%) to fund the "participating" improvements as stated within contract #19-5047, additionally the city will be responsible for 100% of all "non-participating" costs and 5% of force account work; and

WHEREAS, the estimated total expense of the project is \$1,812,200; and

WHEREAS, the City participation in the project is estimated at \$100,900; and

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

NOW THEREFORE BE IT RESOLVED that based upon a motion made by XXXX, and supported by XXXX, to authorize Trisha Nelson, Clerk to sign MDOT Contract #19-5047 for Control Section: MCS 13000, Job Number: 133087CON.

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 18th day of March, 2019.

Trisha Nelson, City Clerk

Date



ADMINISTRATIVE REPORT
March 18, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and City Council

FROM: Kristin Bauer, Director of Public Services
Tom Tarkiewicz, City Manager

SUBJECT: Construction Oversight and Testing Services for
Replacement of the Monroe Street Bridge over Rice
Creek

BACKGROUND: In August 2017, the Marshall City Council approved Rowe Professional Services of Flint, Michigan to provide Professional Engineering Services for design of this bridge. Following multiple submittals to the Michigan Department of Transportation (MDOT) this project is currently been bid for construction and work is expected to begin in summer of 2019.

As part of the grant received from MDOT, we are required to provide an elevated level of field construction and oversight, including certain materials testing throughout the project. Due to their knowledge of the project, we requested a quote from Rowe for assistance completing this required work. As a Publicly Employed Engineer, I am noted as the Project Engineer for oversight on the project. Due to the requirements for the field work over an extended period of time, we do not employ staff to complete this work. With Rowe's knowledge of this project they have the expertise and familiarity to do this work at a rate believed to be less than what any bid would yield.

RECOMMENDATION: It is recommended the City Council approve Rowe Professional Services of Flint, MI to complete the necessary Construction Field Management/Inspections and associated Testing for the Monroe Street bridge project.

FISCAL EFFECT: Funds will be expensed in an amount not to exceed \$136,140 from the Major Streets Capital Outlay budget 202-900-970.00 for Construction Field Management/Inspections and Testing Services

CITY GOAL CLASSIFICATION: GOAL AREA 4. INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

ALTERNATIVES: As suggested by Council.

Respectfully Submitted,

Kristin Bauer, P.E.
Director of Public Services

Tom Tarkiewicz
City Manager

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ADMINISTRATIVE REPORT
March 18, 2019 – CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: Jon Bartlett, Finance Director
Tom Tarkiewicz, City Manager

SUBJECT: FY 2020 Proposed Budget - Schedule a Council Work Session

BACKGROUND: City Staff have been preparing the FY 2020 City Budget. At the May 6th meeting, the Council will establish a public hearing for May 20th to hear public comment on the City budget and adoption of the July 1, 2019 through June 30, 2020 plan.

City Staff desires to hold a work session on Saturday April 27th from 8:00 to noon in the City Hall Training Room. This is a week later than normal but due to the lateness of Easter weekend, we will need to finalize the budget after the work session, very quickly.

RECOMMENDATION: Schedule a Council work session for review and discussion of the FY 2020 proposed Budget for Saturday April 27, 2019 at 8:00 AM.

FISCAL EFFECT: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Jon Bartlett
Finance Director

Tom Tarkiewicz
City Manager

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IN A WORK SESSION held Monday, March 4, 2019 at 5:30 P.M. in the Training Room of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order.

Present: Council Members: Mayor Caron, Gates, Metzger, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz, Director of Electric and Fiber Utility Ed Rice, Director of Public Services Kristin Bauer, and Director of Public Safety Jim Schwartz.

Absent: Council Member McNeil.

City Staff and Stantec Consulting presented the findings from the Kalamazoo River Hydroelectric Dam sediment testing.

Adjourned at 7:00 PM.

Joe Caron, Mayor

Trisha Nelson, Clerk

CALL TO ORDER

IN REGULAR SESSION Monday, March 4, 2019 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 Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron, Gates, Metzger, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member McNeil.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Zack Langford of Surrendered Life Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Gates, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, March 18, 2019 to hear public comment regarding the proposed amendments to Ordinances 137.04 and 137.05;
- B. Adopt the resolution of intent to authorize the City of Marshall to seek financial assistance from the State of Michigan for its public transportation service, DART;
- C. Approve the resolution to allow taxpayers to appeal property assessments to the Board of Review by mail;
- D. Approve the changes to Appendix B of the Personnel Policy Manual concerning Substance Abuse and Alcohol/Drug Testing;
- E. Approve the changes to the Personnel Policy Manual effective March 29, 2019, to accommodate the requirements of the Paid Medical Leave Act;
- F. Minutes of the City Council Regular Session held on Tuesday, February 19, 2019;
- G. Approve city bills in the amount of \$ 1,362,929.97.

On a roll call vote – ayes: Gates, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. 2nd Quarter Financial Reports:

Moved Traver, supported Metzger, to approve the 2nd Quarter Financial Report, Investment Portfolio, and Cash & Investment Position Report as presented. On a voice vote - **MOTION CARRIED.**

B. Pearl Street Electric Substation:

Moved Metzger, supported Wolfersberger, to waive the competitive bid policy for the expediting of engineering services for the Pearl Street Substation Project by retaining GRP Engineering Co. on a lump sum basis not to exceed \$219,000 for engineering and project management. accept the 2018 Road Report as presented. On a roll call vote – ayes: Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

C. Electric Line Relocations for Monroe Street Bridge Project:

Moved Metzger, supported Underhill, to approve the awarding of the labor contract to relocate the electric lines to accommodate the Monroe Street Bridge Replacement Project to the qualified contract and low bidder, CC Power LLC of Kalkaska, MI in the amount of \$228,252 and authorize the City Clerk to sign the contract. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Metzger; nays: none. **MOTION CARRIED.**

D. Contracts with Merit Network, Inc. and Metro Wireless for the FiberNet Project Network Connections:

Moved Wolfersberger, supported Traver, to approve the following

recommendations: (1) approve entering into a 3-year contract with Merit Network, Inc. for a 2.0 Gbps internet connection for \$32,490/year for three years with zero cost DDoS protection and authorize the City Clerk to sign the contract, and (2) approve entering into a 3-year contract with the low bidder Metro Wireless International, Inc. for a 10 Gbps internet connection for \$59,882.64/year for three years and authorize the City Clerk to sign the contract. . On a roll call vote - Underhill, Wolfersberger, Mayor Caron, Gates, Metzger and Traver; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Eric Schnaitman, 11401 Old Us 27, inquired about the wells behind the Sand Hill.

Ian Steward and Jennifer Conley updated City Council regarding the Summer Concert Series and the desire to improve the sound system at the fountain.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

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

Joe Caron, Mayor

Trisha Nelson, City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
 EXP CHECK RUN DATES 01/01/2014 - 03/31/2019
 UNJOURNALIZED
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
271529	AD-VISOR & CHRONICLE	PUBLIC SALE AD		16.15
022519	AGA	MEMBER DUES		137.50
4204	ALL RELIABLE SERVICES	TREE TRIMMING- LINE CLEARANCE FOR MONROE	2019.246	2,522.78
9204	ASPEN WIRELESS	DESIGN AND ENGINEERING SERVICES FOR FIBE	2019.019	16,666.67
9192	ASPEN WIRELESS	DECEMBER TECH SUPPORT	2019.019	5,915.81
9207	ASPEN WIRELESS	JANUARY TECHNICAL SUPPORT	2019.290	1,402.50
9191	ASPEN WIRELESS	NOVEMBER TECHNICAL SUPPORT	2019.290	6,505.34
9217	ASPEN WIRELESS	TECH SUPPORT FOR FIBERNET.	\$8.75/CUSTOM 2019.218	7,595.00
111018	AUTO VALUE MARSHALL	OIL DRY		57.00
225-443537	AUTO VALUE MARSHALL	YELLOW CRAYON		1.69
225-443270	AUTO VALUE MARSHALL	15 EXPLORER CONTROL ARM		130.09
225-443225	AUTO VALUE MARSHALL	SHOP SUPPLIES		15.68
225-443226	AUTO VALUE MARSHALL	SHOP SUPPLIES		20.41
225-441687CR	AUTO VALUE MARSHALL	DUPLICATE PAYMENT - SEE INV #22500610		(54.08)
225-443413	AUTO VALUE MARSHALL	BLWR MTR W/WHL		61.69
225-442383	AUTO VALUE MARSHALL	CUTOFF WHL, ABRASIVE WHEEL		32.12
225-442346	AUTO VALUE MARSHALL	ABRASIVE CUTOFF, OIL DRI		52.72
225-442347	AUTO VALUE MARSHALL	DOT AB MALE		65.60
225-442318	AUTO VALUE MARSHALL	DOT AB MALE 45 S		96.00
225-442385	AUTO VALUE MARSHALL	WESTERN MOTOR		136.49
225-442299	AUTO VALUE MARSHALL	WHITE PAINT MARK, YELLOW		11.37
225-443367	AUTO VALUE MARSHALL	GEAR OIL		16.19
225-443343	AUTO VALUE MARSHALL	GEAR OIL		16.19
225-443180	AUTO VALUE MARSHALL	TIE ROD END, TIE ROD, CONTROL ARMS		487.54
225-442936	AUTO VALUE MARSHALL	LED SPOT/BULB		171.58
P9525602	BATTERIES PLUS BULBS	LED BULBS		95.40
030119	BAUCKHAM, SPARKS, SEEB	PROFESSIONAL SERVICES		2,537.50
030719	BESCO WATER TREATMENT	DURA CUBE		14.87
BLU-9303	BLU FISH CONSULTING, L	FIBERNET WEBSITE		720.00
99906	BOSHEARS FORD SALES IN	16 FORD EXPLORER TUNE UP		1,273.90
124417	BOSHEARS FORD SALES IN	14 FORD ESCAPE OIL CHANGE		31.13
99784A	BOSHEARS FORD SALES IN	15 FORD EXPLORER MOTOR MOUNT/BELT TENSIO		444.03
STREETS190045	CITY OF BATTLE CREEK	TRAFFIC SIGNAL MAINTENANCE		443.24
9992	COURTNEY & ASSOCIATES	MONTHLY RETAINER		250.00
98751	CRT, INC	SMARTNET		319.00
98752	CRT, INC	SMARTNET FIRE DEPT		305.00
98779	CRT, INC	CLOUD STORAGE		1,030.47
98824	CRT, INC	SPX SERVER		219.00
537477	DARLING ACE HARDWARE	ASPIRE EXT		186.95
542268	DARLING ACE HARDWARE	GLOVES, DOOR SWEEP		25.98
542626	DARLING ACE HARDWARE	TUBE 16GA		25.98
543692	DARLING ACE HARDWARE	WIRE STRIPPER		13.99
543663	DARLING ACE HARDWARE	CONDUIT/SET SCREW		27.15
543714	DARLING ACE HARDWARE	SCKT WRENCH		69.99
543612	DARLING ACE HARDWARE	INSTALLATION SUPPLIES		30.25
543613	DARLING ACE HARDWARE	PVC CONDUIT		10.57
543952	DARLING ACE HARDWARE	SHOP LIGHT/ CHAIN JACK		32.33
544010	DARLING ACE HARDWARE	PAINT		21.99
543773	DARLING ACE HARDWARE	BATTERY/ APPLIANCE BULB		20.36
543301	DARLING ACE HARDWARE	SNIPS OFFSET		18.99
542168	DARLING ACE HARDWARE	BATTERY WATCH/CAL		9.18
543629	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS		0.99
543528	DARLING ACE HARDWARE	CHAIN 20IN		115.60
543633	DARLING ACE HARDWARE	SHARPENING WHEEL		42.68
543512	DARLING ACE HARDWARE	PUTTY AND FIL PENCIL		10.18
544141	DARLING ACE HARDWARE	MAIL BOX KEY		2.39
139346	DLZ	LOAD RATING S MARSHALL BRIDGE	2019.163	364.50
139345	DLZ	CONSTRUCTION OVERSIGHT & INSPECTION MARS	2018.216	3,208.73
031319	EARTHCOM INC.	CONSTRUCTION SERVICES FOR FIBERNET-	OVER 2019.287	68,678.52
L201978	ERIC DALE HEATING & AI	FURNACE REPAIR		408.57
WO-3690	FACTORY DIRECT	LIFT SERVICE		260.00
MIBAT273067	FASTENAL COMPANY	HCS 3/4"-10X2.5 7/8"-14 FHN		181.05
MIBA272896	FASTENAL COMPANY	SUPPLIES		109.23
271272	FASTENAL COMPANY	NUTS/BOLTS		52.43
2501551901	FIRST ADVANTAGE LNS OC	CLINIC COLLECTION		71.28
1146007	FIRST ADVANTAGE LNS OC	VASQUEZ, FEOLE, FEOLE		41.25
1812215	GARAGE DOORS UNLIMITED	REPLACE DOOR & FRAME DPW BUILDING	2019.289	1,980.26
20190098	GRP ENGINEERING INC	ENGINEERING SERVICES FOR MONROE STREET L	2019.229	8,500.00
20190097	GRP ENGINEERING INC	MISC ENGINEERING		545.00
13120	GUTTERS R US LLC	SNOW REMOVAL FOR MRLEC BUILDING - 3RD YE	2019.113	6,643.00
9170512489	HD SUPPLY FACILITIES M.	SWITCH KNOBS, DRIP BOWLS		53.09
9169818435	HD SUPPLY FACILITIES M.	CEILING FIXTURE		65.98
2979	HE CLEANS TOO, LLC	MOP		49.78
2973	HE CLEANS TOO, LLC	JANITORIAL		114.20
2974	HE CLEANS TOO, LLC	SQUEEGEE		119.94
2991	HE CLEANS TOO, LLC	ROLL TOWEL		71.20
2992	HE CLEANS TOO, LLC	JANITORIAL		221.77
80956	HERMANS MARSHALL HARDW.	55 GAL CALCIUM CHLORIDE		1,209.45
80741	HERMANS MARSHALL HARDW.	SOAP, FOAM, EXTENSION CORD, CONCRETE		56.53

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
80899	HERMANS MARSHALL	HARDW.RATCHET STRAP, CHAIN, CONNECTING LINKS,		84.84
80749	HERMANS MARSHALL	HARDW.LOCK DEICER/ PLIERS		26.78
80731	HERMANS MARSHALL	HARDW.LIGHT SWITCH, GLOVES, WRENCHES, AIR		82.95
80886	HERMANS MARSHALL	HARDW.BATTERIES		9.99
80989	HERMANS MARSHALL	HARDW.GLOVES		659.40
23002	HUNTER PRELL COMPANY	SERVICE CALL		375.75
005147-IN	HYDROCORP	CROSS CONNECTION CONTROL PROGRAM	2019.052	865.00
M26709	IMPACT SOLUTIONS	NOTARY STAMP WILLIAM/TRISHA		65.60
M26708	IMPACT SOLUTIONS	NAME PLATES		35.88
022819	ISAAC & SONS	MARSHALL HOUSE #227		85.00
2239652	J.C. EHRlich	MULTI FAMILY CERTIFICATION DETECTION & T		216.00
2290095	J.C. EHRlich	PEST CONTROL		69.00
7636	JS BUXTON	BLANKET PO FOR LIME	2019.012	1,171.02
20329	KATZ WELL DRILLING INC	MONROE STREET TREE REMOVAL	2019.282	2,600.00
64263	KEBS INC	SURVEYING FOR OAKRIDGE EXPANSION	2019.201	3,400.00
10719	KELLOGG'S REPAIR	TIRE-N		115.00
314701	KNIGHT WATCH, INC	SERVICE FIRE SYSTEM		170.00
34468	LAKELAND ASPHALT CORP	COLD PATCH		516.06
34453	LAKELAND ASPHALT CORP	COLD PATCH		329.94
34462	LAKELAND ASPHALT CORP	COLD PATCH		218.08
01051337	LEGG LUMBER	2X8X8		8.79
N7612321	MAILFINANCE INC	POSTAGE MACHINE RENTAL		584.52
315105919070788	MENARDS	SUPPLIES		172.59
278881	MICHIGAN INDUSTRIAL GA	WELDING GAS		57.86
1429939	MILLER, CANFIELD, PADD	GENERAL EMPLOYMENT MATTERS		370.50
R5427	MRWA	ERIC WEBERLING 2 DAY MATH CLASS	2019.277	310.00
C63830410	MSC INDUSTRIAL SUPPLY	(TRANSFORMER STICKERS		306.81
684774	NYE UNIFORM COMPANY	POLICE UNIFORM		147.50
685549	NYE UNIFORM COMPANY	POLICE UNIFORM		217.98
685571	NYE UNIFORM COMPANY	POLICE UNIFORM		157.50
684771	NYE UNIFORM COMPANY	POLICE UNIFORMS		150.00
676850	NYE UNIFORM COMPANY	POLICE UNIFORM		1,042.57
676852	NYE UNIFORM COMPANY	POLICE UNIFORM		1,025.00
676858	NYE UNIFORM COMPANY	POLICE UNIFORMS		1,025.00
676859	NYE UNIFORM COMPANY	POLICE UNIFORMS		1,051.43
676846	NYE UNIFORM COMPANY	POLICE UNIFORMS		825.00
471535	PEERLESS MIDWEST INC	WELL #3 CHECK VALVE REPLACEMENT	2019.286	1,356.00
471367	PEERLESS MIDWEST INC	WATER EXPLORATION S INDUSTRIAL	2019.026	2,250.00
56344774	POWER LINE SUPPLY	GLOVE & SLEEVE BAG - SANDERS		59.00
56344828	POWER LINE SUPPLY	100 AMP CUT OUT		778.84
56344829	POWER LINE SUPPLY	WORK GLOVES		330.48
56344830	POWER LINE SUPPLY	GROUND LUG		134.55
56344831A	POWER LINE SUPPLY	EXTENSION BAR		394.84
56342702	POWER LINE SUPPLY	3/8 BOLT		71.92
56342703	POWER LINE SUPPLY	SAFETY VEST - KOYL		54.11
00618363	PROFESSIONAL SERVICE	IDIELECTRIC TESTING - TESTING PERFORMED 2	2019.291	3,212.10
737965-00	RESCO	DRAKE ACSR	2019.223	19,699.75
ROG8185	ROGERS GLASS WINDOW &	CASTER WHEELS		13.20
5492-531762	SAFELITE FULFILLMENT,	SOLAR SUPERDUTY IN 3RD VISOR		447.97
5492-531763	SAFELITE FULFILLMENT,	SOLAR STATIONARY		487.97
8105010641	SCHINDLER ELEVATOR COR	ELEVATOR PREVENTIVE MAINTENANCE FROM 3/	2019.281	10,993.86
6764	SONAR	MARCH SERVICES		2,066.25
1477001	STANTEC CONSULTING MIC	WATER WITHDRAWL ON-GOING CONSULTING	2019.123	2,175.00
1477559	STANTEC CONSULTING MIC	N. MARSHALL STORAGE TANK PDR	2019.125	2,337.00
1476664	STANTEC CONSULTING MIC	GEN. SERVICES MSA	2019.140	1,763.75
1476661	STANTEC CONSULTING MIC	PERRIN DAM WATERMAIN DESIGN/CONSTRUCTION	2019.126	14,891.55
1476663	STANTEC CONSULTING MIC	WATERMAIN EXTENSION TO LDFA SITE (PREVI	2019.288	7,054.38
578223	STEENSMA	CAP SCREWS, BUSHINGS, LOCK NUTS, GEAR CA		1,300.10
576824	STEENSMA	SPK, BLADE EXTREME		227.04
576767	STEENSMA	BRUSH		606.98
S011253069.001	STUART C IRBY CO	INSULATED HAND TOOLS		342.45
S011257410.001	STUART C IRBY CO	MISC TOOL ORDER FOR TRUCK #302	2019.283	388.03
S011257410.002	STUART C IRBY CO	MISC TOOL ORDER FOR TRUCK #302	2019.283	147.17
2283377	TAX EXEMPT LEASING COR	CONTRACT NO 002-0020722-000		102,424.30
MAR14953	TIRE CITY TIRE PROS	2014 FORD ESCAPE		623.92
#MAR15043	TIRE CITY TIRE PROS	CITY POLICE ECPLORER WHEEL ALIGNMENT		66.59
#MAR14953	TIRE CITY TIRE PROS	14 FORD ESCAPE SE TIRES		623.92
MAR15043	TIRE CITY TIRE PROS	M4 ALIGNMENT		66.59
1540052677	UNIFIRST CORPORATION	GARMENT MAINTENANCE		52.87
1540052674	UNIFIRST CORPORATION	GARMENT MAINTENANCE		31.45
1540052678	UNIFIRST CORPORATION	GARMENT MAINTENANCE		34.82
1540052679	UNIFIRST CORPORATION	GARMENT MAINTENANCE		39.88
1540052676	UNIFIRST CORPORATION	GARMENT MAINTENANCE		156.22
1540052675	UNIFIRST CORPORATION	GARMENT MAINTENANCE		53.38
P69610	VERMEER OF MICHIGAN,	I BELT-V-BAND, TIGHTENER BELT		694.20
1863-2	VIRIDIS DESIGN GROUP	DESIGN SERVICES - KETCHUM PARK PAVILION	2019.208	9,516.00
92329	WALTERS-DIMMICK PETROL	GREASE FOR BUCKET TRUCK BOOM		35.25
1525668	XEROX FINANCIAL SERVICE	EQUIPMENT LEASE		1,320.88
GRAND TOTAL:				351,308.78

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1 0911 FEB 2019	A T & T	INTERNET		92.42
20190002	AETISTRY TECHNOLOGIES	WEBSITE HOSTING JAN-DEC 2019		600.00
4184	ALL RELIABLE SERVICES	LINE CLEARANCE TREE TRIMMING FOR JAN 20	2019.213	2,624.50
2265827922	AUTO ZONE INC	STATION TOOLS		27.98
VOUCHER 02/23/19	B. E. HENRY BUILDING	WINTER MARKET SPACE RENTAL - 2/2, 2/9,		400.00
100165553	BALTIC NETWORKS USA	MIKROTIK RB4011 DUAL BAND 10GB ROUTERS	2019.241	13,275.42
100166346	BALTIC NETWORKS USA	MIKROTIK HAP AC DUAL BAND ROUTERS - QUO	2019.247	10,398.93
100166349	BALTIC NETWORKS USA	MIKROTIK HAP AC GIGABIT DUAL BAND- INTE	2019.243	1,045.61
388-P11788207	BATTERIES PLUS BULBS	BULBS		95.40
5629774	C L MAHONEY CO	HEATER REPAIR @ PSB		156.25
2018 WINTER LAND B	CALHOUN COUNTY LAND B	2018 WINTER LAND BANK 12/1/18 - 2/28/19		1,081.99
2018 WINTER LAND B	CALHOUN COUNTY TREASU	2018 WINTER LAND BANK 12/1/18 - 2/28/19		117.47
2018 WINTER LAND B	CALHOUN INTERMEDIATE	2018 WINTER LAND BANK 12/1/18 - 2/28/19		7.18
PAINTING UNIT 204	CARRIS, STEVE	UNIT 204 PAINT 1 BEDROOM APARTMENT		400.00
2551293919-0227	CHEMICAL BANK SOUTH	HSA #2551293919 BAUER, KRISTIN		1,350.00
891783-00 1/31/19	CITY OF COLDWATER	HELP DESK SUPPORT		1,231.95
100000335602 FEB 1	CONSUMERS ENERGY	FEB 2019 ACCT #100000335602		3,947.27
100009163708 FEB 1	CONSUMERS ENERGY	FEBRUARY 2019 ACCT#1000 0916 3708		441.47
103018520884 FEB 1	CONSUMERS ENERGY	FEB 2019 ACCT#1030 1852 0884		1,328.94
103013521119 FEB 1	CONSUMERS ENERGY	FEB 2019 ACCT#1030 1352 1119		16.82
103009157670 FEB 1	CONSUMERS ENERGY	ACCT#103009157670 FEB 2019		64.52
100067101772 FEB 1	CONSUMERS ENERGY	ACCT#100067101772 FEB 2019		108.58
190226COM	CRT, INC	T-BRICK HOURS	2019.276	11,000.00
151457	D & D MAINTENANCE SUP	HOSE ASSY & BOWL SWAB		42.03
151477	D & D MAINTENANCE SUP	NEUTRALIZER CONDITIONER		38.40
151438	D & D MAINTENANCE SUP	JANITORIAL SUPPLIES		273.38
543189	DARLING ACE HARDWARE	HARDWARE SUPPLIES		29.97
543185	DARLING ACE HARDWARE	CLAMPS		3.98
542567	DARLING ACE HARDWARE	CLEANING SUPPLIES FOR HOSE & STATION		17.18
542479	DARLING ACE HARDWARE	CLEANING SUPPLIES FOR HOSE & STATION		29.65
543370	DARLING ACE HARDWARE	KEYS		19.12
REFUND	DAVID L. TORREY	REFUND		102.00
7034	DR DRAIN CLEANING LLC	DRAIN MAINTENANCE		115.00
7018274 02/08/19	EARTHLINK BUSINESS	TELEPHONE		69.94
1101978	ERIC DALE HEATING & A	FURNACE REPAIR		408.57
6 14005	FERGUSON WATERWORKS #	WATER DEPT INVENTORY - QUOTE#B023966	2019.258	2,800.97
1714369	FUG	NAVY SANDWICH HAT W/WHITE BRIM		288.00
1714368	GRIFFIN PEST SOLUTION	IPM LIMTD CHEM 2ND HALF MONTH		48.00
1-26-19 - 2-26-19	GRIFFIN PEST SOLUTION	IPM LIMTD CHEM 2ND HALF MONTH		35.00
11346667	GROSS, JOHN	INSPECTION COMMISSIONS 1/26/19 - 2/26/1		900.00
FEB 2019	HACH COMPANY	LAB SUPPLIES		117.70
23564	HEITFELD, CASSANDRA	CONSULTING SERVICES		703.13
80829	HELPNET	EMPLOYEE ASSISTANCE PROGRAM		262.50
2075147100 1/31/19	HERMANS MARSHALL HARD	HARDWARE SUPPLIES		52.54
1134148	HOFFMAN BROS	S KALAMAZOO WATER MAIN	2019.131	465,237.12
MN0000014963	HUB INTERNATIONAL MID	THIRD & FOURTH QUARTER BILLINGS FOR AGEN	2019.184	6,217.00
2018 WINTER LAND B	INTERACT PUBLIC SAFET	ONLINE RMS USER NLETS 1 LICENSE APRIL 2		132.30
JURY DUTY 12/4/18	KELLOGG COMMUNITY COL	2018 WINTER LAND BANK 12/1/18 - 2/28/19		103.90
314389	KENNETH FINNEY	REIMBURSEMENT OF MILEAGE FOR JURY DUTY		5.45
2018 WINTER LAND B	KNIGHT WATCH, INC	24 HOUR FIRE ALARM MONITORING SYSTEM		224.85
1004 JAMES M SCHWA	MARSHALL AREA FIRE FI	2018 WINTER LAND BANK 12/1/18 - 2/28/19		40.25
1004 02/07/19	MARSHALL COMMUNITY CU	ACCT#1004 JAMES M SCHWARTZ		147.70
2/25/19 GYM RENTAL	MARSHALL COMMUNITY CU	ACCT#1004 02/07/19 JAMES M SCHWARTZ		25.49
2018 WINTER LAND B	MARSHALL HIGH SCHOOL	2/25/19 GYM RENTAL		346.00
87563283	MARSHALL PUBLIC SCHOO	2018 WINTER LAND BANK 12/1/18 - 2/28/19		231.45
50170	MCMASTER-CARR	PADLOCKS		40.57
434	MCNALLY ELEVATOR COMP	REGULAR MAINTENANCE BILLING FOR FEB 201		678.00
062288A	MEEKER BUILDING & REM	WELL HOUSE ROOFS AND SIDING 1,2,3	2019.210	9,750.00
31421	MERRIMAN INCORPORATED	ABANDONED VEHICLE STICKERS		583.80
2018 WINTER LAND B	MICHIGAN ASSOC OF PLA	2019 REGIONAL WORKSHOPS - PLANNING & 20		130.00
2828	MICHIGAN DEPT OF TREA	2018 WINTER LAND BANK 12/1/18 - 2/28/19		636.42
X105008360:01	MICHIGAN PUBLIC TRANS	2019 TRANSIT MEMBER DUES		700.00
02/22/19 BOOT	MIDWEST TRANSIT EQUIP	GEAR RACK KIT		74.82
684770	NASH, WILL	FD BOOT ALLOWANCE		70.05
03012019	NYE UNIFORM COMPANY	MARSHALL POLICE DEPT NEW EMBLEMS		250.00
6603753-01	OAKLAWN HOSPITAL	PARKING STRUCTURE - 2018 LEASE		4,379.00
56338451	POWER & TELEPHONE SUP	TII TECHNOLOGIES 509F FIBER INTERFACE D	2019.234	2,256.52
294807	POWER LINE SUPPLY	MATERIALS FOR MONROE ST BRIDGE PROJECT.	2019.237	2,812.58
740703-00	PRINTLINK	100# COUGAR OPAQUE SMOOTH WHITE		85.40
1 -19 - 2-26-19	RESCO	HENDRIX MATERIALS FOR BREWER STREET REI	2019.250	15,063.60
1 /62643	SCOTT, DOUGLAS	INSPECTION COMMISSIONS 1/26/19 - 2/26/1		765.00
1476658	SPARTAN MOTORS	BUCKET BAR T12		342.83
022619	STANTEC CONSULTING MI	SEDIMENT TESTING OF KALAMAZOO RIVER IMP		579.00
2/27/19 CINDY UPRI	STATE OF MICHIGAN	OPERATOR TRAINING AND CERTIFICATION		140.00
158993	STATE OF MICHIGAN	CERTIFICATION EXAMS FOR CINDY UPRIGHT		210.00
STMT 02/08/19	TELNET WORLDWIDE	TELECOMMUNICATIONS		1,766.27
804968	THOMAS NEIDLINGER MD	DOT PHYSICALS - B. BURGHODORF & MIKE FUL		170.00
19CM-001	USA BLUEBOOK	ROOTS EQUIVALENT SYNTHETIC		56.62
	VANDERVRIES, EDWARD	ASSESSMENT CHANGE NOTICES- PRINT, STUFF	2019.269	3,527.00

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DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 03/01/2019 - 03/01/2019
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OPEN

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
M 232019	WALDEN ARMS, LLC	GUN CLEANING, LUBE		87.00
GRAND TOTAL:				574,035.75

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
03/07/2019	ANDREWS, KRISTEN	UB refund for account: 2900130040		79.00
2551335959-0319	CHEMICAL BANK SOUTH	HSA ACCT #2551335959 DELAPAS, JOE		900.00
022519	DAVID L. TORREY	REFUND DEPOSIT		102.00
03/07/2019	GLANIS, MORGAN	UB refund for account: 900400047		77.98
03/07/2019	HARRINGTON, NICOLE	UB refund for account: 3000740002		100.00
03/07/2019	HOLDRIDGE, STEPHANIE	UB refund for account: 2900380042		73.55
3452467	IIX INSURANCE INFORMA	MOTOR VEHICLE REPORTS		36.20
03/07/2019	LETTS, KAYLA THOMPSON	UB refund for account: 201180016		139.28
03/07/2019	MCNEIL PROPERTIES LLC	UB refund for account: 801100007		13.88
02219	NASH, WILL	BOOT ALLOWANCE		44.51
249-006275499	REPUBLIC SERVICES #24	ACCT #3-0249-1022021		1,501.79
022819	ROBERT MCCAIN	BOOT ALLOWANCE		300.00
030619	STATE OF MICHIGAN	CURT CROW - EXAM		70.00
58245223	WEX BANK	ACCT #0470-00-462076-1		7,532.72
13934621-0219	WOW! BUSINESS	ACCT #013934621		39.50
GRAND TOTAL:				11,010.41

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
2018 SUMR AD VAL	CALHOUN COUNTY TREASU	2018 SUMMER DIST FINAL 1/1/19-2/28/19		21,253.44
2018 WINT FINAL	CALHOUN COUNTY TREASU	2018 WINTER AD VALOREM DIST FINAL 2/15-		5,701.83
2018 SUMR OPRA	CALHOUN COUNTY TREASU	2018 SUMMER DIST OPRA FINAL		1,389.26
FINAL DIST	CALHOUN COUNTY TREASU	2018 WINTER IFT DIST FINAL 12/01/18-02/		4,315.72
SUMR IFT FINAL	CALHOUN COUNTY TREASU	2018 SUMMER IFT DIST FINAL 08/01/2018-2		22,259.66
2018 DRAIN	CALHOUN COUNTY TREASU	2018 DRAIN CITY AT-LARGE BEAR, BRACE, H		906.32
2018 WINT FINAL	CALHOUN INTERMEDIATE	2018 WINTER AD VALOREM DIST FINAL 2/15-		16,043.11
SUMR IFT FINAL	CALHOUN INTERMEDIATE	2018 SUMMER IFT DIST FINAL 08/01/2018-0		286.51
WINT FINAL IFT	CALHOUN INTERMEDIATE	2018 WINTER IFT DIST FINAL 12/01/2018-0		259.43
2018 SUMR AD VAL	CALHOUN INTERMEDIATE	2018 SUMMER DIST OPRA FINAL 08/01/18-2/		121.25
2018 WINT DIST	CALHOUN INTERMEDIATE	2018 WINTER OPRA DIST FINAL 12/1/18-2/2		119.15
2018 SUMR FINAL	CALHOUN INTERMEDIATE	2018 SUMMER DIST FINAL 1/01/19-2/28/19		6,758.67
2018 SUMR FINAL	KELLOGG COMMUNITY COL	2018 SUMMER DIST FINAL 1/01/19-2/28/19		3,901.41
2018 SUMR OPRA	KELLOGG COMMUNITY COL	2018 SUMMER DIST OPRA FINAL 08/01/19-2/		2.19
2018 WINT DIST	KELLOGG COMMUNITY COL	2018 WINTER AD VALOREM DIST FINAL 2/15-		9,424.14
FINAL IFT	KELLOGG COMMUNITY COL	2018 WINTER IFT DIST FINAL 12/01/2018-2		7,131.41
SUMR IFT FINAL	KELLOGG COMMUNITY COL	2018 SUMMER IFT DIST FINAL 08/01/2018-0		7,478.66
IFT FINAL	MARSHALL AREA FIRE FI	2018 WINTER IFT DIST FINAL 12/01/2018-2		2,305.02
2018 WINT FINAL	MARSHALL AREA FIRE FI	2018 WINTER AD VALOREM DIST FINAL 2/15-		3,650.93
2018 SUMR FINAL	MARSHALL DISTRICT LIB	2018 SUMMER DIST FINAL 1/01/19-2/28/19		3,606.83
2018 SUMR OPRA	MARSHALL DISTRICT LIB	2018 SUMMER DIST OPRA FINAL 08/01/18-02		2.02
SUMR IFT FINAL	MARSHALL DISTRICT LIB	SUMMER IFT DIST FINAL 08/01/2018-02/28/		6,915.47
SUMR IFT FINAL	MARSHALL PUBLIC SCHOO	2018 SUMMER IFT DIST FINAL 08/01/2018-0		9,098.96
FINAL IFT	MARSHALL PUBLIC SCHOO	2018 WINTER IFT DIST FINAL 12/01/2018-0		8,363.80
2018 SUMR OPRA	MARSHALL PUBLIC SCHOO	2018 SUMMER DIST OPRA FINAL		2,221.94
2018 SUMR FINAL	MARSHALL PUBLIC SCHOO	2018 SUMMER DIST FINAL 1/01/19-2/28/19		13,144.74
2018 WINT FINAL	MARSHALL PUBLIC SCHOO	2018 WINTER AD VALOREM DIST FINAL 2/15-		40,990.80
2018 WINT DIST	MARSHALL PUBLIC SCHOO	2018 OPRA DIST FINAL 12/1/18-2/28/19		2,227.91
GRAND TOTAL:				199,880.58

EVENT REPORT

EVENT: Fridays at the Fountain Music Series

EVENT LOCATION: Brooks Fountain

SPONSOR: Youngish Professional Committee (YPC) – Ian Stewart - Chair

EVENT DATE: 2019: May 24, June 7, June 21, July 5, July 19, August 2, August 16, August 30

EVENT TIMEFRAME: Evenings

MDOT PERMIT REQUIRED: No

MDOT PERMIT GRANTED: N/A

ROAD CLOSURE DETAIL: None

ROAD CLOSURE TIMEFRAME: N/A

EVENT CLOSURE DETAIL: None Required

DETOUR DETAIL: N/A

EVENT DETAIL:
The YPC is requesting to hold a music series at Brooks Fountain on Friday evening throughout the summer, see dates above. They are requesting that power to the outlets within the Brooks Fountain area be turned on prior to the event (approximately 5:30pm) and turned off after the event. They are exploring options for utilizing the speaker system for their events however that system is not under the control of city staff and they may need to required assistance from the owner of the speaker system.

COUNCIL NOTIFICATION DATE: March 18, 2019



ADMINISTRATIVE REPORT
March 18, 2019 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Public Hearing on amending CITY OF MARSHALL
CODE OF ORDINANCES, SECTIONS 137.04 AND
137.05

BACKGROUND: With the passage of the Medical Marihuana Law and the Recreational Marihuana Law, our current Ordinance **137.04 POSSESSION OR USE OF MARIJUANA** and **137.05 POSSESSION AND USE OF DRUG PARAPHERNALIA** required amending to conform to the current laws. Proposed amended Ordinances 137.04 and 137.05 are attached.

The proposed changes have been reviewed and researched by the City Prosecuting Attorney and the City Attorney. City Prosecuting Attorney John Sullivan and City Attorney David Revore will be available at a 6:00 March 18th work session to give updates on the marihuana laws.

RECOMMENDATION: After hearing comments at the public hearing, it is recommended that the Council approve the Amendments to Ordinance 137.04 and Ordinance 137.05

FISCAL EFFECTS: Some revenue from violations.

Respectfully submitted,

James M. Schwartz
Public Safety Director

Tom Tarkiewicz
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

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City of Marshall, Michigan

Ordinance # _____

**AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTIONS 137.04 AND 137.05**

WHEREAS, on November 6, 2018, Michigan voters approved Proposal 1, creating the Michigan Regulation and Taxation of Marihuana Act, codified in MCL 333.26421 et seq; and

WHEREAS, the Sections 137.04 and 137.05 of the Code of Ordinances are in conflict with the Michigan Regulation and Taxation of Marihuana Act; and

WHEREAS, the Michigan Regulation and Taxation of Marihuana Act mandates consistency and uniformity between the Act and local ordinance; and

WHEREAS, the public good is furthered by maintaining consistency and uniformity between the Act and local ordinance;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 137.04 be deleted and replaced with the version set forth herein;

FURTHER, that the current version of Section 137.05 be amended as set forth herein:

§ 137.04 MARIHUANA.

(A) Definitions:

As used in this section:

CONSUME or **CONSUMING** means to smoke, ingest, eat, drink, or otherwise imbibe.

CULTIVATE means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

MARIHUANA means all parts of the plant genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination; industrial hemp; or any other ingredient

combined with marihuana to prepare topical or oral administrations, food, drink, or other products.

MARIHUANA CONCENTRATE means the resin extracted from any part of the plant of the genus cannabis.

PROCESS or **PROCESSING** means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.

PUBLIC PLACE means a place or location that is open to or may be used by the members of the community, or where the general public has a right or invitation to resort, or where the public may come and go, including without limitation any public street, sidewalk, or park; any area open to the general public in a publicly owned or operated building; real property or an appurtenance to the real property that is publicly owned; areas within a place of business that is open to the public at any time; any space, room, or building wherein, by general invitation, members of the public attend for reasons of business, communal activities, entertainment, instruction, lodging, or similar activities, and are welcome as long as they conform to what is customarily done there; any public conveyance; any place of employment where employees are working and guests or patrons are present or generally invited; any place of public assembly; the common areas of any commercial place of communal living; any place or location to which the public is generally invited or permitted to visit; within a privately owned vehicle located in a public place, such as a parking lot that is open for use by the general public; or otherwise any place determined by the courts of the State of Michigan to be a public place when analyzed in the context to which the term is applied. A public place does not include an area authorized by the city for consumption provided the area is not accessible to persons under 21 years of age.

SMOKING or **SMOKE** means the burning of marihuana or any substance or matter that contains marihuana within a cigar, cigarette, pipe, or any other item or device.

(B) Lawful Acts.

The following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

- 1) Except as permitted in section 2), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the

form of marihuana concentrate.

- 2) Within a person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 plants for personal use.
- 3) Assisting another person who is 21 years or older in any of the acts authorized in this section.
- 4) Giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years or age or older, as long as the transfer is not advertised or promoted to the public.

(C) Unlawful Act - Minor Possessing or Cultivating Marihuana.

- 1) It shall be unlawful for any person under the age of 21 to possess marihuana in an amount which does not exceed 2.5 ounces;
- 2) It shall be unlawful for any person under the age 21 to cultivate marihuana in an amount that does not exceed 12 plants;
- 3) A person who is in violation of either section 1) or 2) is responsible for a municipal civil infraction and may be punished as follows:
 - a) If the person is less than 18 years of age and it is a first violation, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling;
 - b) If the person is less than 18 years of age and it is a second or subsequent violation, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling;
 - c) If the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana;
 - d) If the person is at least 18 years of age and it is a second or subsequent violation, by a fine of not more than \$500 and forfeiture of the marihuana.
- 4) If a person under age 21 possesses, cultivates, delivers without remuneration or possesses with intent to deliver more than the amounts set forth in sections 1) or 2), the penalties in sections (H) and (I) shall also apply.

- 5) This section shall not apply to a person under the age of 21 years who possesses marihuana in compliance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended.

(D) Unlawful Act - Consuming or Smoking Marihuana in Vehicle.

- 1) It shall be unlawful for any person to consume marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle or motorboat;
- 2) It shall be unlawful for any person to smoke marihuana within the passenger area of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle or motorboat on a public way;
- 3) A person who is in violation of either section 1) or 2), is guilty of a misdemeanor punishable by a fine of not more than \$500, or imprisonment in the county jail for a period of not more than 90 days, or both, and forfeiture of the marihuana.

(E) Unlawful Act - Using or Consuming Marihuana in a Public Place.

- 1) It shall be unlawful for any person to consume marihuana in a public place.
- 2) It shall be unlawful for any person to smoke marihuana where prohibited by the person who owns, occupies or manages the property.
- 3) This section shall not apply if the conduct falls within the prohibitions set forth in subsection (D) above.
- 4) A person who violates either section 1) or 2) is responsible for a municipal civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

(F) Unlawful Act - Possession or Consumption on School or Correctional Facility Property.

It shall be unlawful for any person to possess marihuana accessories or to possess or consume marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility, including the juvenile detention facility or the property upon which the facility is located. A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500, or imprisonment in the county jail for a period of not more than 90 days, or both, and forfeiture of the marihuana or marihuana accessories.

(G) Unlawful Act - Possession, Cultivation, Delivery Without Remuneration – Place Visible to the Public, Unsecured Location, Concentrate.

- 1) It shall be unlawful for any person to cultivate marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids.
- 2) It shall be unlawful for any person to cultivate marihuana outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area.
- 3) It shall be unlawful for any person to possess more than 2.5 ounces of marihuana in the person's place of residence, unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
- 4) It shall be unlawful for a person to possess, purchase, transport, process, give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana if more than 15 grams of the marihuana is in the form of concentrate.
- 5) It shall be unlawful for a person to give away or transfer without remuneration up to 2.5 ounces of marihuana if the transfer was advertised or promoted to the public.
- 6) A person who is in violation of sections 1)-5) is responsible for a municipal civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.

(H) Unlawful Act – Marihuana, Amount not more than twice the amount.

- 1) It shall be unlawful for any person to possess, cultivate, deliver without remuneration to a person who is at least 21 years of age or possess with intent to deliver any of the following quantities of marihuana:
 - a) more than 12 marihuana plants but not more than 24 plants;
 - b) more than 2.5 ounces but not more than 5 ounces outside a person's residence;
 - c) more than 10 ounces but not more than 20 ounces within a person's residence, not including any marihuana produced by plants cultivated on the premises.
- 2) A person who is in violation of section 1) a) -1) c) is subject to the following:
 - a) for a first violation, is responsible for a municipal civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;

- b) for a second violation, is responsible for a municipal civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
 - c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.
- (l) Unlawful Act – Marihuana, Amount more than twice the Amount.
- 1) It shall be unlawful for any person to possess, cultivate or deliver without remuneration to a person at least 21 years of age any of the following quantities of marihuana:
 - a) more than 24 plants;
 - b) more than 5 ounces outside a person’s residence;
 - c) more than 20 ounces within a person’s residence, not including any marihuana produced by plants cultivated on the premises.
 - 2) A person who is in violation of section 1) a-c is responsible for a misdemeanor, punishable by a fine of not more than \$500. If the violation was habitual, willful, and for a commercial purpose, or if the violation involved violence, the punishment may include imprisonment in the county jail for a period of not more than 90 days.

(Prior Code, § 18-123) (Ord. passed 5-3-1982; Am. Ord. passed 7-1-1985; Ord. 19-___, passed _____, 2019)

§ 137.05 POSSESSION OR USE OF DRUG PARAPHERNALIA.

- (A) Drug paraphernalia defined. Except as otherwise provided herein, “Drug paraphernalia” means any equipment, product, material, or combination of equipment, products or materials, which are specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, including but not limited to:
- (1) An isomerization device specifically designed for use in increasing the potency of any species of plant which is a controlled substance;
 - (2) Testing equipment specifically designed for use in identifying, or in analyzing, the strength, effectiveness or purity of a controlled substance;

- (3) A weight scale or balance specifically designed for use in weighing or in measuring a controlled substance;
- (4) A diluent or adulterant including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance;
- (5) An object specifically designed for use in ingesting, inhaling, or otherwise introducing cocaine, hashish, or hashish oil into the human body, such as:
 - (a) A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, a permanent screen, a hashish head, or punctured metal bowl;
 - (b) A water pipe;
 - (c) A carburetion tube and device;
 - (d) A smoking and carburetion mask;
 - (e) A miniature cocaine spoon, and a cocaine vial;
 - (f) A chamber pipe;
 - (g) A carburetor pipe;
 - (h) An electric pipe;
 - (i) An air-driven pipe;
 - (j) A chillum;
 - (k) A bong; or
 - (l) An ice pipe or chiller.
- (6) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived;
- (7) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
- (8) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, and which consists of at least a razor blade and a mirror;
- (9) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of a controlled substance to the user;

- (10) A device, commonly known as a snorter, that is specifically designed to carry a small amount of a controlled substance to the user's nose;
 - (11) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner which contains a compartment for carrying and concealing a controlled substance;
 - (12) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing a controlled substance into the human body;
 - (13) A blender, bowl, container, spoon or mixing device used, intended for use, or designed for use in compounding a controlled substance;
 - (14) A capsule, balloon, envelope or other container used, intended for use, or designed for use in packaging small quantities of a controlled substance;
 - (15) A container and other objects used, intended for use, or designed for use in storing or concealing a controlled substance; and
 - (16) A hypodermic syringe, needle and other instrument or implement adapted, for the use of any controlled substance by subcutaneous injection or intracutaneous injection, or any other manner or method of introduction into the human body.
 - (17) Marijuana Accessories, defined as any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- (B) In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:
- (1) Statements by an owner or anyone in control of the object concerning its use;
 - (2) The proximity of the object, in time and space, to a direct violation of laws and ordinances relating to controlled substances;
 - (3) The proximity of the object to controlled substances;
 - (4) The existence of any residue of controlled substances on the object;

- (5) Advertisements, instructions or other descriptive material which explain or depict the use of the object;
 - (6) Expert testimony concerning its use.
- (C) Possession of drug paraphernalia prohibited. It shall be unlawful for any person to use, or to possess with intent to use, any drug paraphernalia for planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance. This prohibition shall include the possession of marihuana accessories on the grounds of a public or private school where children attend classes in preschool programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility, including juvenile detention facility property.
- (D) Manufacture, delivery or sale of drug paraphernalia prohibited. It shall be unlawful for any person to manufacture with intent to deliver or to sell, to possess with intent to deliver or to sell, to deliver, or to sell, any drug paraphernalia for planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance.
- (E) Advertisement of drug paraphernalia prohibited. It is unlawful for any person to place any advertisement in any newspaper, magazine, handbill, sign, poster, or other publication knowing that the purpose of such advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. This section shall not apply to advertisements for marihuana accessories.
- (F) Exceptions. This section shall not apply to the following:
- (1) Manufacturers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection;
 - (2) Persons 21 years or older who possess, use, manufacture or purchase marihuana accessories except as provided in subsection (C) above;
 - (3) Distribution and sale of marihuana accessories to persons 21 years or older;

- (4) The providing of marihuana accessories to registered qualifying patients or registered qualifying caregivers for purposes of a qualifying patient's medical use of marihuana under the Michigan Medical Marihuana Act;
 - (5) Possession or use of marihuana accessories by registered qualifying patient for the purpose of the qualifying patient's use of marihuana;
 - (6) A person acting as an agent of a marihuana retailer or marihuana accessory retailer who sells or otherwise transfers marihuana accessories to a person under 21 years of age, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to the Michigan Regulation and Taxation of Marihuana Act.
- (G) Civil forfeiture. Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent sell in violation of this section shall be seized and forfeited to the city.
- (H) Penalties.
- (1) Except as otherwise provided herein, any person who shall be convicted of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed \$500, or by imprisonment not to exceed 90 days, or by both in the discretion of the court.
 - (2) Any person who violates this section and the violation relates to marihuana accessories shall be responsible for a municipal civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana accessories.
 - (3) Each day a violation continues shall be considered a separate offense and may be punished accordingly.

(Ord. 08-06, passed 5-19-2008; Ord. 19-__, passed _____, 2019)

Statutory reference:

Paraphernalia, see MCL 333.7451

Paraphernalia sales, see MCL 333.7453

Possession/Use on school property, see MCL 333.27951 et seq

Exceptions, see MCL 333.7457 and MCL 333.27951 et seq

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.

SEVERABILITY

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

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 18th day of March, 2019, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

Mayor

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 18th day of March, 2019, the original of which is on file in my office.

Clerk

Adopted:

Published:



ADMINISTRATIVE REPORT
March 18, 2019 - CITY COUNCIL MEETING

TO: Honorable Mayor and City Council

FROM: James M. Schwartz, Police Chief
Tom Tarkiewicz, City Manager

SUBJECT: Resolution authorizing schedule of civil fines, payable to the Marshall Municipal Ordinance Violation Bureau for admission of responsibility by persons served with Municipal Civil Infractions Violation Notices. Fines related to violations of Ordinance 137.04 and Ordinance 137.05.

BACKGROUND: With the passage of the Medical Marihuana Law and the Recreational Marihuana Law, our current Ordinance **137.04 POSSESSION OR USE OF MARIJUANA** and **137.05 POSSESSION AND USE OF DRUG PARPHERNALIA** allow for police action. In these ordinances it states a civil infraction has no criminal convictions but only civil fines attached. In those cases, it is the intent of the City of Marshall to issue Municipal Civil Infraction Citations payable directly to the City of Marshall.

The proposed fines have been reviewed and researched by the City Prosecuting Attorney. City Prosecuting Attorney John Sullivan and City Attorney David Revore will be available at a 6:00 March 18th work session to give updates on the marihuana laws and municipal Civil Infraction fines.

RECOMMENDATION: It is the recommended that City Council pass the attached resolution for the approval of the proposed Municipal City Infraction Fines Schedule to be payable directly to the City of Marshall Violation Bureau for admission of responsibility.

FISCAL EFFECTS: Increased revenue collected due to fines payable as a result of Civil Infraction violation notices issued to violators under Ordinance 137.04 and Ordinance 137.05 to the City of Marshall through the Marshall Municipal Ordinance Bureau

Respectfully submitted,

James M. Schwartz
Public Safety Director

Tom Tarkiewicz
City Manager

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**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2019-__**

**RESOLUTION AUTHORIZING SCHEDULE OF CIVIL FINES, PAYABLE TO THE
MARSHALL MUNICIPAL ORDINANCE VIOLATION BUREAU FOR ADMISSIONS OF
RESPONSIBILITY BY PERSONS SERVED WITH MUNICIPAL CIVIL INFRACTION
VIOLATION NOTICES
MARIHUNA RELATED OFFENSES**

At a regular meeting of the City Council of the City of Marshall, Michigan, held in the Council Chambers, Town Hall located at 323 W. Michigan Avenue, Marshall, Michigan, on the 18th day of March, 2019 at 7 p.m.

PRESENT:

ABSENT:

MOTION BY:

SUPPORTED BY:

WHEREAS, on November 6, 2018, Michigan voters approved Proposal 1, creating the Michigan Regulation and Taxation of Marihuana Act, codified in MCL 333.26421 et seq; and

WHEREAS, on _____, 2019, City Council passed Ordinance #_____, amending Sections 137.04 and 137.05 of the Code of Ordinances to conform the sections to the requirements of the Michigan Regulation and Taxation of Marihuana Act; and

WHEREAS, Sections 137.04 and 137.05 now provide that certain prohibited conduct shall be considered Municipal Civil Infractions; and

WHEREAS, Chapter 35 of the Code of Ordinances authorizes City Council to establish by resolution the schedule of civil fines applicable to Municipal Civil Infractions processed through the Municipal Ordinance Violations Bureau;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall establishes the following schedule of fines for certain conduct declared to be Municipal Civil Infractions under Sections 137.04 and 137.05 of the Code of Ordinances:

<u>Section</u>	<u>Violation</u>	<u>Fine Amount</u>
137.04(C)3c	Possession/Cultivation Minor 18+	\$100
137.04(C)3d	Possession/Cultivation Minor 18+ Second or Subsequent Offense	\$500
137.04(C)4)	Possession/Cultivation/Delivery without remuneration/Possession with intent to deliver Minor/Not more than twice the amount	\$500
137.04(C)4)	Possession/Cultivation/Delivery without remuneration/Possession with intent to deliver Minor/Not more than twice the amount/Second or subsequent offense	\$1000
137.04(E)4)	Using/Consuming in a public place	\$100
137.04(G)1)	Cultivation/ Place visible to public	\$100
137.04(G)2)	Cultivation /Unsecured location	\$100
137.04(G)3)	Possession > 2.5 ounces in residence Unsecured location	\$100
137.04(G)4)	Possession/Consumption/Purchase/Transport Process/Deliver without remuneration Excess concentrate	\$100
137.04(G)5)	Deliver without remuneration with Advertisement or promotion	\$100
137.04(H)2)a)	Possession/Cultivation/Deliver without remuneration/Possession with Intent to Deliver /Not more than twice the amount	\$500
137.04(H)2)b)	Possession/Cultivation/Deliver without Remuneration/Possession with Intent to Deliver/ Not more than twice the amount Second or subsequent offense	\$1000
137.05(H)2)	Marihuana Accessories/Minor in Possession	\$100

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
COUNTY OF CALHOUN) ss:

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do 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 March 18, 2019 , the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 18th day of March, 2019.

Trisha Nelson, City of Marshall City Clerk



ADMINISTRATIVE REPORT
MARCH 18, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Ed Rice, Director of Electric/FiberNet Utilities
Tom Tarkiewicz, City Manager

SUBJECT: Earthcom Labor Contract for the FiberNet Project-Phase V

BACKGROUND: The City Council approved the construction and commissioning of the new FiberNet Project at its regular meeting on March 20, 2017 with an expected completion date of July 1, 2019.

At its March 19, 2018 meeting the City Council strongly encouraged FiberNet staff to accelerate the completion of the system by the end of 2018 and provide service connections to the approximately 750 FiberNet customers who had requested service prior to March 19, 2018. In order to meet this expectation it was necessary to expedite the completion of the remaining overhead portion (Phase V) of the total project by accelerating the construction for that portion of the Project. The number of construction units for Phase V were extrapolated from Phase II of the Project and engineering/design of Phase V by FiberNet staff were also expedited by completing those activities also based on the successful results from Phase II of the Project.

FiberNet staff successfully negotiated with the construction contractor (Earthcom) to apply the same unit prices for Phase V as they had competitively bid (low bidder) on Phase II of the project. This saved approximately two months of administrative time in preparing, issuing, analyzing and awarding RFPs for the construction requirements. At its April 16, 2018 meeting the City Council approved the expediting of the FiberNet Project by using the same unit prices contained in the contract that was awarded to Earthcom by the City Council on October 2, 2017 for Phase II of the Project. The estimated number of units to be installed by Earthcom for the construction of Phase V was based on the installed units for Phase II which resulted in the contract amount of \$278,500 (including a \$25,000 contingency) which was approved by the City Council.

Some of the actual installed units and resulting costs that were constructed by Earthcom significantly exceeded the estimates as follows:

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<u>Description</u>	<u>Est. Units</u>	<u>Est. Cost</u>	<u>Act. Units</u>	<u>Act. Cost</u>
Fiber Splicing	2,863	\$51,534	4,708	\$84,744
Fiber Storage	39	\$6,513	164	\$27,388
Lash Fiber	65,848	\$59,263	81,082	\$72,974

The total expenditures for the Phase V contract for Earthcom is \$350,000 which exceeds the original City Council approved amount by \$71,500. This was the only contract overage for all six construction phases of the Project.

RECOMMENDATION: It is recommended by staff that the City Council approve the increase in the Earthcom contract to \$350,000 to allow the close out of the contract.

FISCAL EFFECTS: The FiberNet Project Cost-Benefit Analysis update which reflects actual expenditures will be presented to the City Council at a work session on April 15, 2019 and will include this \$350,000 actual expenditure.

ALTERNATIVES: 1) Suggestions by City Council

CITY GOAL CLASSIFICATION: GOAL AREA IV -- INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

Respectfully Submitted,



Edward E. Rice, P.E.
Electric Utilities Director



Tom Tarkiewicz
City Manager



ADMINISTRATIVE REPORT
March 18, 2019 – City Council Meeting

TO: Honorable Mayor and City Council Members
FROM: Tom Tarkiewicz, City Manager
SUBJECT: 2019 City Visioning, Goals, and Objectives

BACKGROUND: On February 1st and 2nd, the City Council and Staff met with Dr. Lew Bender to develop the City's 2019 City Visioning, Goals, and Objectives. Attached is the final 2019 document. These goals will be used for Staff evaluations and the budget preparations. It will be planned that the Council and Staff will meet during the first quarter of 2020 to refresh the Goals.

RECOMMENDATION: It is recommended that the Council adopt the 2019 City Visioning, Goals, and Objectives.

FISCAL EFFECTS: None at this time.

ALTERNATIVES: As suggested by Council.

Respectfully submitted,

Tom Tarkiewicz
City Manager

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2019 CITY VISIONING, GOALS, AND OBJECTIVES



Adopted by City Council
_____, 2019

CITY OF MARSHALL
STRATEGIC PLANNING WORKSHOP SUMMARY
February 2, 2019

OVERVIEW

On February 1 and 2, 2019 the Mayor, Members of the City Council, City Manager and Directors met to discuss and identify a vision and direction for the City of Marshall. They created a “vision tour” for the City, major goals and objectives and actions to be taken in the first year of this five-year plan.

The following document reflects the essence of this two-day discussion.

VISION 2024: THE CITY OF MARSHALL MICHIGAN

A visitor to the City of Marshall in 2024 will be shown the following: (no order of priority)

- *Maintain vibrant downtown*
- *Stronger DDA plan*
- *More options for service businesses to rent – **not** in the downtown*
- *New condos and townhouses – Row houses (West Michigan Ave.)*
- *West Michigan Avenue walkability and beautification*
- *Increased multi-tenant housing (Shared spaces, communal living)*
- *Enhanced appearance of main corridors
(S. Kalamazoo has good lighting, new sidewalks and is walkable)*
- *Improved walkability, sidewalks, lighting, signage, beautification*
- *Connecting downtown with residential and river, better connect parks*
- *Changed perception of parking*
- *Downtown trees lit year-round*
- *Busy airport*
- *Near capacity industrial park*
- *Transportation options
- Uber, Lyft, Bird, Lime, Autonomous cars*
- *The county-wide transit system in place*
- *Improve the partnership between Albion and Marshall
- The same school system and shared economic development planning*
- *Multiple vehicle charging stations (2)*
- *Better maintained roads*
- *Large affordable fitness venues*
- *Balanced identity and dynamic growth*
- *Support coupled with the value of history*
- *A dog park in honor of B. Williams*
- *Better usage of parks*
- *Solar field at Eaton Brownfield*

MAJOR GOAL AREAS

To fulfill the Vision for 2024, the City of Marshall will focus on the following major goal areas:

- I. ATTRACTIVE – WALKABLE – LIVABLE COMMUNITY**
 - II. DOWNTOWN-CENTRAL BUSINESS DISTRICT**
 - III. INFRASTRUCTURE AND CITY SERVICES**
 - IV. COMMUNITY AND ECONOMIC DEVELOPMENT**
-

GOAL AREA ONE - ATTRACTIVE – WALKABLE – LIVABLE COMMUNITY (NICK METZGER, JACOB GATES, AND SCOTT MCDONALD)

- Increased housing
- Improved walkability throughout the community
- West Michigan Avenue walkability and beautification
- Dog park
- Large, affordable fitness club
- Improved appearance of the main corridors
- Significantly effective code enforcement
- Better usage of parks

ONE YEAR TASKS

I.A. INCREASE HOUSING

1. Review Target Market Analysis (TMA), MAEDA available residential property inventory, and other residential studies
2. Discuss type of housing planned for Golden Rule, Kelly Williams, and other properties
3. Work with Neighborhood Improvement Authorities
4. Analyze other residential developments for potential restart (Briarwood, Pratt Park, Pristanchia, McClellan, etc.)
5. Catalog possible residential builders

I.B. IMPROVE WALKABILITY THROUGHOUT THE COMMUNITY

1. Create current sidewalk and pathway map
2. Determine high volume walkable destinations
3. Determine walkability pathways to high volume destinations

1.C. WEST MICHIGAN AVE CORRIDOR IMPROVEMENTS

1. Evaluate corridor improvement needs
2. Determine costs

3. Determine providers of improvements

I.D. DOG PARK

1. Determine need for dog park
2. Determine interested individuals and groups
3. Meet to discuss needs
 - a. Location
 - b. Size
 - c. Amenities
4. Establish Ad Hoc Committee
5. Committee recommends location and style of dog park
6. Committee identifies funding sources for dog park construction
7. Park Board and City Council approves plan

I.E. REGIONAL ATHLETIC FACILITY

1. Determine need

I.F. IMPROVED APPEARANCE OF THE MAIN CORRIDORS

1. Review appearance of entry corridors
2. Develop concepts for improvements

I.G. SIGNIFICANTLY EFFECTIVE CODE ENFORCEMENT

1. Adopt 2018 International Property Maintenance Code
2. Determine staffing responsibility
 - a. Building Inspection Department
 - b. Fire Department
 - c. Police Department
3. Determine priorities
4. Develop level of compliance

I.H. BETTER USAGE OF PARKS

1. Perform Parks and Recreation user needs survey
2. Analyze survey results
3. Complete Parks Master Plan
4. Determine funding and sustainability requirements

**GOAL AREA TWO – DOWNTOWN – CBD
(SCOTT WOLFERSBERGER, RYAN UNDERHILL, AND ED RICE)**

- Maintain vibrant downtown
- More non-downtown service business spaces (close to downtown)
- Downtown trees lit year round
- Charging stations downtown and elsewhere
- Wi-Fi/5G downtown

ONE YEAR TASKS

II.A. MAINTAIN VIBRANT DOWNTOWN

1. Identify needs to maintain a vibrant downtown
2. Analyze needs for sustainability, funding and providers

II.B. MORE DOWNTOWN RETAIL SPACES

1. Inventory types of downtown businesses
2. Inventory possible available downtown business space
3. Discuss retail mix

II.C. DOWNTOWN TREE LIGHTING

1. Determine funding sources
 - a. DDA
 - b. Electric Fund
 - c. Foundation grants
 - d. Donations
2. Determine extent of project
3. Determine funding of light strings
 - a. MAEDA donation campaign
4. Design electric infrastructure
5. Finalize funding
6. Bid project
7. Council approval
8. Construct the lighting infrastructure
9. Light string campaign
10. Purchase and install light strings

II.D. ELECTRIC VEHICLE CHARGING STATIONS

1. Determine downtown and community locations for EV charging stations
 - a. Discuss with DDA
 - b. Discuss with private property owners
2. Explore funding sources
 - a. VW settlement fund
 - b. State grants
 - c. Electric Department
3. Determine electric power availability
4. Determine payment methods
 - a. Credit card
 - b. Free
5. Finalize plan

II.E. WIFI DOWNTOWN

1. Assess value of downtown public WIFI
2. If valuable determine providers
3. Determine funding source
4. Prepare RFP for implementation

**GOAL AREA THREE – INFRASTRUCTURE AND CITY SERVICES
(RYAN TRAVER AND JON BARTLETT)**

- Income tax
- Countywide transit
- Stronger DDA plan
- Better maintained roads
- Increased transportation options (Uber, Lyft, etc.)
- S. Kalamazoo corridor to River District
- Solar field
- Keeping up with staffing needs
- Examine waste collection

ONE YEAR TASKS

III.A. INCOME TAX

1. Supply Council with 2014 Income Tax study and presentation
2. Council to decide if they want to move forward with an update study

III.B. COUNTYWIDE TRANSIT

1. Continue to work with County stakeholder group
2. Review report in October
3. Make recommendation to County Board of Commissioners for 2020 ballot proposal.

III.C. STRONGER DDA PLAN

1. Evaluate DDA district boundaries
2. Review implications of changing DDA plan
3. Update DDA plan.

III.D. BETTER MAINTAINED ROADS

1. Review 2018 Road Condition report
2. Review budgeted 2019 road projects
3. Submit FY 2019-2020 construction projects
4. Review possible grant eligible projects
5. Prepare a 5-year construction program
6. Review funding options

III.E. INCREASED TRANSPORTATION OPTIONS (UBER, LYFT, ETC.)

1. Review City ordinances
2. Meet with current vendors
3. Review options
4. Market availability through MAEDA

III.F. SOUTH KALAMAZOO CORRIDOR TO RIVER DISTRICT

1. Review improved lighting schemes for vehicles and pedestrians
2. Review tree trimming needs
3. Review landscaping improvement options
4. Review current sidewalk conditions
5. Review signage needs

III.G. SOLAR FIELD

1. Discuss Eaton plant site – lease or purchase
2. Review options for solar panels
3. Determine construction costs
4. Determine rates
5. Investigate project partners
6. Negotiate land lease or purchase cost
7. Design and bid project construction
8. Recommend project to Council

III.H. KEEPING UP WITH STAFF NEEDS

1. Succession planning
2. Create an Assistant City Manager position
3. Create a Deputy Electric Utility position
4. Review departmental staffing needs

**GOAL AREA FOUR – COMMUNITY and ECONOMIC DEVELOPMENT
(MICHAEL MCNEIL AND KRISTIN BAUER)**

- Busy airport
- Near capacity industrial park
- Improved partnership with Albion and surrounding townships (especially housing)
- Ceres Farm property

ONE YEAR TASKS

IV.A. BUSY AIRPORT

1. Finalize airport terminal plans
2. Advertise, receive and approve bids for terminal construction
3. Begin terminal construction
4. Develop an airport marketing plan
 - a. MAEDA
 - b. Airport Board
5. Review transportation partnerships with airport
 - a. MAEDA trolley
 - b. Airport car
 - c. Uber/Lyft
 - d. DART

IV.B. NEAR CAPACITY INDUSTRIAL PARK

1. Inventory current available lots
2. Develop expansion plan
3. Develop list of available land parcels

IV.C. IMPROVED PARTNERSHIP WITH ALBION AND SURROUNDING TOWNSHIPS

1. Finalize revised PA 425 Conditional Land Transfer Master Agreement with Marshall Township
2. Continue the Albion Marshall Connector partnerships
3. Explore partnership opportunities with other governmental units
4. Collaborate on community events

IV.D. CERES FARM PROPERTY

1. Review current utility expansion studies
2. Develop scenarios of potential developments
3. Research funding options

NEXT STEPS

The strategic planning process involves the following next steps:

- 1) City Manager and Senior Staff review these summary notes, adjust as necessary and distribute as appropriate.**
- 2) Create a One Year Action Plan (City Manager and Staff) and submit a final proposed strategic plan to the Mayor and Council**
- 3) Council discusses (status, updates, issues, and opportunities) elements of the strategic plan monthly.**
- 4) Council and Staff review the total plan status in six-seven months.**
- 5) Council and Staff review the total plan. Discuss the one-year status of the plan in February-March 2020. Identify one-year tasks for the next year.**

Submitted by:

Lewis G. Bender, Ph.D.

lewbender@aol.com

618-792-6103 (cell)

March 11, 2019



ADMINISTRATIVE REPORT
MARCH 18, 2019 - CITY COUNCIL MEETING

REPORT TO: Honorable Mayor and Council Members

FROM: Ed Rice, Director of Electric Utilities
Tom Tarkiewicz, City Manager

SUBJECT: Hydro Electric Dam Remediation Project

BACKGROUND: The City of Marshall owns and operates a 124 year old hydroelectric facility on the Kalamazoo River. The facility is under the jurisdiction of the Federal Energy Regulatory Commission (FERC) who in 2012 changed the status of the dam from a significant hazard to a high hazard and ordered the City to perform a comprehensive dam inspection. The inspection identified three deficiencies in the earthen embankment portion of the dam; 1) leaks; 2) significant tree growth with root systems, and 3) a low freeboard water condition which could cause overtopping resulting in a washout of the earthen embankment during a major rain event. Also identified was the risk to pedestrians on the Riverwalk during a dam failure.

The 2012 FERC report indicated the City would be notified by the FERC of the required dam remediation to correct the deficiencies. The notification occurred, three years later, on June 30, 2015 with a request to submit a plan and schedule by August 20, 2015. The plan and schedule were submitted to the FERC on August 15, 2015 based on then available information.

From September 2015 to January 2016 additional options and alternatives were explored with the intent to reduce the \$1.0 million estimated cost of the remediation (based on an impoundment drawdown). At a February 1, 2016 work session, the City Council was updated on the FERC requirements for the dam remediation and options to satisfy the requirements. This resulted in a Council request for additional information.

On March 14, 2016 a City Council work session was convened with participation from representatives of the Michigan DNR, DEQ and the Calhoun Conservation District (CCD) to receive additional information pertaining to the dam remediation project. Resulting from the work session was a request by the City Council for more definitive cost estimates for dam remediation and dam removal. Therefore, on March 16, 2016 staff enlisted the services of a professional engineer (who is an expert on dam remediation/removal) to develop a Request for Proposal (RFP) for submission to qualified engineering and construction firms for conceptual studies and associated cost estimates for earthen embankment remediation and dam removal.

On April 19, 2016 city representatives met with representatives from the MDEQ, DNR and CCD to discuss details of the RFP options. The meeting attendees agreed that impoundment sediment samples were necessary to be analyzed in preparation of either a permanent or temporary drawdown of the impoundment. Six

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samples were analyzed by a certified laboratory on May 8, 2016 and subsequently determined to contain high levels of regulated contaminants.

On July 29, 2016 the RFP (containing the sediment analysis) was distributed to qualified dam remediation and removal construction firms to provide conceptual cost estimates, plans and schedules for the following three options: 1) Remediate the earthen embankment after a controlled six to eight feet drawdown of the impoundment; 2) Remediate the earthen embankment with no impoundment drawdown by constructing a temporary dam around the earthen embankment and de-watering the earthen embankment; and 3) Permanently breach the dam and allow the river to return to a natural course. The low bid was awarded to Stantec Consulting on September 19, 2016. Stantec submitted their final report to the City on May 9, 2017 and presented the report to the City Council at a work session which was convened on June 19, 2017. At the conclusion of the work session the Council decided to schedule a public forum to update the public and receive feedback on the Stantec report.

The public forum was convened on July 24, 2017 with approximately 40 people in attendance. The major outcome of the forum was a request for additional impoundment sediment sampling to better quantify the amount and subsequent cost of sediment management associated with the earthen embankment remediation project.

To meet this request, local environmental firms were contracted (\$200,000) to withdraw and analyze approximately 90 additional sediment samples from the impoundment and to produce cost estimates for the earthen embankment remediation with the following results:

1. The environmental firm issued their findings report in October of 2018 which indicated significant sediment contamination throughout the impoundment; and,
2. The projected cost of the earthen embankment remediation by the use of a coffer dam to be \$2.2 million and cost of dam removal by contaminated sediment removal/managed release to be \$14 - \$88 million.

Also, the findings were reviewed with the DEQ and DNR in November 2018 with the intent to receive direction from those regulatory agencies for contaminated sediment management. The DEQ subsequently issued a memo indicating that the city was currently a "non-liable owner of contaminated property" but any release of contaminated sediment caused by city actions could make the city liable for future downstream clean-up.

The above findings were presented to the City Council at a work session on March 4, 2019. Based on the cost of the different options, it is our responsibility as Senior Staff to recommend the most fiscally responsible alternative for our citizens and customers, Therefore, staff is recommending moving forward with the remediation of the earthen embankment and retain the impoundment. The next step in the process is to retain a qualified consultant to prepare plans for remediation, acquire permits from multiple governmental agencies, prepare bid documents, receive bids and provide contract & construction administration.

The Council may desire to hold a public hearing to hear public comments on their proposed solution. This public hearing could be on April 1st or April 15th.

RECOMMENDATION: It is staff's recommendation that the City Council approve the plan to remediate the earthen embankment through the use of a coffer dam and retain the hydroelectric dam/impoundment.

FISCAL EFFECTS: The cost of a qualified consultant to assist city staff is unknown at this time but a Request for Proposal will be sent to qualified engineering firms.

ALTERNATIVES: 1) As suggested by City Council

CITY GOAL CLASSIFICATION:

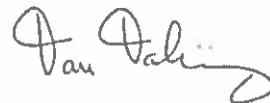
GOAL AREA 4. INFRASTRUCTURE

Goal Statement: Preserve, rehabilitate, maintain and expand city infrastructure and assets.

Respectfully Submitted,



Edward E. Rice, P.E.
Electric Utilities Director



Tom Tarkiewicz
City Manager